

## SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

**TO:** Bay of Plenty Regional Council ("**Council**")

**SUBMITTER:** Waste Management NZ Limited ("**Waste Management**")

**SUBMISSION ON:** Proposed Change 6 to the Bay of Plenty Regional Policy Statement ("**PC6**")

### **Introduction**

1. Waste Management is New Zealand's leading waste operator. It is engaged in several consenting and planning processes around New Zealand and relies on robust planning provisions to protect and enable the regionally significant essential infrastructure that it develops and operates. Waste Management is also strongly committed to ensuring projects and operations contribute to positive outcomes for New Zealand's environment and communities.
2. In the Bay of Plenty, Waste Management owns and operates several facilities including refuse transfer stations, a materials recovery facility, and an oil recovery facility at 218 Totara Street, Mount Maunganui ("**Oil Recovery site**"). The content and application of PC6 is therefore critical to Waste Management.
3. Waste Management could not gain an advantage in trade competition through this submission.
4. Waste Management is directly affected by PC6, to the extent that it:
  - (a) may adversely affect the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.

### **Scope of submission**

5. The submission relates to PC6 in its entirety (and jurisdiction in respect of PC6 in its entirety is sought to be retained through this submission), but Waste Management's submission is particularly focused on proposed Policy UG 22B: Te Tiriti o Waitangi Principles.

### **Nature of submission**

6. Waste Management opposes PC6 insofar as it will result in adverse effects on Waste Management and its essential waste infrastructure and operations in the region. In particular, Waste Management opposes the current proposed form of Policy UG 22B, although (as set out in more detail below) it considers its concerns capable of being addressed collaboratively with other interested parties.

**Reasons for submission**

7. The reasons for this submission are that PC6 and Policy UG 22B in particular:
- (a) will not promote sustainable management of resources, and therefore will not achieve the purpose and principles of the Resource Management Act 1991 ("**RMA**");
  - (b) are contrary to Part 2 and other provisions of the RMA;
  - (c) will not meet the reasonably foreseeable needs of future generations;
  - (d) will not enable social, economic and cultural wellbeing;
  - (e) are contrary to the purposes and provisions of the RMA and other relevant planning documents including the Bay of Plenty Regional Policy Statement ("**RPS**");
  - (f) are inappropriate and inconsistent with the purpose and principles of the RMA;
  - (g) are not necessary to avoid, remedy or mitigate adverse effects on the environment; and
  - (h) do not represent the most appropriate way to achieve the objectives of the RPS, in terms of section 32 of the RMA.

**Specific reasons for submission**

8. Without limiting the generality of paragraph 7 above, Waste Management is particularly concerned to ensure that PC6, including Policy UG 22B, appropriately provides for the needs of existing lawful industrial activities located adjacent to marae and papakāinga. This includes Waste Management's Oil Recovery site, which is located immediately adjacent to the Whareroa Marae.
9. In particular, Waste Management is very cognisant of the need to continually improve its operations to reduce effects on the environment, including by internalising as far as practicable the effects of its operations such that any offsite effects on its neighbours are correspondingly reduced or eliminated.
10. However, the nature of essential industrial operations like those undertaken by Waste Management can mean that, from time to time, discharges to air of odour and other contaminants (within guideline limits) occur beyond the boundaries of industrial sites. There may also be other off-site effects of industrial operations that can be appropriately managed within relevant plan, consent and / or guideline limits by the operator, but which cannot be avoided in their entirety.
11. It is crucial that PC6, and Policy UG 22B in particular, appropriately acknowledge this reality.
12. In making this submission, Waste Management wishes to acknowledge its neighbours in the Bay of Plenty, including in particular Whareroa Marae, and to express its desire to work constructively with all interested parties to address

the concerns set out in this submission. Waste Management considers Policy UG 22B could be worked through collaboratively together with all interested parties, such that the final policy appropriately balances the ongoing needs of existing lawful industrial activities located adjacent to marae and papakāinga, with the needs of mana whenua and their interests in their existing and future marae, papakāinga and the natural and physical resources of the region as a whole.

### Decision sought

13. The following decision is sought:
- (a) amendment of PC6 to more appropriately balance the ongoing enablement of lawful existing industrial activities in proximity to marae and papakāinga;
  - (b) amendment of PC6 and Policy UG 22B to address the issues discussed above; and
  - (c) such further other orders, relief or other consequential or other amendments as considered appropriate and necessary to address the concerns set out above.
14. Waste Management wishes to be heard in support of this submission.
15. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

**WASTE MANAGEMENT** by its solicitors and authorised agents Russell McVeagh:



**Signature:**

Simon Pilkinton / Alice Gilbert

**Date:**

6 September 2022

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