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 38: Strategic Directions (PC38)

ADDENDUM EVIDENCE OF KAAREN ROSSER (PLANNING) ON BEHALF OF ENVIRO NZ (FORMERLY ENVIROWASTE LTD) – SUBMITTER (OS39) FURTHER SUBMITTER (FS238)

24 AUGUST 2023

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1. Executive Summary

1.1 During the hearing for PC38 the Panel required further information from Enviro NZ. The panel requested information relating to how higher order documents specify waste management facilities as infrastructure and the relationship between these documents and PC38 through an updated s32AA analysis.

1.2 The analysis concludes that Council-owned waste management facilities may be considered as additional infrastructure and that the definition of regionally significant industry would include the landfill and waste transfer station. Waste management infrastructure is defined in the NZ Waste Strategy and given prominence in the Infrastructure Strategy and Aotearoa New Zealand's First Emissions Reduction Plan for the management and proposed reduction of greenhouse gases.

1.3 I therefore accept the rejection of submission points OS39.2 and OS39.4 given that waste management facilities are defined as additional infrastructure as they are Council owned for the largest facilities in Taupo.

1.4 I support the additional text of '*such as waste management infrastructure*' in Paragraph 5 of Strategic Direction 5 as this will give regard to the Waste Strategy, the Infrastructure Strategy and the Emissions Reduction Plan, in recognition of waste management infrastructure as essential infrastructure and alert users of the District Plan to this.

2. Introduction

2.1 My full name is Kaaren Adriana Rosser.

2.2 I am the Environmental Planner with Enviro NZ Services Limited ("Enviro NZ"), formerly known as EnviroWaste. My qualifications and experience are detailed at Appendix 1.

2.3 This addendum is provided on behalf of Enviro NZ in relation to Plan Change 38 to the Taupo District Plan. It provides further evidence to look at consideration of waste management facilities as infrastructure. It also demonstrates, in terms of matters to be considered by the Council (s74 of the RMA) how other Acts, policy statements, regulations, plans, management plans and strategies refer to waste management facilities and how they link to the District Plan, and how the regional policy statement with respect to waste management facilities is given effect to under s75 of the RMA.

2.4 The references to waste management facilities are listed below in accordance with:
a) those matters under s74(1) of the RMA for which a Plan Change must be prepared in accordance with;
b) for which a territorial authority shall have regard to a number of other matters under s74(2); and
c) for which policy statements and planning standards must be given effect to under s75(3).

2.5 This is followed by a wiring diagram of the relationships and a s32AA analysis of suggested text wording for the Strategic Directions chapter.

3.0 S74(1)(ea) – National Policy Statements, Coastal Policy Statement, National Planning Standard

3.1 Under the National Policy Statement on Urban Development 2020 ("NPSUD"), additional infrastructure is defined (s1.4(1)(b)) as including community infrastructure, which is defined in s197 of the Local Government Act 2002. In this act, community infrastructure is defined as:

(a) means land, or development assets on land, owned or controlled by the territorial authority for the purpose of providing public amenities; and

(b) *includes land that the territorial authority will acquire for that purpose*.

3.2 In my opinion, waste management sites provide public amenity and so if waste management sites are owned or controlled by Taupo District Council then my interpretation is that they fall under **community infrastructure** under the NPSUD.

3.3 With regards to the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG), if gas is collected from a landfill and electricity generated from it, then the structures associated with the generation can be defined as **renewable electricity generation activities**.

3.4 There are no relevant definitions under the National Policy Statement for Freshwater Management 2020 (NPSFM), the National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023, the National Policy Statement for Highly Productive Land 2022, the National Policy Statement on Electricity Transmission, the National Policy Statement for Indigenous Biodiversity or the Coastal Policy Statement.

3.5 Under the National Planning Standards, many waste management activities are defined as an **industrial activity** which means:

'*an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity*.'

3.6 Landfills and cleanfill material are defined separately. Infrastructure is defined the same as the RMA.

4.0 S74(1)(f) – National Environmental Standards

4.1 There are no specific definitions referring to waste management sites within the National Environmental Standards however it is noted that the National Environmental Standard for Freshwater was amended in 2022 to provide a discretionary activity for the purpose of constructing or operating a landfill or cleanfill area. The regulations require at s45B(6) that the landfill '*will provide significant*

national or regional benefits' or is '*required to support urban development*' and that there is '*no practicable alternative location for the landfill or cleanfill area in the region or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland*'.

4.2 These clauses support the regional importance of landfills and cleanfills and that they are necessary to support urban development.

5.0 S74(2)(a) and S75(3)(c) – Regional Policy Statement

Waikato Regional Policy Statement

5.1 Under the Operative Waikato Regional Policy Statement – Te Tauaki Kaupapahere Te-Rohe O Waikato ("WRPS"), regional waste management facilities, in my view, can be defined as Regionally Significant Industry. Regionally Significant Industry means: '*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*.'

5.2 Waste management facilities do not meet the definition of Regionally Significant Infrastructure under the WRPS.

5.3 Regionally Significant Industry is described under the SRMR – Significant resource management issues for the region as follows (regionally significant industry bolded):

SRMR-I4 – Managing the built environment

Development of the built environment including infrastructure has the potential to positively or negatively impact on our ability to sustainably manage natural and physical resources and provide for our wellbeing.

While addressing this issue generally, specific focus should be directed to the following matters:

….

*10. the contribution of **regionally significant industry** and primary production to economic, social and cultural wellbeing, and the need for those industries to access natural and physical resources, having regard to catchment specific situations…*

5.4 The following objectives and policies are relevant:

Objective IM-O2 – Resource use and development

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:

*1. access to natural and physical resources to provide for **regionally significant industry** and primary production activities that support such industry;*

2. ….

IM-P4 – **Regionally significant industry** and primary production

*The management of natural and physical resources provides for the continued operation and development of **regionally significant industry** and primary production activities by:*

*1. recognising the value and long term benefits of **regionally significant industry** to economic, social and cultural wellbeing;*

*2. recognising the value and long term benefits of primary production activities which support **regionally significant industry**;*

*3. ensuring the adverse effects of **regionally significant industry** and primary production are avoided, remedied or mitigated;*

4. co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;

5. maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;

6. avoiding or minimising the potential for reverse sensitivity; and

7. promoting positive environmental outcomes.

5.5 The WRPS states that the methodology at IM-M28 to provide for regionally significant industry and primary production:

IM-M28 – Plan provisions

District and regional plans should provide for ***regionally significant industry*** *and primary production by:*

1. *identifying appropriate provisions, including zones, to enable the operation and development of* ***regionally significant industry****, which for new development is consistent with UFD-P11 and Table 35;*
2. *maintaining the life supporting capacity of soil to support primary production;*
3. *maintaining and where appropriate enhancing access to natural and physical resources for* ***regionally significant industry*** *and primary production, while balancing the competing demand for these resources;*
4. *recognising the potential for* ***regionally significant industry*** *and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for reverse sensitivity effects;*
5. *recognising the need to ensure* ***regionally significant industry*** *is supported by infrastructure networks of appropriate capacity;*
6. *recognising the benefits of enabling the co-location of* ***regionally significant industry*** *to support efficient use of infrastructure, and minimise transportation requirements;*
7. *recognising and balancing the competing demands for resources between* ***regionally significant industry****, primary production and other activities;*
8. *ensuring the adverse effects of* ***regionally significant industry*** *and primary production are avoided, remedied or mitigated; and*
9. *promoting positive environmental outcomes.*

5.6 The WRPS discusses regionally significant industry at APP11 – Development principles (h) where:

The general development principles for new development are:

…

h. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, ***regionally significant industry****, high class soils, and primary production activities on those high class soils.*

6.0 **S74(2)(b) – Management Plans and Strategies prepared under other Acts**

Rautaki Hanganga o Aotearoa 2022 – 2052 New Zealand Infrastructure Strategy (NZ Infrastructure Commission

6.1 A link to this strategy is here: https://media.umbraco.io/te-waihanga-30-year-strategy/mmahiykn/rautaki-hanganga-o-aotearoa-new-zealand-infrastructure-strategy.pdf .

6.2 Page 19 of the strategy defines infrastructure. It details that Infrastructure can be categorised in many ways. '*One way is to think of it in terms of economic and social infrastructure and the natural environment*' (see Figure 2 on Page 19). Economic infrastructure is defined as '*our energy, telecommunications, transport, waste and water infrastructure*.'

