

## BEFORE THE HEARINGS PANEL

<b>In the Matter of:</b>	The Resource Management Act 1991
<b>And</b>	Proposed Plan Change 43: Taupō Industrial Land
<b>Application By:</b>	Taupō District Council

**Section 42A Report Addendum – Submitter 39 Enviro Waste Services Ltd**  
Taupō Industrial Land

**Matt Bonis**

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### Introduction

1. My full name is Matthew William Bonis. I provided the s42A Report (**the s42A Report**) relating to submissions on Plan Change 43 – Industrial Rezoning (**PC43**) as dated 13 July.
2. The s42A Report<sup>1</sup> sets out the purpose of the s42A Report, my qualifications, experience and confirmation of the Code of Compliance. I maintain that compliance in this Addendum.

### Purpose and Summary of the Addendum to the s42A Report

3. This Addendum responds to Minute 8 (**the Minute**) of the Independent Hearing Panel dated 8 August 2023.
4. The Minute acknowledges that the original submission lodged on PC43 from Envirowaste Services Ltd (**Enviro Waste** - Submission 39) was inadvertently missed from inclusion in the Taupō District Council's public notification process associated with the summary of submissions. Hence other submitters were not able to submit on it, nor was the Reporting Officer able to consider the submission.
5. A timetable was set, being:
  - a. Notification of the Enviro Waste Submission Summary on 28 July 2023;
  - b. Further submissions to close on 11 August 2023; and
  - c. This Addendum to the s42A Report, being a recommendation to the Panel on the submission to be received on 14 August 2023. As identified in the s42A Report, recommendations are not binding on the Panel<sup>2</sup>.

This addendum completes this timetable.

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<sup>1</sup> S42A Report [Preamble, Section 1]

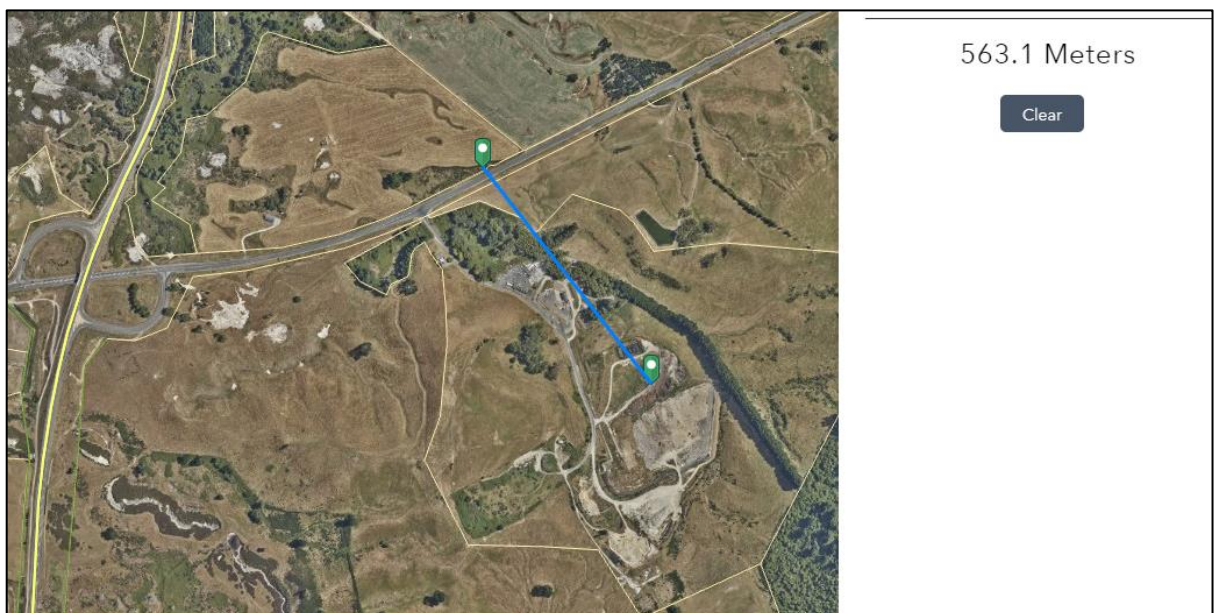
<sup>2</sup> S42A Report [2]

