

**BEFORE THE HEARING COMMISSIONER FOR
WAIPA DISTRICT COUNCIL (WDC)**

UNDER the Resource Management Act 1991

IN THE MATTER of Resource Consent application LU/0038/23 at 16A Wickham
Street, Hamilton 3204

**STATEMENT OF EVIDENCE OF KAAREN ROSSER (PLANNING) ON BEHALF OF
ENVIRO NZ- SUBMITTER**

14 NOVEMBER 2023

Introduction

1. My full name is Kaaren Adriana Rosser.
2. I am an Environmental Planner with Enviro NZ Services Limited (“Enviro NZ”). My qualifications and experience are detailed at Appendix 1.
3. My evidence is given on behalf of Enviro NZ in relation to resource consent application LU/0038/23, by Industrie Property Rua Limited, at 16A Wickham Street, Hamilton. The application is for the:
 - a) Construction and establishment of a storage and distribution facility and three warehouses and ancillary offices in the Rural Zone as a Non-Complying Activity; and
 - b) Remediation of the site with regard to heavy metals and hydrocarbons as a Controlled Activity pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.
4. I have reviewed the s42A Hearing Report (“s42A”) completed for the Council by Hayley Thomas (Project Planner), and the notification report. I have also reviewed the statements of evidence from the expert witnesses for the applicant and other submitters, along with application and council documents associated with the application.
5. I am familiar with the area surrounding the application site.

Scope of Evidence

6. 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 s42A report, the applicant evidence in terms of the proposed industrial activity with respect to the planning framework, traffic

safety on Wickham Street, reverse sensitivity, building setbacks and draft conditions.

Background and Reasons for Submission

7. Enviro NZ Services Limited (“Enviro NZ”) is the second-largest solid and liquid waste management company in New Zealand.
8. Enviro NZ owns and operates significant portions of the Country’s waste management infrastructure including landfills, waste treatment facilities, recycling facilities and waste transfer facilities. Enviro NZ also provides waste and recycling collection and processing services for Councils, businesses and households throughout New Zealand.
9. Enviro NZ operates the Hamilton Organic Centre (‘HOC’) at 18 Wickham Street, Hamilton. This facility receives green waste material from commercial collections, members of the public and residential kerbside organics collections. It is consented to compost green waste on site under the following resource consents:
 - a) AUTH119185.01.01 – Discharge of treated stormwater from a composting facility (Waikato Regional Council)
 - b) AUTH119186.01.01- Discharge contaminants to air from a composting facility (Waikato Regional Council)
 - c) Consent 4570/002 - organic waste composting (Waipa District Council) granted in 1994.
10. 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. (I note that composting is not currently being undertaken at the site.)
11. The Hamilton Organic Centre is a waste facility that has a substantial role in the waste infrastructure network for the Hamilton region. Waste infrastructure is becoming more recognised in our planning system in terms of being integral to the wellbeing of New Zealand

society. 'District or regional resource recovery or waste disposal facilities' are now defined as infrastructure under the Natural and Built Environment Act 2023.

12. Sites that process waste are also important as being part of waste minimisation and diversion from landfill. The government acknowledges that New Zealand needs to address the way that waste is generated and disposed of to minimise greenhouse gas emissions and use resources more more sustainably. As organic waste makes up approximately 15% of the waste stream sent to landfill¹ (down from 30%), the HOC helps provide for the diversion of organic material that would otherwise go to landfill.
13. Significant work is now focussed on shifting NZ to a circular economy to fulfil sustainability objectives. In terms of achieving a circular economy, the Waste Strategy (Ministry for the Environment. 2023. Te rautaki para | Waste Strategy)² has goals to achieve the strategy where Goal 2 states:

Goal 2: Infrastructure

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

14. 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.

15. Accordingly, the recognition of waste facilities is vital to ensure their continued operation, and future diversification to achieve a circular economy. In the case of this application, Enviro NZ considers that District Plans have a key part to play in maintaining waste resource recovery and infrastructure. The spatial location of appropriate zones to provide for waste facilities ensures the ongoing operation of these facilities, but also the expansion and diversification of these sites to manage population growth and allow for the diversion of more waste streams from landfill.

