

**BEFORE THE HEARINGS PANEL
WELLINGTON CITY COUNCIL (WCC)**

UNDER the Resource Management Act 1991

IN THE MATTER of the Wellington City Proposed District Plan
Hearing Stream 1 – Strategic Direction

**HEARING DAY STATEMENT BY KAAREN ROSSER (PLANNING) ON BEHALF
OF ENVIROWASTE LTD – SUBMITTER (#373)**

23 FEBRUARY 2023

1. Executive Summary

1.1 By way of summary, it is my opinion that the changes sought to the definitions and provisions of the Strategic Direction chapter as detailed in the statement below are appropriate and should be adopted by the Hearings Panel.

1.2 Under the definitions, EnviroWaste seeks the addition of 'waste processing and disposal facilities' in the infrastructure definition. I agree with the NZ Infrastructure Commission that waste facilities should be defined as infrastructure and are vital to the safe functioning of a District. To avoid the inclusion of all sizes of waste facilities, I consider the Natural Built and Environment Act wording 'district or regional resource recovery or waste disposal facilities' appropriate to provide for those facilities that have a district-wide or regional benefit. I also consider that if the infrastructure definition is not amended then there is scope for consideration of district or regional resource recovery and waste facilities within the SCA chapter, similar to the wording provided for quarries.

1.3 EnviroWaste submitted that the Development Infrastructure definition needed to incorporate waste infrastructure as the provision of waste needs to be designed into new dwellings and apartments, along with the practical collection of a variety of waste streams, and their subsequent processing and treatment. Inclusion of the words 'or waste' to clause (a) of the definition will enable waste to be considered as development infrastructure and also help meet the City's zero carbon goal.

2.0 Introduction

2.1 My full name is Kaaren Adriana Rosser.

2.2 I am an Environmental Planner with EnviroWaste Services Limited (EnviroWaste). My qualifications and experience are detailed at **Attachment 1**.

2.3 My statement is given on behalf of EnviroWaste in relation to the Wellington City Proposed District Plan. I am addressing the matters relating to the provision of waste collection, treatment and disposal relevant to the plan wide matters and strategic direction of the City.

2.4 I have reviewed the s42A Hearing Report completed for the Council by Adam McCutcheon and Andrew Wharton, including the recommended revisions to the plan change provisions. I have reviewed the s32 Evaluation report, the Summary of Submissions document, and the hearing stream 1 recommended responses to submissions.

3.0 Background and Reasons for Submission

3.1 In general, the submitter is supportive of the Proposed District Plan but specifically seeks some inclusion of matters pertaining to waste infrastructure within the Plan.

- 3.2 The government acknowledges that the way that waste is generated and disposed of in New Zealand needs to be addressed to minimise greenhouse gas emissions and to be more sustainable in terms of the resource that is being disposed of. Significant work is now focussed on shifting NZ to a circular economy, and addressing waste is a key component of that work. The NZ Waste Strategy 2010 is in the process of being updated and new waste legislation will soon replace the Waste Minimisation Act 2008 and the Litter Act 1979. Waste levies for landfills are steadily being increased and many single-use plastics have recently been banned.
- 3.3 EnviroWaste considers that District Plans have a key part to play in enabling and maintaining waste resource recovery and infrastructure, along with ensuring that the increased demand for waste collection through intensification is planned well.
- 3.4 As waste management specialists and operators of the transfer stations, landfills and collection facilities within the wider Wellington area, the continued operation and future diversification of these facilities is necessary to achieve a circular economy.
- 3.5 As stated in the submission, waste facilities can take significant resources to design, consent and construct to ensure that potential harmful effects of odour, dust, contamination, and noise do not affect surrounding sites or freshwater resources. This often requires specialist equipment and considerable infrastructure. Such sites can be the subject of reverse sensitivity and their establishment and continued operation needs management with a variety of stakeholders.

6.0 Infrastructure Definition

- 6.1 EnviroWaste sought to amend the definition of **infrastructure** which is proposed to have the same meaning as in section 2 of the RMA (Submission point 373.5). I understand that the definitions being discussed in this hearing stream are those with plan wide application and not otherwise better addressed in subsequent streams. I therefore query why the submission point requesting an amendment to the **Infrastructure** definition was not tabled as part of this hearing stream, as I consider there are likely to be plan-wide implications for any amendment to this definition.
- 6.2 Therefore, I wish to discuss the proposed amendment to the Infrastructure definition at this time, with the approval of the Hearing Panel.
- 6.3 The submission detailed a proposed new clause to be added to the infrastructure definition, being:
- ‘....(m) waste processing and disposal facilities.’*
- 6.4 By not adding this clause to the definition, the Strategic Direction section of the proposed plan would exclude waste processing and disposal facilities (or waste management facilities) from consideration as infrastructure. I consider that waste management facilities are generally part of local and regional infrastructure that contributes to a ‘well-functioning Capital City’.
- 6.5 Without being part of the definition, many of the objectives within the SCA chapter would not apply, notably SCA-O6 (*‘Infrastructure operates efficiently and safely and is protected*