6. Submission 39.24 opposes the rezoning of the Broadlands Road West land (Site 4) from Rural Environment to Taupō Industrial Environment. The submission seeks either:
  - a. A landfill buffer precluding certain types of non-industrial activities be non-complying via precinct rules; or
  - b. Delay the rezoning of Site 4 until such time as the Taupō Industrial Zone rules are updated in a subsequent plan change to limit the use of that land to compatible industrial activities; or
  - c. or introduce an overlay whereby uses that are not sensitive to the landfill are located within the boundaries of the overlay.
7. A further submission from Megafoods (FS240) opposes the submission.
8. In summary, I note that the Submission from Enviro Waste appears to be primary concerned with the resource management concept of reverse sensitivity on existing and lawfully established landfill activities. I understand the premise for that matter. However, would note that the basis of a reverse sensitivity effect arising from the potential rezoning should be supported by an evidential foundation. In this instance, I am unassisted by the submission, or material provided to me by Environ Waste.
9. Accordingly, I recommend that the submission be **rejected**, and the further submission from Mega Foods be **accepted**.

## Background

10. PC43 as notified seeks to rezone some 20ha of land from Rural Environment to Taupō Industrial Environment on Broadlands Road West.
11. Environ Waste Services operate the Taupō waste (and recycling) facility at 132 Broadlands Road, Taupō .
12. The proposed rezoning is located some 500m+ between the proposed rezoned area and the landfill tip face as shown on Figure 1.

Figure 1: Broadlands Road Landfill proximity to proposed PC43 rezoning



13. Taupō Landfill is a Class 1 landfill as utilised for Municipal Solid Wastes (and putrescible material) and I understand only accepts waste from within the District<sup>3</sup>. Air discharge - Odour is managed by resource consent AUTH940585.01.01. I understand that Taupō landfill is consented for up to 50,000 tonnes of municipal waste per year, and currently receiving approximately 34,000 tonnes.
14. The submission summary, and further submission is identified below:

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
39.24	EnviroWaste Services Ltd(Unknown)	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	EnviroWaste opposes the rezoning of the Broadlands Road West land (Site 4). The submitter is concerned that certain commercial/commercial services or tourism activities can be established on this land under the current Taupō Industrial Environment zone rules. The Broadlands Road West land is sufficiently close to the landfill where subdivided sites may be exposed to adverse environmental and amenity effects from the operation of the landfill. It is the opinion of the landfill operator that use of the landfill will become increasingly difficult and costly to operate if sites are intensified with non-industrial uses in proximity to the landfill. Separation is most suitable form of mitigation to ensure continued operation.	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 Taupō Industrial Zone rules are updated in a subsequent plan change to limit the use of that land to compatible industrial activities, or introduce a overlay whereby uses that are not sensitive to the landfill are located within the boundaries of the overlay.
FS240 Sub 39.24	Mega Food Services Limited		Oppose	Oppose	The current rural zoning rules are more permissive than the proposed Industrial Environment Rules. Under the current rural zone rules a commercial or Tourism activity can operate as a permitted activity, and a dwelling is permitted. The open land fill is more than 600m from the property boundary, and has existing mitigation through topography, and planting therefore it is considered sufficient separation from the site. Also it is more likely non industrial uses would be developed on the rural zoned site, than if it was zoned for industrial.

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[https://taupo.infocouncil.biz/Open/2018/02/TDC\\_20180227\\_AGN\\_2245\\_files/TDC\\_20180227\\_AGN\\_2245\\_Attachment\\_13149\\_1.PDF](https://taupo.infocouncil.biz/Open/2018/02/TDC_20180227_AGN_2245_files/TDC_20180227_AGN_2245_Attachment_13149_1.PDF) [6.1.1]

15. The submission also states at [16]:

*The Broadlands Road West land is sufficiently close to the landfill where subdivided sites may be exposed to adverse environmental and amenity effects from the operation of the landfill. It is the opinion of the landfill operator that use of the landfill will become increasingly difficult and costly to operate if sites are intensified with non-industrial uses in proximity to the landfill. Separation is most suitable form of mitigation to ensure continued operation.*

16. The provisions of the Operative Taupō District Plan for the Taupō Industrial Zone:
- a. confer a Discretionary Activity status to Residential dwellings<sup>4</sup>;
  - b. confer a Discretionary Activity status to any Accommodation activity<sup>5</sup>.
  - c. confer a Discretionary Activity status to 'core retail', that is retail typically found in central city zones. Trade, Yard, Hire Centres, Service Stations and Food & Beverage Outlets are provided for<sup>6</sup>.
  - d. confer a Discretionary Activity status to Office activities (except as ancillary to permitted activities)<sup>7</sup>.