¹ MfE - Change in waste composition to Class 1 landfills over time <https://environment.govt.nz/facts-and-science/waste/waste-generation-and-disposal-data/#total-tonnage-of-waste-to-levied-landfills>

² MfE – Waste Strategy <https://environment.govt.nz/publications/te-rautaki-para-waste-strategy/>

Reverse Sensitivity

16. While I agree with Hayley Thomas (s42A report) that the existing resource consent AUTH119186.01.01 requires that the HOC be operated to create no objectionable odour beyond the legal boundary, this does not mean that no odour would be detected beyond the boundary. To be objectionable, odour would need to score high on the FIDOL factors of frequency, intensity, duration, offensiveness and location and be verified by Council enforcement staff. Some people are more sensitive than others in perceiving whether odour is objectionable or offensive. Managing the encroachment of urban activities to the HOC, that have the potential to be sensitive to odour and dust emission, is therefore still valid in my opinion to ensure the ongoing operation of this regional facility. 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 facility.
17. Composting sites generally establish in rural zones where the density of sensitive activities is low and where suitable site conditions can be found to minimise odour or dust emissions. Since the HOC was established in 1992, development has surrounded the site. While surrounding uses have so far been industrial in nature, which has the lowest sensitivity to odour and are generally compatible with waste processing activities, the proposal has the potential by virtue of the speculative nature of the Stage 2 units, and the underlying zone, to have sensitive uses introduced to the warehouse units if approved.
18. Enviro NZ requested that if the application were to be approved that a condition be enabled that confines the use of the site to warehousing only with no retail or residential activities. I do not agree with the reporting planner that this condition is not necessary. The owners/lessees of Office 2, for example, could easily convert the top floor to residential with consent to establish an owner/occupier industrial unit. Such an application is likely to be granted consent given the receiving environment.
19. While I agree that retail activities would require consent as a non-complying activity under Rule 4.4.1.5(b) this does not include those activities encompassed by the definition of 'Warehouse' in the District Plan which includes '**Wholesale Shops**', Warehouse Shops are defined as '*an area within a site used for industrial activities **where goods are displayed for direct sale to the public***'. Reverse sensitivity from similar types of activities has been

experienced by Enviro NZ, which will be detailed at the hearing. I therefore consider that it would be appropriate to ensure that the Stage 2 warehouses proposed cannot be utilised for a wholesale shop.

20. I recommend that the following condition be included in any approved set of conditions as follows:

The landowner shall apply a private covenant on the Record of Title for the site which prohibits retail, wholesale shops and residential activities and maintains the site for industrial purposes and ancillary offices.

21. I note that the applicant has offered a no-complaints covenant to respond to concerns of the Enviro NZ submission and that of Hamilton City Council. While a covenant is welcomed, in my experience these have limited effect as the regional Council will still be required to investigate any complaints received, regardless of whether they are eligible to complain.

Traffic Effects

22. The submission from Enviro NZ sought to decline the application or if accepted, amend the design to provide for road safety upgrades to the end of Wickham Street with improvements agreed with the other road end owners and tenants. As outlined in the submission, the end of Wickham Street is an uncontrolled roading environment with three driveways/Right of Ways leading into the street. Enviro NZ is concerned that traffic generated by the proposal will have a detrimental effect on the safety of vehicles exiting the HOC.
23. I agree with the evidence of Judith Makinson that installing road markings that prioritise the Waste Management site at 16 Wickham Street is preferred by Enviro NZ to address potential safety effects of the proposed development on the HOC site. If vehicle priority was assigned to Waste Management and a stop sign provided for vehicles leaving the HOC and 16A Wickham Street, this will allow visibility of through traffic to and from Waste Management, and recourse for drivers leaving the HOC to view stopped traffic leaving 16A Wickham Street with the acute view angles at the stop location.