from incompatible development and activities that may create reverse sensitivity effects’). It is my opinion that waste infrastructure is particularly prone to the adverse effects of reverse sensitivity due to the long life-span and potential size of sites (landfills for example) and potential adverse amenity effects. I consider that it is not consistent with sustainable management to offer little, if any, recognition within the Strategic Direction chapter for operations that are so vital to a district.

- 6.6 I also consider the exclusion of waste facilities from the definition could have knock-on effects when new development is being considered by plan change or consent as the Strategic Objectives section of the Plan helps to implement relevant Council strategies and provides guidance on *‘what the objectives and policies in other chapters of the Plan are seeking to achieve’*¹. While other forms of infrastructure have appropriate emphasis in the Strategic Direction section, new waste facilities will be difficult to establish due to no strategic direction applying, and sensitive activities may be allowed to establish in close proximity.
- 6.7 Waste as infrastructure is defined within The New Zealand Infrastructure Strategy which refers to infrastructure as being either economic infrastructure, or social infrastructure. It categorises waste as **economic infrastructure**, and devotes a chapter to discuss waste infrastructure, particularly in the context of climate change. It concludes that in order to move towards a circular economy, resource recovery infrastructure is needed for priority materials and a clear national direction is required for waste management.
- 6.8 The ‘Taking Responsibility for our Waste’ consultation document released by the Ministry of Environment in 2021 describes future investment in resource recovery infrastructure as being necessary to support the waste vision. With the changing emphasis on a circular economy, waste facilities are changing fast and need to adapt to encompass sustainable outcomes. Supporting a significant increase in density across the city must also be done with consideration of waste and waste recovery facilities. If waste facilities are part of the infrastructure definition, the Plan can enable such facilities to be provided.
- 6.9 An example of change in the waste industry is waste diversion to food waste composting. A food waste composting site could be difficult to establish without inclusion of waste processing facilities as ‘infrastructure’ and the subsequent direction regarding infrastructure. The Ministry of Environment have signalled that diverting food waste from landfills is of critical importance to reduce greenhouse gas emissions and biogenic methane emissions. However, all composting operations are not created equally and there may be resistance to any new facility in an area because of perceptions created by some current operations in NZ. It is therefore important that some higher order objectives support the waste infrastructure so that an appropriate facility, that manages effects, is enabled.
- 6.10 The Natural and Built Environment Bill also signals this change in direction with the inclusion of *‘district or regional resource recovery or waste disposal facilities’* in the infrastructure definition. I therefore consider it prudent to include waste facilities in the Wellington Plan Infrastructure definition, as signalled by the new Bill, in order to meet greenhouse gas emission targets and enable the appropriate provision of waste services

¹ WPP – Purpose and context of the Strategic Direction

for new development. In answer to a question from the Panel, unless a waste facility is owned by a Council and designated for waste management purposes, the infrastructure provisions within the RMA relating to requiring authorities would not apply, as a private waste company would not be eligible to be a network utility operator.

6.11 Accordingly, the inclusion of waste facilities should and can be part of the infrastructure definition. However, to avoid the inclusion of all sizes of waste facilities, I consider altering the proposed addition to the definition to that proposed within the NBA Bill. Infrastructure would then provide for those facilities that only encompass district or region-wide facilities.

6.12 I therefore consider the following addition to the infrastructure definition to be appropriate:

'.....(m) district or regional resource recovery or waste disposal facilities.'

7.0 Other Definitions

Development infrastructure

7.1 EnviroWaste submitted that the current definition does not include access to waste facilities. The definition as proposed is:

"means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):

- a. network infrastructure for water supply, wastewater, or stormwater*
- b. land transport (as defined in section 5 of the Land Transport Management Act 2003)."*

7.2 EnviroWaste proposes the following addition (Submission Point 373.3) to the definition in order for waste facilities to be provided:

"means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):

- a. network infrastructure for water supply, wastewater, or stormwater or waste*
- b.*

7.3 In this manner waste infrastructure at different scales can be enabled and planned for when intensifying, particularly at resource consent. Increased density results in increased demand for waste collection. In Auckland, there are examples of new suburbs where waste infrastructure has not been planned for, particularly the practicalities of waste collection within street infrastructure or within developments, resulting in poor service and/or access to waste collection, along with safety issues for pedestrians and other users of the street (see Figure 1 and 2 below). Direction within the Plan may enable better planning of waste infrastructure for new communities, along with designed waste infrastructure when intensifying existing communities.