## Consideration

17. I understand that the meaning of 'reverse sensitivity in the resource management context can be described as follows:

*Means the effect on existing lawful activities from the introduction of new activities, or the intensification of existing activities in the same environment, that may lead to restrictions on existing lawful activities as a consequence of complaints.*

18. The concern expressed in the submission is that sensitive activities enabled in the notified Taupō Industrial zone would lead to restrictions on the operations of the existing Broadlands Road Landfill.
19. The provisions of the Taupō Industrial Environment do not provide for sensitive land use activities. Residential and accommodation activities are precluded without consent, as are core retail activities (such as convenience or comparison retail) and commercial offices, all of which rely on a high level of amenity.
20. I acknowledge that Trade Suppliers, Service Stations and Food and Beverage outlets are provided for but given that these activities are anticipated to be compatible within what is effectively a Light Industrial zoning, I do not consider these activities to be unduly sensitive to the proximate landfill.
21. The landfill tip face is located some 550m to the SSE of the proposed rezoning, as the crow flies. In addition, the Landfill's frontage to Broadlands Road consists of mature tree plantings and ground mounding which effectively screens the landfill from public view.
22. In terms of odour nuisance, I note that that resource consent AUTH940585.01.01 provides restrictive conditions to manage odour and dust nuisance. Conditions 2 and 3 of that consent are below, and the consent is attached as **Attachment A**.

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<sup>4</sup> Rule 4h.2.6

<sup>5</sup> Rule 4h.2.11

<sup>6</sup> Rule 4h.2.7

<sup>7</sup> Rule 4h.2.5

- (2) *The consent holder shall operate the waste disposal site in such a manner that the generation of dust is kept to a practicable minimum. In any case dust shall not create an objectionable or offensive effect beyond the boundary of the consent holder's property.*
- (3) *There shall be no objectionable or offensive odour detected beyond the boundary of the consent holder's property as a result of the activities authorised by this consent.*
23. Module 6 'Air' of the Waikato Regional Plan, including Policy 1(b) and Rule 6.1.8 requires that there is no objectionable odour to the extent that it causes an adverse effect beyond the property boundary.
24. I am unaware of any specific New Zealand guidance or standard that explicitly establishes a separation distances between Landfills and a range of other activities. However, the WasteMinz Guidelines for new sites<sup>8</sup> specifies in Section 4.4 'Landfill Siting Criteria – Compatibility with Surrounding Land Uses' identifies:
- The proximity of a potential landfill site to other existing or proposed land uses needs to be considered. Ensuring adequate separation distances and/or buffer areas can help to preserve the amenity of surrounding areas, or avoid unwanted impacts from landfill operations. The requirement for, and extent of, buffer areas should be determined on a site-specific basis. Where possible, the buffer area should be controlled by the landfill operator.*
25. The Centre for Advanced Engineering Landfill Guidelines<sup>9</sup> effectively repeats this statement without providing specific guidance as to distances from incompatible activities, or indeed what would constitute an incompatible activity.
26. In terms of Guidance from outside of the Resource Management Act 1991 framework, I note the following (and also within the context that the separation distances relate to 'sensitive activities' which are predominantly dwellings / accommodation, and not the range of uses provided for in the Taupō Industrial Environment as proposed):
- a. Publication 788.3, Environment Protection Authority Victoria, Australia<sup>10</sup>, Table 5.2.
    - i. 500 metres from a sensitive land use receptor – Type 2 Putrescible Waste.
  - b. Environmental Guidelines Solid Waste Landfills (2016). Environment Protection Authority, New South Wales<sup>11</sup>, page 4.
    - i. The list of inappropriate areas for landfilling includes sites located as follows: *'within 250 metres of a residential zone or dwelling, school or hospital not associated with the facility'.*
27. On the basis of the above, I consider that:
- a. There is an express duty on Envriowaste as the Consent Holder of AUTH 940585.01.01 to internalise their effects with regard to dust and odour. Any visual implications of the landfill are screened from Broadlands Road, and hence the notified rezoned site. I understand that the Broadland Road Landfill is operationally and functionally well run.

<sup>8</sup> Technical Guidelines for Disposal to Land (2018) Waste Management Institute New Zealand. [57]

[Technical Guidelines for the Disposal to Land - Project Team Draft - Revised B, MfE comments \(orc.govt.nz\)](#)

<sup>9</sup> The Centre for Advanced Engineering Landfill Guidelines (2000). [Landfill Guidelines - Towards Sustainable Waste Management In New Zealand \(environment.govt.nz\)](#) (19)

<sup>10</sup> [788 3 \(1\).pdf](#)

<sup>11</sup> [Environmental Guidelines: Solid waste landfills \(nsw.gov.au\)](#)

- b. The Landfill tip face is located in excess of 500m from the proposed rezoning; whilst there is no specific New Zealand guidance, separation distances prescribed in Australian EPA Guidelines do not exceed 500m to sensitive activities.
  - c. The proposed Taupō Industrial Environment rezoning does not permit sensitive residential or accommodation activities. Core retail and commercial offices, which rely on higher levels of amenity are also precluded, without consent.
28. On the basis of the above, I recommend that the submission be **rejected**, and the further submission from Mega Foods be **accepted**.