24. At present there is low vegetation between the HOC and 16A Wickham St entrances. Ensuring that the vegetation at the ROW entrance remains low enough for sightlines to be maintained, in respect of the 16A Wickham Street site, can be managed by an enduring condition until such time as when or if Wickham Street is extended under rezoning of the area as a consequence of the Strategic Boundary Agreement.
25. The proposed condition at paragraph 112 of Ms Makison's evidence leaves the on-going visibility maintenance to a plan that, once approved by the Waipa District Roding Manager, would not be revisited after the initial approval. I would be more comfortable with an enduring condition for maintaining sightlines as proposed below, noting that the visibility distance can be confirmed by the Traffic Engineer:

The consent holder shall maintain visually permeable fencing within 2m? of the stop markings (as required by Condition x) on the accessway to the site, along with vegetation maintained to no more than 1m in height, to ensure traffic visibility at the exit of the accessways.

Building Setbacks

26. The submission from Enviro NZ propositioned that the proposed Warehouses 1 to 3 should have greater setbacks, particularly for their offices. This was to aid in reducing any potential reverse sensitivity effects to the waste management activities on adjoining sites. I note the applicant has provided alternative plans which place Offices 2 and 3 together near the centre of the warehouses. The relocated offices increase the office building setback to the HOC property, and are therefore better placed to mitigate reverse sensitivity effects.
27. However, while the effects of the setbacks have improved, I concur with the reporting planner that the proposal does not meet the objectives and policies under 4.3.7 and 4.3.8 with regards to rural character and rural amenity. I consider that the current 'industrial uses' are yard-based and are more aligned with a rural industry use. They have a low form and open layout. The proposed buildings and site coverage for the proposal are not consistent with a low density widely spaced built form expected in the rural zone.

Proposed Conditions

28. The applicant has seen fit to provide draft conditions in order to address matters raised in the submissions, including that from Enviro NZ. I have read the draft conditions of consent at Appendix 5 of the s42A report. Notwithstanding my conclusions regarding the merits of this proposal, I have had regard to those draft conditions and make some further comments in the event that the Commissioners are minded to approve the proposal.
29. Condition 1 needs to reference the amended plans provided with the applicant evidence which reflect the relocated office locations.
30. I recommend that a further condition of consent be added as outlined in paragraph 20.
31. The traffic conditions require updating to include the condition proposed at paragraph 112 of the evidence provided by Judith Makinson, with a further condition as proposed at paragraph 24 of this evidence.
32. I consider that Condition 21 should be reworded as follows:

The consent holder shall enter into a section 108 Resource Management Act 1991 covenant in favour of Waipa District Council [the council] for [state the site's legal description]. A copy of the updated Computer Register (certificate of title) showing that the covenant has been registered shall be provided to the Council's Team Leader Monitoring prior to commencement of the activity.

The covenant shall:

- *prevent the use of any part of the site as a residential unit or for retail activities; and*
- *be drafted by the council's nominated Solicitor at the consent holder's cost; and*
- *be registered against the [Computer Register](#)(s) (certificate(s) of title) to the affected land by the consent holder at their cost; and*
- *require the consent holder to:*
 - a) *be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its*

- solicitor to give an undertaking to the council for payment of the same;*
and
- b) indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant.*

Conclusion

33. In my opinion, the decision to be made on this application is based on determining whether the proposal aligns with the settlement patterns and directions anticipated by the RPS and the Future Proof Strategy, where there is only the Strategic Boundary Agreement in place, and the area is only a 'Potential Future Industrial Area for Investigation' under the Future Proof Strategy. It also needs to be evaluated as to whether a structure plan, zoning and infrastructure need to be in place before obvious urban development occurs beyond the urban boundary.
34. I consider that the location and format of new urban areas should be evaluated and agreed by the community prior to development through structure planning processes, which would determine how they integrate with existing uses within the urban boundary. Infrastructure should be in place before development, as per Policy UFD-P2 (1) of the RPS. This allows for a well-functioning urban environment. With district and regional waste recovery facilities considered as infrastructure, their continued operation also needs to be considered. Any development should minimise reverse sensitivity effects to such infrastructure. Maintenance of the existing environment at this location does that, and accords with the rural objectives and policies under the Waipa District Plan. If the area was brought into Hamilton City boundaries, future land uses could be planned to ensure the continued operation of waste infrastructure.
35. In the event that the application is approved, I consider that the amended plans and proposed conditions with amendments outlined in my evidence will mitigate effects to a level that should reduce the chances of reverse sensitivity on the HOC site.
36. 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 as a consultant planner 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.