

10 May 2020

Andy Foster
Mayor
Wellington City Council
By email mayor@wcc.govt.nz



Copy to:

Cr Diane Calvert
Cr Jenny Condie
Cr Jill Day
Cr Fleur Fitzsimons
Cr Laurie Foon
Deputy Mayor Sarah Free
Cr Rebecca Matthews
Cr Teri O'Neill
Cr Iona Pannet
Cr Tamatha Paul
Cr Sean Rush
Cr Malcolm Sparrow
Cr Simon Woolf
Cr Nicola Young

Dear Mayor

SOUTHERN LANDFILL EXTENSION

1. We write on behalf of Ōwhiro Bay Residents Association Inc. (**OBRA**) to seek assurances about the decision-making process for the proposed extension to the Southern Landfill.
2. Ōwhiro Bay is a cohesive and engaged community centred around the Valley, the Ōwhiro Stream, the Ōwhiro Bay Learning Community and the Bay itself, including the South Coast heading West to Pariwhero/Red Rocks. Ōwhiro Stream is one of the few 'wild' waterways left in Wellington's urban area and it flows into a marine reserve. Our community puts considerable effort into restoring and planting the margins of the Ōwhiro Stream, as well as improving the water quality of the Stream and the Bay. The importance of Ōwhiro Bay as place to access nature close to the CBD is demonstrated every fine day, when the Pariwhero car park is full with visitors. The Ōwhiro Bay and South Coast environment is also a showcase for international visitors which features in much of the Council's promotion of the City. This includes permitted freedom camping at Pariwhero and tours to the seal colony. The Bay and marine reserve also attract divers.
3. The Southern Landfill and its actual and potential environmental effects on our community, including the School and Kindergarten, is of acute concern to us.

The proposal

4. The Council has said "Alternatives have been investigated and the option for the immediate future has been determined – extending the Landfill" and "A draft concept design for the extension has been developed".¹ The plan available online is vague, but shows an extension more than twice the size of the existing landfill.

¹ Wellington City Council (accessed 8 May 2020) <<https://wellington.govt.nz/your-council/projects/southern-landfill-project>>.

5. We also note the Council's 14 April 2020 submission to the Government,² which included under "Significant Future Project Examples" a "Wellington Sludge Dewatering Plant". The submission's comment on this was "Significant improvement to waste water sludge management by dewatering the sludge, reducing volume and carbon emissions significantly. Also allows more aggressive approach to waste minimisation at the landfill as significantly lowers general waste needed for mixing ratios under resource consent." We take this as confirmation the Council will not seek to fast-track any resource consent process for an extension and it acknowledges the important relationship between sludge and the way the Southern Landfill is managed.

OBRA's position

6. OBRA strongly believes that the Council's decision-making process is flawed. This is explained below. Further, the Council has not properly considered and defined what its objective is.³ Extending the Southern Landfill is not a simple yes or no question. If the best option is to extend, the next and essential questions include by how much, what will the design be and what are the Council's long-term plans and goals for managing the City's waste going to be? These next questions must be addressed *by Councillors* in a transparent way *before* settling on the scope of any application for resource consent.
7. OBRA's position is that the Council must delay applying for resource consent until it has made decisions about the future handling of sludge and how it will invest in waste minimisation. Only then will the Council be in a position to design any extension in a way that will have the least impact on the environment.
8. The Council's current approach shuts the community out of the *political decision* about what kind of extension to seek and smacks of applying for the biggest extension reasonably achievable under the Resource Management Act 1991 (**RMA**). Such an approach will result in money being spent on infrastructure that becomes its own disincentive to invest in better and more environmentally sound ways of dealing with sludge and other waste (i.e. 'build it and the waste will come'). The Council should not be locking itself for the long term into a waste disposal system that is already decades out of step with modern practices.
9. We are also concerned at the prospect of the Council treating an expanded Southern Landfill as an income generating asset and ultimately allowing waste to be trucked in from outside Wellington City (presumably along the motorway and through Brooklyn Village). That should never happen and we ask the Council to adopt a policy prohibiting it.
10. OBRA seeks the Council's agreement that:
- 10.1 No resource consent application for an extension can be made without a further decision by the full Council.
 - 10.2 Before making such a decision, the Council must consult the public and make long term plans about how it intends to handle sludge from the Moa Point Wastewater Treatment Plant.
 - 10.3 If the Council decides to proceed with an extension, Councillors must be involved in deciding the size and design of any application for consent under the RMA.
 - 10.4 As part of its decision-making, the Council must adopt as policy a prohibition on any extension of the Southern Landfill being used for waste generated outside of Wellington City.

