

**BEFORE THE INDEPENDENT HEARINGS PANEL
TAUPO DISTRICT COUNCIL (TDC)**

UNDER the Resource Management Act 1991

IN THE MATTER of the Taupo District Plan
Proposed Plan Change 43: Taupō Industrial Environments
(PC43)

**STATEMENT OF EVIDENCE OF KAAREN ROSSER (PLANNING) ON BEHALF
OF ENVIROWASTE LTD (NOW ENVIRO NZ)– SUBMITTER (OS39)
FURTHER SUBMITTER (FS238)**

15 AUGUST 2023

1. Introduction

- 1.1 My full name is Kaaren Adriana Rosser.
- 1.2 I am an Environmental Planner with Enviro NZ Services Limited (“Enviro NZ”), formerly known as EnviroWaste. My qualifications and experience are detailed at Attachment 1.
- 1.3 My evidence is given on behalf of Enviro NZ in relation to Plan Change 43 to the Taupo District Plan. Within my evidence I have addressed the matters relating to the rezoning of the Broadlands Road West land to Taupo Industrial Environment in so far as its relationship to the Taupo landfill and transfer station at 132 Broadlands Road, Taupo.
- 1.4 Unfortunately, submission point OS39.24 was not coded in the summary of submissions and therefore was separately notified and opened to further submissions until 11 August 2023. Accordingly, this evidence responds to the S42A Report Addendum completed for the Council by Matt Bonis (Consultant Planner) under the timeframes set by the Commissioners. I have also reviewed the S32 Report, the Summary of Submissions document (and addendum) for Plan Change 43.
- 1.5 I am familiar with the district, the Taupo landfill and waste transfer station.

2. Scope of Evidence

- 2.1 This statement of evidence will, in the context of Enviro NZ’s submission, address the following matters:
 - (a) The background and reasons for the submission
 - (b) Comment on the Hearing Report in terms of the proposed industrial zoning of Broadlands Road West land.

3. Enviro NZ Submission

- 3.1 Enviro NZ opposed the rezoning of the Broadlands Road West land (Site 4) on the basis that the current Taupo Industrial Environment zone rules may allow certain commercial/commercial services or tourism activities to occur which may be more sensitive to potential adverse environmental effects from the Taupo Landfill. The relief sought was either:
 - a) A landfill buffer is established on the Broadlands Road West land where certain types of non-industrial activities are non-complying via precinct rules; or
 - b) Delay the rezoning of Site 4 until such time as the Taupo Industrial Zone rules are updated in a subsequent plan change to limit the use of that land to compatible industrial activities, or introduce an overlay whereby uses that are not sensitive to the landfill are located within the boundaries of the overlay.

4. Background and Reasons for Submission

- 4.1 The submitter, Enviro NZ, is a nationally significant provider of waste management infrastructure. It operates the collection, recycling and landfill disposal services in the Taupo District including the Broadlands Road landfill and waste transfer station. Enviro NZ is

strongly committed to the safe and responsible management of waste, regulatory compliance and the protection of the environment.

- 4.2 The Taupo landfill and transfer station at 130 Broadlands Road is regionally significant in terms of waste infrastructure. The landfill is a Class A landfill and caters for municipal waste from the whole of the Taupo District. Taupo landfill is consented for up to 50,000 tonnes of municipal waste per year, and currently receives approximately 34,000 tonnes per year for which the yearly tonnage has been incrementally increasing. It operates under a suite of land use and regional consents to ensure that its design, management and operation adequately protects the environment. These consents have significant compliance and monitoring conditions which include remedial measures to mitigate any adverse effects in the unlikely event of adverse events being felt beyond the boundary. This mostly takes the form of odour emissions, but can also include effects of dust, litter, contamination and noise.
- 4.3 In terms of waste infrastructure, significant work is now focussed on shifting NZ to a circular economy, with addressing waste a key component of that work. The New Zealand Infrastructure Strategy (Rautaki Hanganga o Aotearoa 2022 – 2052 New Zealand Infrastructure Strategy (NZ Infrastructure Commission)) and Waste Strategy (Ministry for the Environment. 2023. Te rautaki para | Waste Strategy) refer to how NZ can achieve these goals. Goal 2 of the Waste Strategy (page 32) is as follows:

Goal 2: Infrastructure

A comprehensive national network of facilities supports the collection and circular management of products and materials

- 4.4 It then states that to achieve Goal 2 by 2030 we must focus on the following priorities:
2.2 Ensure planning laws and systems recognise waste management services and facilities as essential infrastructure and a development need.
- 4.5 The continued operation and future diversification of waste management facilities is therefore necessary to achieve a circular economy. Enviro NZ concurs with the Waste Strategy that District Plans have a key part to play in enabling and maintaining waste resource recovery and infrastructure.

