



Greater East Tamaki
Business Association Inc.

28 January 2016

Re Application number 48965, Application for Resource Consent, 1 Harris Road, East Tamaki

Application for timeframe extension for filling activities, involving depositing managed fill and topsoil until 31 December 2016, along with associated earthworks and sediment control, discharge of contaminants to land and stockpiling of aggregates.

SUBMISSION BY GREATER EAST TAMAKI BUSINESS ASSOCIATION INC. (GETBA)

GETBA strongly opposes the resource consent extension application. Although GETBA very much wants the landfill to be finished and converted to a park ESL and the Council owners continue to seek extensions of the resource consent and delay the final completion to a public park with public access.

The grounds of the objection to the extension are:

1. It is unnecessary.
2. The prime purpose of the extension is so that Council and ESL can continue to use public land as a very profitable revenue source.
3. Previous consents have stressed the need for no further extensions (and there have been a number) e.g. the Commissioner's decision and minutes of 18 March 2009 stated at page 6 under the heading of "Findings of Fact":
 - “iv while the supply of suitable cover material may be scarce at the present time, ESL must undertake its best efforts to obtain material to complete the project by 2015. **A further extension of time beyond 2015 would be unacceptable.** In order to complete the project on time ESL may have to accept material without fee for “dumping”; and*
 - v ... it will also require that Manukau City Council take a more proactive role to ensure the local residents are involved in the level of public access to the site as the final works are completed and in determining the future use of the site as proposed reserve.”*
4. The above Findings of Fact by the Commissioner in March 2009 are even more relevant today. Since then there has been further extensions – granted 2014 and another granted 2015 (which GETBA did not oppose).

The Commissioners decision for the extension resource consent granted in 2014 at page 7, para 2.13 said in relation to the June 2015 deadline (now to be yet again extended)

*Overall, although very concerned that the 30th of June deadline will not be met as envisaged when the application for consent 41311 was heard, we have been satisfied on the facts presented that the extended timeframe of six months is appropriate **as we have no evidence to dispute the present assurance that the additional fill can be brought to site within the additional period and facilitate the required completion works”.***

5. The concerns of GETBA to further extensions relate to the adverse effects of:
 - (a) movements of trucks;
 - (b) noise;
 - (c) dust;
 - (d) smell;
 - (e) and the continued apparent need for more fill than have been previously estimated and the continued breaches of promises and assurances made.
6. The royalty benefit to Council by this extension brings in added revenue of literally millions of dollars.
7. In addition to the grounds of objection set out above it is also part of GETBA's submission that these extensions are contrary to the obligations that Council had to convert this land into a Park in 1999.
8. The will and codicil of Mrs S J Lushington who died in 1932 gifted approximately 100 acres of the Greenmount land (part of this landfill) for the purpose of the public domain and park to be known as "Styak – Lushington Park". It was to vest in the Manukau City Council ("MCC") as a Park after the death of her niece Ena Annette Wynyard. Ms Wynyard died on 13 September 1999. MCC (now its successor Auckland Council) accepted the gift at the time it was made and in doing so has a legal obligation to use the land for the purposes of a park and recreational ground. This should have happened in 1999.
9. On 23 March 1979 ARA outlined a plan for the works which was approved which included that the consent for the refuse disposal would continue for (only) seven and a half years from the date of commencement and that the final date should not be later than December 1986.
10. The landfill was completed in 2005 but since then there has been a further 11 years of importing overlay and fill onto the site. This is yet another extension and it is opposed for the above reasons.

Contact for submission:

Jane Tongatule
General Manager
Ph 273 6274
gm@getba.org.nz