The decision-making process

11. Council officers have told OBRA in writing that the Council made its decision to extend the Southern Landfill when it adopted the current long-term plan: *10-Year Plan 2018–28*. This plan was adopted on or before 1 July 2018.
12. This cannot be correct:

² Wellington City Council 'Shovel Ready' Infrastructure Projects (14 April 2020).

³ Refer to the Local Government Act 2002, s 77(1)(a).

- 12.1 The Local Government Act 2002, s 96(2) provides that a “resolution to adopt a long-term plan or an annual plan does not constitute a decision to act on any specific matter included within the plan”.
- 12.2 If the Council has indeed made its mind up already, that would make the community engagement process conducted *after* July 2018 a sham.
13. OBRA considers the Council cannot proceed with applying for consent to extend the Southern Landfill without bringing the matter before full Council for decision. Our reasons for this include:
- 13.1 This is not an operational decision. Fundamentally it will define the Council’s policy towards matters including sludge and waste minimisation. The decision-making power to adopt policies cannot be delegated to officers by way of the long-term plan.⁴
- 13.2 The Council’s process to date has set up a legitimate expectation (enforceable at public law) that the outcomes of the engagement process will be considered before a final decision is made. That expectation cannot be satisfied if the Council is now saying its decision was made in July 2018.
- 13.3 Taking into account the Council’s Significance and Engagement Policy, any decision to extend the Southern Landfill will have a high degree of significance. This gives rise to decision-making process obligations under Part 6, Subpart 1 of the Local Government Act 2002. These obligations have not been satisfied yet, and cannot be until the matter is brought back before the Council so it can (at a minimum) consider the outcomes of the engagement/consultation to date.

Extending the Southern Landfill and deciding how to manage sludge are two sides of the same coin

14. The Tonkin + Taylor report *Residual Waste Management in Wellington City – Alternatives Assessment* discloses that approximately 15,800t of sludge is buried at the Southern Landfill annually. If this requires mixing of 4:1 to achieve site stability etc, it creates an incentive to attract at least 63,200t of waste annually. This puts a handbrake on waste minimisation. The Moa Point Wastewater Treatment Plant also produces much more sludge by weight and more toxic sludge than necessary or achieved by other wastewater treatment systems adopted by other local authorities. Wellington City should be an environmental leader. We should be planning now to improve our wastewater treatment system in a way that minimises the need to bury sludge at the Southern Landfill. Only once this work is done can a final decision on an extension be made, including in a way that keeps any extension footprint and environmental impact as small as possible. We understand Wellington Water is to present options in September 2020 for upgrading the existing wastewater treatment. This is only four months away. Any extension of the Southern Landfill will be with our community for years. Good decision-making practice requires the Council to hear from Wellington Water before turning its mind to any extension.
15. It is not good enough in 2020 to propose an extension designed to last 25 years that will inevitably un-wild a significant stretch of an Owhiro Stream tributary without thinking through how the existing sub-optimal requirement to bury waste can and should be improved. These decisions should not be delayed so that they are addressed in the context of the Council having already decided to invest in the maximum extension possible.

Conclusion

16. Many historic landfills around Wellington City have been closed and remediated over the years. OBRA recognises that the remaining Southern Landfill is a significant community asset. That goes both ways however. Unlike others, our community is asked to put up with the heavy traffic and nuisance odour from the Southern Landfill. We are doing our part by working to protect and improve our environment and ensure our neighbourhood is a healthy place to live and bring up children, and a pleasant place to visit. We do however expect our elected representatives to be actively engaged in decisions that will potentially impact us for decades to come. Such decisions should not be delegated to Council officers. We also expect genuine engagement and consultation. We hope this letter is a catalyst for achieving those goals.

⁴ Refer to the Terms of Reference and Delegations for the 2019–22 Triennium.

17. We look forward to hearing from you. Please urgently advise if the Council intends to continue to rely on the long-term plan without bringing this matter back before full Council so we can take advice on protecting our position. We would welcome the opportunity to present these issues to a full Council meeting.

Your sincerely,

A handwritten signature in black ink, appearing to read 'I Reid', written in a cursive style.

Ian James Reid
Society Officer
Owhiro Bay Resident Association