Matt Bonis  
14 August 2023

## Attachment A: AUTH940585.01.01

# RESOURCE CONSENT



HAMILTON OFFICE  
3 Cook Street, Hamilton  
PO Box 4010, Hamilton East  
Telephone 07 856 7184  
Facsimile 07 856 0551

TAUPO OFFICE  
283 Broadlands Road, Taupo  
Telephone 07 378 6539

PAEROA OFFICE  
13 Opatito Road, Paeroa  
Telephone 07 862 8376

File Number: 60 91 91A  
Resource Consent Number: 940585

**Pursuant to the Resource Management Act 1991, the Waikato Regional Council hereby grants consent to:**

Taupo District Council  
C/- Works Consultancy Services  
PO Box 3057  
HAMILTON

(hereinafter referred to as the Consent Holder)

**This consent authorises the Consent Holder to:** discharge contaminants into the air from a municipal solid waste disposal site in the vicinity of Broadlands Road, Taupo, at or about map reference NZMS 260 U18:818-752

**On the land described as:** Lot Part 1, Block III, DPS SO 16059, Tauhara SD

**For a term to expire on:** 31 December 2025

**Subject to the following general conditions:** *contained in Schedule 1 and the following additional conditions:*



**CONDITIONS****Preamble**

The purpose of this consent is to provide a basis for controlling landfill gas, offensive odours and dust. It may also form the basis of deciding what control works are required in the event that such works are necessary to satisfy a National Policy Statement.

- 1 No significant volume of gas from the landfill shall be discharged via the ground and thence air outside of the legal boundaries of the site.
- 2 The consent holder shall operate the waste disposal site in such a manner that the generation of dust is kept to a practicable minimum. In any case dust shall not create an objectionable or offensive effect beyond the boundary of the consent holder's property.
- 3 There shall be no objectionable or offensive odour detected beyond the boundary of the consent holder's property as a result of the activities authorised by this consent.
- 4 (a) The Waikato Regional Council shall be notified of any complaints regarding odour or dust as soon as practicable and no longer than 24 hours after the complaint is received.  
b) When complaints regarding objectionable or offensive odour or dust are received by the consent holder the consent holder shall record the following details in a complaint log:
  - (i) type and time of complaint;
  - (ii) name and address of complainant (if available);
  - (iii) location from which the complaint arose;
  - (iv) wind direction at the time of complaint;
  - (v) the response made by the consent holder and the likely cause of the complaint;  
and
  - (vi) action taken or proposed as a result of the complaint.

The complaint log shall be immediately available to the Waikato Regional Council on request.

Dated at Hamilton this 4<sup>th</sup> day of December 1997.

For and on behalf of the  
Waikato Regional Council



.....  
for Secretary

## **SCHEDULE 1 - GENERAL CONDITIONS**

*The granting of consents numbers 940582, 940583, 940584 and 940585 is subject to the following conditions which shall apply to each individual consent:*

1. All works shall be undertaken generally in accordance with the principles contained within:

Broadlands Road Landfill, Assessment of Effects on the Environment, dated September 1994;

Assessment of Effects on the Environment - Supplementary Report, dated July 1995; and

Broadlands Road Landfill, Site Management Plan, dated July 1995,

or any subsequent amendments acceptable to the Waikato Regional Council as confirmed in writing.

2. Detailed designs shall be forwarded to the Waikato Regional Council for acceptance in writing prior to works commencing. In particular designs of the stormwater system, final landform and quality assurance procedures for construction of landfill cap. All works shall be carried out in accordance with the designs, as accepted in writing by the Waikato Regional Council.
3. The site shall be operated in accordance with the Broadlands Road Landfill Site Management Plan, dated July 1995, following amendment to comply with consent conditions and any subsequent amendments acceptable to the Waikato Regional Council as confirmed in writing.
4. Monitoring of the effects on the environment shall be carried out in accordance with the monitoring provisions of the above Site Management Plan following amendment to comply with consent conditions, and any subsequent amendments acceptable to the Waikato Regional Council as confirmed in writing. Such amendments may include a review of the parameters to be monitored and the frequency of monitoring.

