

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s:

Postal Address:

Post Code:

Phone number: Business: Private:

Mobile:

Email address:

I wish to **OPPOSE** the application of:

Applicant's Name:

And/or Organisation:

Application Number:

Location:

Purpose:

The specific parts of the application/s that my submission relates to are: (Give details)

- Discharge Permit to discharge waste and leachate onto land, and discharge landfill gas, flared exhaust gases, dust and odour to air, and to discharge water and contaminants from an Attenuation Basin and sediment retention ponds to water and land, for the purpose of the construction and operation of a Class 1 landfill.
- Water Permit to take of up to 87 m³/day of groundwater, and use of up to 50 m³/day of groundwater, for the purpose of managing groundwater collected beneath a Class 1 landfill.
- Water Permit to divert surface water within the Ōtokia Creek catchment for the purpose of the construction and operation of a Class 1 landfill and associated road realignment works.
- Water Permit to dam water within an Attenuation Basin for the purpose of the construction and operation of a Class 1 landfill.
- Land Use Consent to alter, reclaim, and place structures on, the bed of waterbodies and wetlands for the purpose of road realignment works.

My/Our submission is *(include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views)*.

My home at 197 McIntosh Road is a 21 hectare lifestyle block that spans the Otokia creek. The creek flows through the heart of my property; in many respects it is the heart of my property. At a practical level, it provides the water that my livestock drink. Beyond that, it nourishes my soul when I walk alongside it with the fantails around my head, when I watch the giant kokapu and other native fish swim in it, and as I continue to plant the by now probably thousands of native trees to gradually restore the gully through which it flows. Landfill leachate is highly toxic, the proposed landfill site is in the headwaters of the Otokia creek, multiple factors could lead to leachate contaminating the creek. This could affect the general health of the creek, has the potential to poison my horses and goats, and could threaten the public where the creek runs across the popular Brighton beach. Thus a landfill constructed at Smooth Hill will hang as a threat over my head as it will continue to do for future generations. The nearly a kilometer over which the Otokia creek meanders through my property makes me very much a party affected by the current application. Further, my position and activities as a trustee of the Otokia Creek and Marsh Habitat Trust amplify my disquiet around this application: even a perception of threat to the creek and marsh as a result of a landfill makes the work of the trust in protecting the catchment and engaging the community more difficult.

I am concerned that the use of an online estimating tool in Appendix 9 of the application to obtain flood flows for the Otokia Creek and the landfill catchment fails to properly capture the high and low flow regimes I have experienced in 13 years at 197 McIntosh Road. I have regularly seen the flow in Otokia Creek rise several meters above its usual level, have seen an entire paddock (normally well above the creek) flooded to a depth of two meters or so, and have also seen the summer flow diminish until the creek became a series of disconnected pools in which the native fish showed obvious signs of oxygen stress. Consequently I am worried that the proposed attenuation basin may be inadequate in the face of extreme rainfall events (particularly as these are expected to increase in frequency and intensity as climate change progresses). I am also concerned that any leachate contamination could have increased impact during periods of very low flow when it may not be diluted. In addition the leachate monitoring outlined might not detect contamination flowing into the creek quickly enough to provide timely warning to the downstream communities.

Smooth Hill is in proximity to a number of known fault lines, several very close to the site and whose activity is poorly understood. I am concerned that the proposed landfill is unable to adequately address the unknown seismic risks, and that a seismic event could cause catastrophic failure of the landfill liner and unmanageable leachate escape.

The application requests consent to disturb (essentially for some of them to destroy) wetlands in order to construct the landfill and to improve roads. Wetlands are essential to ecological health, and are some of the most threatened ecosystems in New Zealand (i.e. a very large proportion have already been drained or otherwise impacted). The requested disturbance should not be allowed in order to help preserve what wetlands remain in this country; indeed I understand that the proposed activities would not be allowable if the application was lodged today.

I have a postgraduate qualification in Wildlife Management, and was for some time the Programme Manager of DOC's Grand and Otago Skink Recovery Programme. The lizard management plan outlined in Appendix 4 of the "Further S92 Response Draft Management Plan" amounts to translocation of individuals from the landfill footprint to nearby or more distant habitat, with some habitat enhancement if sufficient individuals are moved. Since most of the species likely to be present at the site are relatively fecund, existing destination habitat is likely to be at carrying capacity. Thus, translocation will have potential benefit for the subset of current individuals in the affected area that are able to be captured, but at a population level the impact of habitat loss remains. In particular the proposal to perform quarterly rodent baiting and trapping local to the release sites is orders of magnitude below the pest control required to effectively protect lizards. Rather, the operation of a landfill will probably negatively affect lizards for a substantial distance around the site as the rodent numbers supported by the landfill lead to increased numbers of mustelids and feral cats. All of these,

including mice, are opportunistic predators of native lizards. The pest management plan has not yet been detailed by the applicant, but in my experience even very aggressive pest control cannot completely offset the effects of providing a more attractive environment for pest species.

The NZ Falcon management plan in Appendix 5 of the same document concentrates on allowing any current nesting activity to complete before ongoing disturbance drives the birds elsewhere. Species become scarce because suitable habitat is scarce; allowing mobile species to leave at their convenience does not address the reduction in what is currently suitable habitat.

The airspace above the coastal strip that includes the proposed landfill site is heavily used by both recreational and commercial passenger aviation. Landfills are well known attractors of nuisance birds. Bird strike is a significant risk to aviation. The proposed landfill site is approximately one third of the internationally recommended distance from Dunedin Airport.

I am concerned that landfill operations would pose an increased risk of fire in an area with substantial plantation forestry.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

That the consent authority decline the application in its entirety. _____

I:

- Wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

- Yes

I **am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

~~I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:~~

- ~~a) adversely affects the environment; and~~
- ~~b) does not relate to trade competition or the effects of trade competition.~~

I **do** wish to be involved in any pre-hearing meeting that may be held for this application.

I **do** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have** served a copy of my submission on the applicant.

Andrew David Hutcheon

14-11-2021

Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)

(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz