

**BEFORE THE INDEPENDENT HEARINGS PANEL
MACKENZIE DISTRICT COUNCIL (MDC)**

UNDER the Resource Management Act 1991

IN THE MATTER of the Mackenzie District Plan
Proposed Plan Change 20 – Strategic Direction Chapters
(PC20)

**STATEMENT OF EVIDENCE OF KAAREN ROSSER (PLANNING) ON BEHALF
OF ENVIROWASTE LTD – SUBMITTER (#8)**

15 NOVEMBER 2022

1. Executive Summary

- 1.1 By way of summary, it is my opinion that the changes sought to the provisions of the Strategic Direction chapter as detailed in the evidence 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 would consider the word '*municipal*' could be added to the proposed clause to provide for those facilities that encompass district-wide facilities or have a district-wide benefit.
- 1.3 EnviroWaste submitted that an additional sentence should be added to the Infrastructure Objective ATC-O3 which details that '*significant infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development*'. I agree that this addition should be adopted given that the higher order strategic framework needs to provide direction for the more detailed provisions in the Plan, and to better integrate the specific aspects of infrastructure across the Plan. I also consider the proposed wording by Environment Canterbury to be acceptable.
- 1.4 EnviroWaste submission sought to amend UFD-O1 by adding waste facilities to Clause 3 if the definition for infrastructure was not amended to include waste processing and disposal facilities. I consider the proposed recommendation to amend the clause to include '*facilities which support the functioning of the community*' to be appropriate but only if the Panel do not accept the inclusion of waste facilities in the definition for infrastructure.

2. 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 evidence is given on behalf of EnviroWaste in relation to Plan Change 20 to the Mackenzie District Plan. Within my evidence I have addressed the matters relating to the provision of waste collection, treatment and disposal relevant to the strategic objectives and policies of the District.
- 2.4 I have reviewed the Hearing Report completed for the Council by Liz White (consultant planner), including the recommended revisions to the plan change provisions. I have reviewed the Overview report, the Scope document, the S32 Report, the Part 1 and Part 2 chapters and the Summary of Submissions document for Plan Change 20.
- 2.5 I am familiar with the district and have visited the Twizel transfer station.

Code of Conduct

- 2.6 While this matter is being heard at Council level, I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it (as if I was presenting to the Environment Court). I can confirm that the issues addressed in this statement are within my area of expertise and that in preparing my evidence, I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3. Scope of Evidence

- 3.1 This statement of evidence will, in the context of EnviroWaste's submission, address the following matters:
- (a) The background and reasons for the submission
 - (b) Comment on the Hearing Report in terms of the Infrastructure Definition, ATC-O3 Infrastructure Objective and UFD-O1 Objective;
 - (c) Conclusion

4. Background and Reasons for Submission

- 4.1 In general, the submitter is generally supportive of the notified version of Plan Change 20 but specifically seeks some inclusion of matters pertaining to waste infrastructure within the strategic chapter of the District Plan review.
- 4.2 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 with the resource that is currently being disposed of. 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.
- 4.3 Significant work is now focussed on shifting NZ to a circular economy, with addressing waste a key component of that work. EnviroWaste considers that District Plans have a key part to play in enabling and maintaining waste resource recovery and infrastructure.
- 4.4 As waste management specialists and operators of the transfer stations and collection facilities within the Mackenzie district, the continued operation and future diversification of these facilities is necessary to achieve a circular economy. For a region that houses many tourists, consideration of the waste that tourists generate also needs to be taken into account and facilities provided.
- 4.5 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.

5.0 Infrastructure Definition

5.1 EnviroWaste sought to amend the definition of **infrastructure** which is a new definition being introduced to the Plan, by the addition of a new clause:

‘.....(m) waste processing and disposal facilities.’

5.2 At Point 42 of the s42A report the planner prefers to maintain the RMA definition of infrastructure in order to avoid unnecessary differentiation between different plans. While I generally agree with this drafting principle, by not adding this clause to the definition, the Strategic Direction Section would exclude waste processing and disposal facilities (or waste management facilities) from consideration. I consider that waste management facilities are generally thought of when referring to local and regional infrastructure that is ‘important to the well-being of the community’.

5.3 The New Zealand Infrastructure Strategy refers to infrastructure as *‘Fixed, long-lived structures that facilitate economic performance and wellbeing. Infrastructure includes ‘horizontal’ physical networks (principally transport, water and energy and telecommunications); and ‘vertical’ infrastructure (buildings such as hospitals, schools and prisons). The latter are also known as social assets’*. It categorises waste as economic infrastructure. Therefore, the inclusion of waste facilities as infrastructure should be there.

5.4 If, to avoid the inclusion of all sizes of waste facilities, I would consider the word *‘municipal’* could be added to the proposed clause to provide for those facilities that only encompass district-wide facilities or have a district-wide benefit.