Figure 1 and 2: Multi-unit development bins force pedestrians onto street carriageways.

- 7.4 I do not consider that because Development Infrastructure has been defined by the NPS-UD that the definition cannot be added to. MfE guidance regarding the implementation of the NPS-UD states that intensification is enabled in a way that is consistent with meeting the definition of well-functioning urban environments. Policy 1 of the NPS-UD contains many clauses that support waste infrastructure as being part of a well-functioning urban environment and therefore I consider the proposed amendments appropriate.

Heavy Industrial Activity Definition

- 7.5 While EnviroWaste did not comment on this definition in the submission, it notes that WCC ERG requested deletion of the references to certain types of activities to enable community waste collection and recycling activities, so that they are not caught by the definition.

- 7.6 As the proposed definition has specific inclusion with respect to ‘the storage, transfer, treatment, or disposal of waste materials or significant volumes of hazardous substances, other waste management processes or composting of organic materials’, we do not agree with the Council planner that it is a matter of scale whereby the small-scale facilities will not be captured if they do not create offensive or objectionable odour. In our experience, Council staff interpreting this definition will look to the type of activity being included in the definition given the specific inclusion, not to the scale. This will create consenting hurdles for many waste activities.
- 7.7 As a consequence, nearly all waste activities will require at least a discretionary activity consent regardless of their intensity and effects. This does not seem efficient where effects are either well-known or can be measured and can be dealt with under permitted or limited discretionary activity statuses.

Community Garden and Organic Composting Definitions

- 7.8 It is assumed that both the community garden and organic composting definitions will be heard in later hearing streams. Perhaps the hearings coordinator will be able to provide updates in due course of which stream they will fall under.

8.0 SCA - Strategic City Assets and Infrastructure chapter (P1 Sch1)

- 8.1 EnviroWaste supported this chapter but only if the definition of infrastructure is amended to include ‘*district or regional resource recovery or waste disposal facilities*’. Including waste in the infrastructure definition does not require any changes to the planners’ recommended objectives. Each objective equally applies to waste infrastructure as it does to other types of infrastructure.
- 8.2 I consider that because the submission supported the provisions within the SCA chapter subject to the above proviso, there is scope for additional objectives if the Panel does not accept the addition to the infrastructure definition.
- 8.3 Given the strategic benefits of district and regional waste facilities, if the Panel is not mindful to accept the amendment to the infrastructure definition, the following new objective is proposed. The proposed objective is similar to the one recommended for quarrying activities. Reverse sensitivity effects need to be considered within this objective to avoid incompatible activities establishing in close proximity. Given the particular considerations of waste infrastructure, I consider the addition of the objective to be appropriate.
- 8.4 The proposed new objective:

The social, economic, and environmental benefits of waste infrastructure (including regional or district landfills, waste treatment and processing facilities) are recognised and provided for, and protected from incompatible development and activities that may create reverse sensitivity effects or compromise their efficient and safe operation.

- 8.5 Having some recognition at a strategic level will allow input into lower order provisions. This will then provide consenting pathways for waste infrastructure.
- 8.6 Currently no zones specifically provide for regional composting facilities. Therefore, reliance on infrastructure provisions is of paramount importance as it recognises the requirement for specific infrastructure to be located in certain places due to functional needs. The support of the higher order strategic framework with regards to reverse sensitivity is needed for both the establishment of facilities and their ongoing operation. As detailed at 5.5 above, waste infrastructure is particularly prone to the adverse effects of reverse sensitivity.

9.0 Conclusion

- 9.1 The provisions in the Strategic Direction section of the Plan are important as they detail objectives which assist in resolving conflict when development pressures impact on essential waste infrastructure. I consider that the Plan should adequately provide for the ongoing operation of essential waste facilities but also enable new waste facilities in order to assist in establishing a circular economy and to assist in managing intensification.
- 9.2 I consider that the infrastructure definition should be amended to encompass district or regional resource recovery or waste disposal facilities in order to reflect their significant importance in supporting the city's infrastructure and development and to reflect the national focus on the sector in coming legislation.
- 9.3 Thank you for your consideration.

Kaaren Rosser

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Attachment 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.