6.3 At Page 20 – '*We often think of infrastructure in terms of sectors, like transport, water, electricity, telecommunications, health, education and waste*.'

6.4 At Page 34, Table 1 clearly sees waste as infrastructure.

Table 1: Examples of better use of existing infrastructure

Category	Health and education	Transport	Waste	Energy	Water
Design	Primary and preventative care Digitalisation of health services	Build houses close to work and amenity Integrated traffic and parking management	Product stewardship to reduce waste Second-hand stores	Energy efficiency measures (home insulation, double glazing) Generation close to load, including distributed energy resources	Reducing network leakage Rainwater harvesting
Educate	Health warnings on cigarette packages	Real-time information on travel speeds	Education to reduce recycling contamination	Energy efficiency technology demonstrations to the business sector (conducted by EECA	Behaviour change programmes to encourage conservation
Regulate	Covid-19 elimination strategy Speed limits and road policing	Convert parking to public transit Low emission zones in city centres	Banning hard to recycle products	Information disclosure regulations regarding generation "fuel" stocks	Water performance standards for appliances
Price	Cigarette tax	Congestion charging Discounted off-peak public transport fares	Increase waste levy	Real time spot market pricing Discounted off-peak pricing by electricity distributors	Volumetric water charging

6.5 One of the five objectives (page 10 of the Infrastructure Strategy) is:

Moving to a circular economy *by setting a national direction for waste, managing pressure on landfills and waste-recovery infrastructure and developing a framework for the operation of waste-to-energy infrastructure.*

6.6 This objective is explored at Section 6.5 of the strategy where a number of recommendations with regards to waste are put forward. At Section 6.5.1, waste infrastructure is detailed as follows:

All this waste requires infrastructure like landfills, transfer stations and recycling centres. Reducing the amount of waste we create can also reduce the number of these facilities that we need to build.

6.7 At page 101:

*There's a need to improve i**nfrastructure** for collecting and processing recyclable materials and organic waste. This infrastructure would keep more waste out of landfills and reduce the emissions caused when waste breaks down. The cost of investing in recycling and organic waste infrastructure is estimated to be between $2.1 billion and $2.6 billion, along with an additional $0.9 billion in operational funding*.

6.8 The strategy also focusses on making better use of existing infrastructure, which would include waste infrastructure.

Ministry for the Environment. 2023. Te rautaki para | Waste strategy

6.9 This strategy was updated in March 2023 and can be accessed here: https://environment.govt.nz/assets/publications/Te-rautaki-para-Waste-strategy.pdf

6.10 The strategy lays the roadmap for moving NZ to a circular economy. It details at page 21 that NZ needs to focus on putting in place "*the **infrastructure s**ystems, equipment and facilities we need to collect, sort and process unwanted materials across as much of the country as practicable*".

6.11 One of the key actions (page 11) is to '*Make sure that planning and consenting processes take account of the need for waste management infrastructure and services*'.

6.12 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

6.13 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.

6.14 It then goes on to define waste management infrastructure as follows:

What is waste management infrastructure?

There are four main types of waste management infrastructure.

Collection infrastructure includes collection vehicles, skip bins, domestic bins for kerbside collections, and bins and collection points at shops and other public places.

Resource recovery infrastructure includes transfer stations and vehicles, drop-off facilities, sorting facilities and washing plants for reuse schemes.

Reprocessing infrastructure includes composting and anaerobic digestion facilities for organic material, plastics processing plants, and plants for managing construction and demolition waste.

Disposal infrastructure includes waste to energy plants, incineration facilities and landfills.

6.15 Page 33 is especially relevant where it states:

The main tools for achieving greater coherence and coordination are:

• the collaborative strategic planning processes being established to support this strategy (including the AIP (action and investment plan) process)

• the increasing funding for central and local government from the waste disposal levy.

The proposal to embed the strategic planning and reporting framework in the legislation will also help, by strengthening the obligation on councils to align their work with the nationally agreed goals and priorities.

The first step is for central and local government, the waste management sector and others with an interest in circular resource management to build a shared view of what this goal means in practice and chart a path for achieving it. The AIP process will provide the framework for those discussions.