5.5 Without being part of the definition, subsequent consideration of waste management facilities under the strategic objectives is also excluded, notably ATC-03 Infrastructure and UFD-01. While we acknowledge the additional wording proposed to UFD-01, this does not extend to the wider consideration of infrastructure in the chapter. 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 and potential adverse amenity effects. I consider it is not consistent with sustainable management to offer no other recognition within the Strategic Direction chapter for operations that are so vital to a district.

5.6 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 Section of the Plan provides the *‘direction for the more detailed provisions’*¹. While other forms of infrastructure have appropriate emphasis in the section, new waste facilities will be difficult to establish due to no strategic direction applying, or sensitive activities will be allowed to establish in close proximity.

5.7 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

¹ Appendix 1 of S42A report – Introduction text changes

outcomes. The sentence “*While needing to appropriately manage its effects, the continued ability for this infrastructure to operate, as well as development of new infrastructure is important to the well-being of the community of Mackenzie, Canterbury and nationally.*”, encapsulates the changing waste landscape, but only if waste facilities are part of the infrastructure definition.

5.8 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 the area because of perceptions created by some current operations elsewhere in the South Island. It is therefore important that some higher order objectives support the waste infrastructure so that an appropriate facility, that manages effects, is enabled.

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

‘.....(m) municipal waste processing and disposal facilities.’

6.0 ATC-O3 Infrastructure Objective

6.1 EnviroWaste sought to amend this objective with the addition of a new sentence as follows:

The importance of infrastructure to the District and beyond is recognised and provided for. Regionally significant infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.

6.2 The recommendation by the reporting planner is that clauses relating to protection from reverse sensitivity should not be included in the Strategic Direction objectives but left to other chapters of the District Plan. While reverse sensitivity is acknowledged as a relevant issue to the District, the planner does not consider that it is an outcome in itself.

6.3 The Canterbury RPS sets out that the ‘avoidance, remediation or mitigation of reverse sensitivity effects’ is expected to be addressed by territorial authorities in their district plans.² In my opinion it is therefore appropriate to have reference to this in the strategic objectives as specific chapters do not ‘set the scene’. This is particularly important when considering plan changes relating to urban development.

6.4 If waste facilities were to be considered significant infrastructure (such as a regional composting facility), currently no zones specifically provide for them. Therefore, reliance

² P49 of Environment Canterbury – Regional Policy Statement

on significant 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 establishment of facilities and ongoing operation. As detailed at 5.4 above, waste infrastructure is particularly prone to the adverse effects of reverse sensitivity.

6.5 Given the above, I consider the proposed amendment to be appropriate (but also regardless of whether that waste facilities are included in the infrastructure definition), or, the alternative wording proposed by Environment Canterbury is also acceptable.

6.6 I note that Genesis Energy and Meridian Energy propose a further clause to the UFD-O1 objective being '*protects significant infrastructure and associated activities from reverse sensitivity effects*'. For similar reasons to above, the addition of this clause would provide similar relief to that of the addition that EnviroWaste seeks under ATC-O3. The difference is the specific application of this clause with respect to the growth of the district's townships and settlements. Reverse sensitivity effects need to be considered at this decision-making point to avoid incompatible activities establishing in close proximity. In this manner, I consider the addition of such a clause in ATC-O3 to be appropriate, to avoid the 'ambulance at the bottom of the cliff'.

7.0 UFD-O1 – Urban Form and Development

7.1 The EnviroWaste submission sought to amend UFD-O1 by adding a clause to Clause 3 if the definition for infrastructure was not amended to include waste processing and disposal facilities. The proposed amendment was as follows:

....3. is supported by appropriate infrastructure including waste facilities.

7.2 The reporting planner recommends that Clause 3 is amended as follows:

3. is ~~supported by~~ integrated with the provision of²² appropriate infrastructure and facilities which support the functioning of the community²³;

7.3 I agree with this addition as recommended, as this also covers other types of facilities beside waste facilities that are not defined under infrastructure, however, as stated above, I consider waste processing and disposal facilities should be listed as infrastructure and therefore be included as 'appropriate infrastructure' under this clause.

8.0 Conclusion

8.1 The provisions in the Strategic Direction chapter are important to EnviroWaste as detailing objectives which assist in resolving conflict when development pressures result in impacts on essential waste infrastructure. EnviroWaste considers that the Plan should adequately provide for the ongoing operation of essential waste facilities but also enable new waste facilities to assist in establishing a circular economy.

- 8.2 I support the amendment made in Appendix A of the s42A report with respect to UFD-01, however I disagree that reverse sensitivity as a concept cannot be included within the chapter. I also consider that the infrastructure definition can encompass municipal waste facilities in order to reflect their common perception as being 'infrastructure' that is essential to the well-being of the community.

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.