6.0 Reverse Sensitivity and S42A Matters

- 6.1 While efforts to drive NZ towards a circular economy continue, and which will continue to reduce the volume of waste going to landfill, there remains, and continues to remain, a need to dispose of residual waste from households and businesses that requires final disposal in a secure landfill. The Taupo landfill is a regional waste facility and in my view can be defined as regionally significant industry¹ (Waikato Regional Policy Statement 2016: Te Tauāki Kaupapahere Te-Rohe O Waikato (WRPS),) if considering that is of critical or strategic importance to the function of the Taupo District and without the landfill, would have a serious adverse effect on the social or economic wellbeing of the Taupo area. The function

¹ 2016: Te Tauāki Kaupapahere Te-Rohe O Waikato (WRPS) Definition for Regional Significant industry = means an economic activity based on the use of **natural and physical resources** in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

and growth of Taupo cannot be supported if there is no infrastructure in place to deal with waste generated. It is my opinion that significant waste infrastructure should have protection in the District Plan for their operation and protection from reverse sensitivity. In the case of a landfill, waste diversion will prolong the life of these necessary facilities.

6.2 The main mechanism for landfills to address reverse sensitivity effects in relation to air discharges (mainly odour) is making sure incompatible land uses are not located within close proximity to the discharging activity and through the use of separation distances. Incompatible land uses would generally be those sensitive to air discharges and include:

- Dwellings;
- Visitor accommodation;
- Entertainment facilities
- Care centres;
- Hospitals and health facilities;
- Educational facilities;

6.3 While separation may be easier to achieve when the landfill was built, given that the location of the landfill would have been based on significant separation to sensitive land uses, as time goes on urban intensification encroaches closer to the landfill and the effects of reverse sensitivity are seen with complaints about its operation and odour. Examples of this are well known at the Redvale landfill in Auckland and the Spicer Landfill in Porirua. Reliance on District Plan provisions to avoid or manage this encroachment is therefore vital to recognise its regional importance. It is pertinent to note that finding a new landfill site requires a rural location that also meets a host of other criteria including appropriate geology, hydrogeology, surface hydrology, no sensitive habitats, and transport links, etc. This is no easy task. I consider protecting an existing well-sited landfill is preferable to finding and consenting a new site when the landfill function is of such critical importance to the region.

6.4 The regional discharge consents for the landfill and waste transfer station are expiring in 2027. Any re-consenting would be likely to seek the creation of additional landfill cells and/or additional height to the landfill. Over time, the reconfiguration and height of the landfill has the potential to change the nature of odour characteristics of the decomposing putrescible items within the landfill.

6.5 Consideration of any re-consenting application under the Waikato Regional Plan will require consenting under Rule 5.2.7.1 New and Currently Operating Landfills. Assessment would take into account the matters under Assessment Criteria 8.1.4.5 which include the *'characteristics of the receiving environment, including the current and likely future uses of that environment'*.

6.6 The future environment would include the Broadland Road West land if rezoned. Changing the zoning from rural to urban represents a major change in the likelihood of sensitive activities establishing in the vicinity of the landfill. Currently, under a rural zoning, while I concur with the s42A report that dwellings are permitted, there are restricted to one per allotment and the current neighbouring allotments are sufficiently large for sizable separation to occur between dwellings or activities. This would substantially alter under an

urban industrial zoning. Subdivision at the 3000m² threshold would yield approximately 30-40 sites for the Broadland Road West land, with each site employing potentially many people.

6.7 While I agree with Mr Bonis that the existing resource consent AUTH940585.01.01 requires that the landfill be operated to create no objectionable or offensive dust or odour beyond the legal boundary, this does not mean that no odour would be detected beyond the boundary. To be objectionable or offensive, odour would need to score high on the FIDOL factors of frequency, intensity, duration, offensiveness and location. Some people are more sensitive to others in perceiving whether odour is objectionable or offensive. Managing the encroachment of urban activities in the vicinity of the landfill is therefore still valid in my opinion to ensure the ongoing operation of the landfill. This will also manage the risk of impacts from unintended events, such as equipment failures or abnormal weather events. It would also provide for appropriate expectations of amenity in the vicinity of the existing landfill.