6.16 I completely agree with the statement on p34 that *'waste management facilities and services have not always been included in lists of essential infrastructure'*, etc. It details that in Covid lockdowns waste management services and facilities needed to operate when most of our economic and social activity pauses. Priority 2.2 is for '*recognition in planning laws and systems'*.

7.0 S74(2)(d) – Any Emissions Reduction Plan in accordance with section 5ZI of the Climate Change Response Act 2002

Aotearoa New Zealand's First Emissions Reduction Plan

7.1 The Emissions Reduction Plan (May 2022) is required by the Climate Change Response Act 2002. As waste plays a major role in climate change, this document is relevant to consideration of waste in the strategic objectives and policies for the district. It can be accessed here: https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf

7.2 This plan details at p34 that '*Local government makes decisions in many sectors that will need to transition. Councils provide* ***local infrastructure*** *and public services, such as roading and transport, three waters, kerbside collections and* ***waste management****, building consenting and compliance, and flood and coastal hazard management*.'

7.3 One of the four actions of Action 9.1.2 (page 162) is '*enabling infrastructure, such as resource recovery centres*'.

7.4 Action 9.1.3 is '*Align regulatory systems and the business environment*' and involves '*building on initiatives to transform the waste sector (eg, the proposed new Waste Strategy*)'.

7.5 Chapter 15 of the Plan focusses on waste and improving waste infrastructure. Reductions in organic waste are a priority. Ensuring there are suitable locations enabled in the district plan to process organic waste (this could be within the landfill site) would ensure that '*Focus Area 2: Increase the amount of organic waste diverted from landfill'* is achieved.

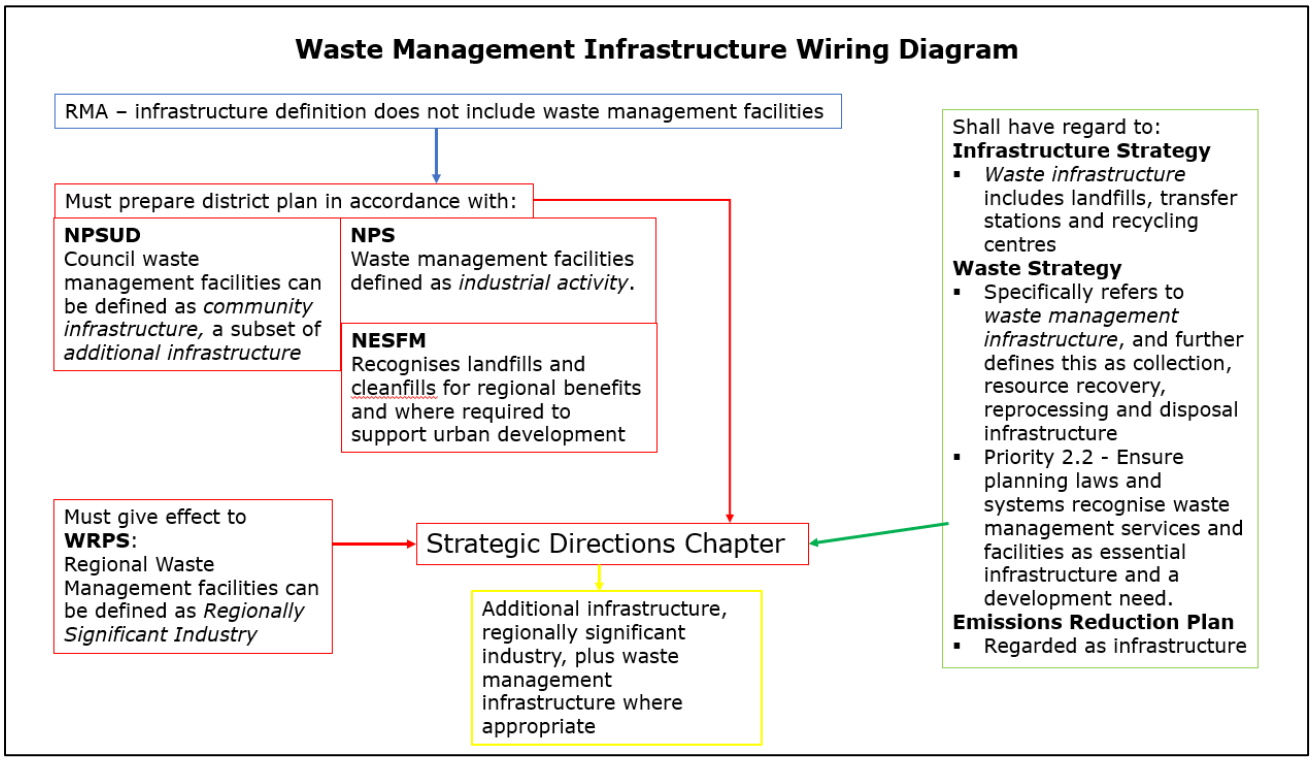
7.6 Action 15.2.2 requires investment in '*organic waste processing and resource recovery infrastructure*'.