5. All investigations, design, supervision of construction, operation, monitoring and after-care shall be undertaken by suitably qualified personnel experienced in such works, or works of a similar nature, and to the satisfaction of the Waikato Regional Council.
  
6. The consent holder shall retain an appropriately experienced person to supervise the operation of the landfill. That person shall compile an annual report on the landfill, including:
  - (a) the status of landfill operations on the site and work completed during the financial year;
  - (b) any difficulties which have arisen in the preceding year and measures taken to address those difficulties;
  - (c) activities proposed for the next year of the landfill operation; and
  - (d) inspection and monitoring following closure.

This report shall be forwarded to the Waikato Regional Council by 1 August each year, unless otherwise agreed in writing by the Waikato Regional Council.

7. The consent holder shall retain appropriately qualified and experienced independent person(s), acceptable to the Waikato Regional Council, to annually review the operation and monitoring of the site. This review shall include:
  - (a) a site visit;
  - (b) a review of all records including:
    - (i) quality assurance records for development construction works;
    - (ii) special waste disposal records;
    - (iii) environmental monitoring data;
    - (iv) complaints received and action taken.

- (c) recommendations, if any, for changes to the Broadlands Road Landfill Site Management Plan.

The review shall be completed and forwarded to the Council by 1 September each year, unless otherwise agreed in writing by the Waikato Regional Council.

8. All staff engaged in the operation of the landfill shall receive training to ensure familiarity with the requirements of the Landfill Site Management Plan and these resource consent conditions.
9. The landfill shall be attended by an appropriately qualified person at all times the site is open for the receipt of refuse
10. All water quality sample analyses required shall be undertaken using standard methods as detailed in the "Standard Methods For The Examination Of Water And Waste Water, 1995" 19th edition by A.P.R.A. and A.W.W.A. and W.E.F. and any subsequent updates; or by some other method approved in advance by the Waikato Regional Council.
11. The Waikato Regional Council may review the conditions of these consents in the event of the transfer of these consents, for the purpose of:
  - (a) ensuring the adequacy of the consents in terms of protecting the environment, and/or
  - (b) ensuring that the new consent holder can comply with the intent and specific requirements of the conditions.
  - (c) reviewing the requirements for a bond.
12. The consent holder shall submit a Rehabilitation and Aftercare Plan to the Waikato Regional Council for acceptance in writing at least twelve months prior to landfill operations ceasing on this site. This plan shall be prepared after consultation with interested parties.

13. The Waikato Regional Council may commence a review of the conditions of these consents, after consultation with the consent holder, in September 2002, 2007, 2012, 2019, and 2022, or upon cessation of landfilling operations at the site. Aspects to be reviewed and which could result in a change in conditions may include:
- (a) effects on the environment which may arise from the exercise of these consents, or
  - (b) any requirement to adopt the best practicable option or use other alternative means to remove or reduce any adverse effect on the environment, or
  - (c) the monitoring requirements in light of the results obtained from the preceding years' monitoring.

Costs relating to the above reviews will be borne by the consent holder.

14. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.

17 November 1997

Taupo District Council  
C/- Works Consultancy Services  
PO Box 3057  
HAMILTON

Dear Sir/Madam

**RESOURCE CONSENT NUMBER 940585**

Please find enclosed the certificate detailing the terms and conditions of your resource consent recently granted by the Waikato Regional Council. Please keep this important document in a safe place for easy reference during the term of the consent.

Please note the following:

- (i) Only the holder of the consent or their agent may exercise this consent, and then only for the purpose specifically authorised by the consent.
- (ii) Those exercising the consent must comply with the conditions of the consent at all times.
- (iii) The majority of consent holders will incur annual charges for holding consents, and may also incur costs associated with monitoring, inspecting and reporting on the exercise of this consent.
- (iv) If the consent has not been exercised within two years from the commencement date of the consent, the consent will lapse unless approval has been obtained from the Regional Council to extend the period.
- (v) Should you no longer wish to perform the activities authorised by the consent, you may wish to apply to surrender the consent, giving reasons for the surrender. In addition should you sell the property or the operation to which this consent applies, you may wish to transfer the consent to the new owner. If you wish to undertake either of these actions, please forward the resource consent certificate to this office with advice of the action you require to be taken.

Should you have any further queries on these matters, or any other issues relating to the exercise of this resource consent, please do not hesitate to contact the Hamilton office quoting the above reference.

Yours faithfully

Ruth Hutchinson  
**Administration Officer, Resource Use**