6.8 There are two mechanisms by which the encroachment of sensitive receivers is best managed in my view:

1. Adopting a precinct approach to the Broadlands Road West land whereby some sensitive activities are controlled over and above the Taupo Industrial Environment provisions.
2. Introduce an overlay to encompass a buffer area around the landfill whereby certain sensitive activities could be assessed in all zones.

7.0 Precinct Approach

7.1 This approach would introduce objectives, policies and rules to manage encroachment for those activities sensitive to air discharges (as defined above) that wish to establish on the Broadlands Road West land. However, I accept that the inclusion of objectives and policies for this approach would raise issues of scope and therefore could not be considered at this time.

7.2 Conversely, I do not consider the existing Taupo Industrial Environment objectives, policies and rules provide sufficient protection for reverse sensitivity effects in relation to the Taupo Landfill.

7.3 Objective 3t.2.2 states *“Avoid establishing non-industrial activities within the Taupō and Centennial Industrial Environments where there is a more appropriate alternative.”* While avoiding non-industrial activities would satisfy reverse sensitivity issues with the landfill, if there was no alternative for their location then they may establish.

7.4 Policy 3t.2.2i for example, requires that reverse sensitivity issues be avoided where this may *“threaten the efficient and effective functioning of the Taupo and Centennial Industrial Environments”*. This would not apply to the neighbouring landfill.

7.5 It is uncertain whether Policy 3t.2.4.i would apply where *“subdivision and development of land does not create any adverse impacts on the future management and development of*

community infrastructure". The definition for community infrastructure is "*Council-operated physical infrastructure including roads, and infrastructure involved in operating the wastewater, stormwater and drinking water systems.*" My interpretation would be that this definition does not apply to waste facilities.

7.6 My assessment concludes that no other objectives and policies may be applicable with respect to the landfill. Given the above, for any discretionary activity application involving a sensitive activity, consideration of the landfill would not be enabled.

7.7 In the interim, until more substantial relief can be enabled under future plan changes, relief in accordance with the submission point OS39.24 would be to provide a non-complying activity status for those activities sensitive to air discharges on the Broadlands Road West land. This would reduce the potential for these activities occurring over a discretionary status. However, in consideration of the format of the Taupo Industrial Environment chapter, I feel there would be unintended consequences of this approach. I am therefore not supportive of this relief and therefore do not support the rezoning.

8.0 Landfill Buffer Overlay

8.1 An overlay approach is my preferred option as the provisions would apply regardless of the zone (Environment) in which they occur. The overlay would recognise the need for separation distances between the landfill and sensitive uses, and would include rules to limit sensitive activities from occurring within a buffer. I consider the Auckland Unitary Plan D27 - Quarry Buffer Area Overlay to be an example of such an overlay. This is provided at **Appendix 2**.

8.2 I agree with Mr Bonis at Paragraph 24 that there is no specific New Zealand guidance or standard that explicitly establishes a separation distance between Landfills and a range of other activities. While the Victorian guideline² quoted by Mr Bonis specified a 500m buffer, and the New South Wales specified a 250m buffer to a '*residential zone or dwelling, school or hospital not associated with the facility*'³, I note that the NSW guidance also specifies that large putrescible waste landfills (more than 50,000 tonnes of putrescible waste per year) should have a buffer of at 1000m. The Auckland Unitary Plan⁴ has a buffer of one kilometre.

8.3 I consider a 1km buffer to be more appropriate based on my observations of landfills operated by Enviro NZ. Any such buffer can be tailored to the intended future footprint of the landfill to allow for its capacity to be reached.

8.4 My preferred outcome would be to wait for the district-wide plan changes to incorporate the National Planning Standards, which I understand will be in 2024. I therefore seek that this relief be delayed.

² Publication 788.3, Environment Protection Authority Victoria, Australia, Table 5.2

³ Environmental Guidelines Solid Waste Landfills (2016). Environment Protection Authority, New South Wales, page 4.