7.7 There are many other actions for waste which will impact on other functions of the District Council.

8.0 Wiring Diagram

8.1 The wiring diagram below seeks to coordinate the complex definitions for waste management infrastructure as detailed in preceding sections. My conclusions are that where additional infrastructure is detailed in the Strategic Directions chapter, this will include Council-owned waste management assets. They can also be defined as Regionally Significant Industry, and in my opinion, this would incorporate the landfill and its associated transfer station and recycling facility.

8.2 I consider that given the prominence that waste is given in the Infrastructure Strategy and the Emissions Reduction Plan, and that Priority 2 of the Waste Strategy looks at '*ensuring planning laws and systems recognise waste management services and facilities as essential infrastructure and a development need*', waste management infrastructure should have a specific mention where appropriate.



9.0 Updated Section 32AA Analysis

Submission Point	Provision Number	Text of changes to proposed amendments	Evaluation of amendment (Section 32AA assessment)
OS39.2	Objective 2.3.2.5	*Development is serviced by an appropriate level of infrastructure ~~and waste~~*	Effectiveness and efficiency: Strategic Direction 3 includes additional infrastructure in the

		~~*facilities*~~ *that effectively meets the needs of that development.*	foreword of the Direction, thereby including waste infrastructure. The submission point can be rejected. <u>Costs:</u> No new costs. <u>Benefits:</u> Included as infrastructure in this instance. <u>Risk of acting or not acting:</u> A lack of awareness may still result that Council owned waste management infrastructure is not recognised as community infrastructure and therefore additional infrastructure unless defined via the NPSUD and the Local Govt Act. <u>Decision about provision</u>: The notified wording is appropriate in this instance.
OS39.4	Policy 2.3.3.5	3. *Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including <u>D</u>~~d~~evelopment <u>Infrastructure</u> and <u>A</u>~~a~~dditional infrastructure[51] ~~and facilities which support the functioning of the community~~), according to the capacity limitations of that infrastructure.*	<u>Effectiveness and efficiency</u>: As above <u>Costs:</u> No new costs. <u>Benefits:</u> Included as infrastructure in this instance. <u>Risk of acting or not acting:</u> A lack of awareness may still result that Council owned waste management infrastructure is not recognised as community infrastructure, and therefore additional infrastructure, unless defined via the NPSUD and the Local Govt Act. <u>Decision about provision</u>: The notified wording is appropriate in this instance.
OS39.7	Paragraph 5 of description	*In addition to nationally and regionally significant infrastructure, local roads and other infrastructure (including dDevelopment <u>Infrastructure</u> and aAdditional iInfrastructure[69] (such as <u>waste management infrastructure</u>) is vital for the ongoing functioning of the District's urban and rural communities.*	<u>Effectiveness and efficiency</u>: The amendment would enhance effectiveness by making it clear to plan users that waste management infrastructure are types of infrastructure as per the Infrastructure Strategy and Waste Strategy. This would allow inclusion of waste facilities as per the actions of these strategies, prior to future plan changes where district or regional resource recovery and waste disposal facilities will be defined as infrastructure under the Natural and Built Environment Act.

			Costs: No new costs as acknowledges existing type of infrastructure. Benefits: Allows for waste management infrastructure to be recognised as essential and inclusion as local infrastructure in Objective 2.5.2.3 Risk of acting or not acting: Lack of awareness of waste facilities being essential infrastructure. Decision about provision: The amendment is appropriate to provide for waste management infrastructure in the district.