⁴ Rule E14.6.4.1 Auckland Unitary Plan

9.0 Conclusion

- 9.1 While the Taupo Industrial Environment makes sensitive residential or accommodation activities discretionary, this does not include other sensitive activities, and does not preclude them from obtaining consent given that the objectives and policies of the Environment do not support reverse sensitivity to the landfill.
- 9.2 I consider a 1km buffer to be more appropriate to the landfill footprint and therefore, given that the most suitable relief in the form of a landfill buffer overlay is outside the scope of this plan change, I do not support the rezoning of the Broadlands Road West land to Taupo Industrial Environment.
- 9.3 Thank you for your consideration.

Kaaren Rosser

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Appendix 1

Qualifications and Experience

I hold a Bachelor of Science (Earth Sciences) from the University of Waikato and a Post-Graduate Diploma in Natural Resources from the University of Canterbury, along with a Certificate of Proficiency in Planning from the University of Auckland. I am an Associate Member of the New Zealand Planning Institute.

I have over 20 years' experience, which includes both working in local government and the private sector. I have undertaken policy analysis and the preparation of submissions for a wide range of clients and I have also written precinct provisions for the Auckland Unitary Plan. I have advised clients on a wide range of planning matters, but with a particular focus on water and air discharge matters relating to industrial sites. I have also processed complex planning applications for Auckland Council including chicken farms and large multi-unit developments.

Appendix 2

Auckland Unitary Plan: D27 - Quarry Buffer Area Overlay

D27. Quarry Buffer Area Overlay

D27.1. Overlay description

The Quarry Buffer Area Overlay is located around significant mineral extraction activities. The intent of the overlay is to avoid reverse sensitivity effects on quarry operations that can result from subdivision, use and development occurring in close proximity to mineral extraction activities. The effects that give rise to reverse sensitivity include dust, noise and vibration.

D27.2. Objective

- (1) Reverse sensitivity effects that result from subdivision, use or development occurring near significant mineral extraction activities are avoided where practicable, and otherwise remedied or mitigated.

D27.3. Policies

- (1) Require subdivision, use and development occurring near significant mineral extraction activities to avoid where practicable, or otherwise remedy or mitigate:
 - (a) unduly compromising or limiting the existing or planned future operation of significant mineral extraction activities; and
 - (b) unduly compromising or limiting the use of transport routes within the Quarry Buffer Area Overlay serving the site.
- (2) Exclude quarry buffer areas from being receiver sites under transferable rural site subdivision.

D27.4. Activity table

Table D27.4.1 specifies the activity status of land use and development activities in the Quarry Buffer Area Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to subdivision are located in [E38 Subdivision – Urban](#) and [E39 Subdivision – Rural](#).

All buildings accessory to any activity specified in the table have the same status as the activity itself unless otherwise specified in the table.

Table D27.4.1 Activity table

Activity		Activity status
Use		
Accommodation		
(A1)	Dwellings	C
(A2)	Camping grounds	NC
(A3)	Home occupations	P
(A4)	Visitor accommodation	D
(A5)	Boarding houses	NC
(A6)	Retirement villages	NC
(A7)	Supported residential care	NC
Commerce		
(A8)	Restaurants and cafes	D
(A9)	Markets	D
(A10)	Showhomes	D
(A11)	Veterinary clinics	NC
Community facilities		
(A12)	Care centres	NC
(A13)	Community facilities	NC
(A14)	Healthcare services	NC
(A15)	Education facilities	NC
Rural		
(A16)	Animal breeding and boarding	D
(A17)	Equestrian centres	D
Development		
(A18)	Buildings accessory to farming	P

D27.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table D27.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table D27.4.1 Activity table and which is not listed in D27.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

D27.6. Standards

There are no standards in this section.

D27.7. Assessment – controlled activities

D27.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) dwellings:
- (a) location and orientation of the dwelling, residential activity and outdoor living areas;
 - (b) landscaping and screening; and
 - (c) noise attenuation and vibration mitigation.

D27.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) dwellings:
- (a) whether the location and orientation of the dwelling and outdoor living areas will ensure occupants are adequately separated and/or protected from the adverse effects of mineral extraction activities, including existing and future noise, dust and vibration;
 - (b) whether land-form modifications or planting proposals mitigate visual effects of the mineral extraction activity; and
 - (c) whether the building design demonstrates sufficient acoustic insulation measures to ensure an internal noise environment in habitable rooms that does not exceed 40dB LAeq (15min).

D27.8. Assessment – restricted discretionary activities

There are no restricted discretionary activities in this section.

D27.9. Special information requirements

There are no special information requirements in this section.