



Forest & Bird
TE REO O TE TAIAO | *Giving Nature a Voice*

15 November 2021

Forest & Bird submissions on Dunedin City Council's application RM20.280 and LUC-2020-405 (Smooth Hill Landfill)

To: Otago Regional Council (for **RM20.280**) and Dunedin City Council (for **LUC-2020-405**)

Via email: submissions@orc.govt.nz & resconsent.submission@dcc.govt.nz

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From: Royal Forest and Bird Protection Society (Forest & Bird)

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Submission:

1. This submission is on the application from the Dunedin City Council (DCC) for a resource consent for activities associated with the proposed Smooth Hill landfill at the corner of Big Stone Road and McLaren Gully Road, Brighton (the Application) application RM20.280 in its entirety. Where relevant (especially regarding terrestrial ecology impacts) it is also on application LUC-2020-405 in its entirety.
2. Forest & Bird is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA).

3. Forest & Bird wish to be heard in support of this submission and is happy to present jointly with other parties seeking the same relief.
4. Forest & Bird opposes the application for the reasons outlined in this submission
5. Forest & Bird is concerned that the activity will generate significant adverse effects on the environment and believes it is inconsistent with the NPSFM, NES-F, RPS, and provisions of the RMA. Of particular concern adverse effects on:
 - a. Indigenous biodiversity and habitats
 - b. Hydrology and impact on wetlands
 - c. Water quality of the Ōtokia Creek, Graybrook Stream, Fern Stream and Flax stream and receiving coastal waters
6. The section 92 report identifies inconclusive information in several areas¹ and Forest & Bird considers there is considerable and continuing uncertainty about significant adverse effects of the Application which means that consent should not be granted. If it is to be granted then there need to be significant improvements made to the consent conditions and Landfill Management Plans to minimise the risks and address uncertainty.

General comments and inadequacies in the application:

7. Forest & Bird finds it incredulous that DCC submitted the original application merely days before the NPS-FM 2020 and NES-F came into effect and initially sought no/limited notification for such a significant development. This signals to Forest & Bird that the DCC sees measures to improve the health of waterways and protect wetlands with contempt.
8. The significant changes from the original application to the current application would have been more appropriately dealt with if ORC had rejected the original application and DCC submitted a fresh application, with the appropriate rules applying at that time. The significant revisions highlight the severe inadequacies of the original application which is deeply concerning given the DCC is more familiar than most with

¹ e.g. Section 92 report page 65, 40, 44, 45

the requirements of the RMA.

9. The demonstrable need for this landfill is not established and appears to rely on investigations undertaken 30 years ago. Significant advancements in waste minimisation would occur if a nearby landfill was not available. Instead of spending significant amounts on a landfill that will lock in waste to landfill for decades to come DCC could instead focus on significant resources on this, including establishing more local resource recovery centres, and composting of putrescible waste. It is not evident these options have recently been investigated.
10. Forest & Bird is not convinced it is suitable to rely on an assessment of alternatives from 30 years ago. Since then, significant advancements have been made in how landfills are situated and designed. In addition, government policy on waste minimisation has progressed with much more emphasis on resource recovery and diverting waste from landfills. It would be appropriate to undertake a fresh assessment of alternatives, and if a landfill is still needed, look to locate it away from waterways or the head of catchments. In assessing whether effects can first be avoided, it is important to assess whether the activity can take place at another location where those effects would not exist.
11. A landfill management plan and the use of best practice is proposed by the Applicant to mitigate the risk of these adverse effects. However, the documents filed with the application are incomplete and do not allow an informed assessment of whether these methods will be sufficient at this sensitive location.

Risk of long term effects

12. The nature of a landfill means waste and contaminants will be there forever (unless expensive removal is undertaken in the future). This means the leachate protection mechanisms must be built to last just as long and be suitable to withstand infrequent but substantial external forces such as earthquakes. If not, then a source of highly contaminant leachate will be at the source of a catchment, polluting a stream, home to native fish and highly valued by the community, for generations to come. There are several examples around New Zealand where old landfills are now creating a costly legacy on the community and environment.

13. It is unclear what water quality standard the water being discharged is required to be nor what the response plan is in place to remediate affected waterbodies if a contaminant discharge is detected.
14. Forest & Bird is not convinced that the application has demonstrated this level of longevity in its pollution mitigation measures nor has it presented what its pollution response plan is if contaminants are detected in the stream or nearby wetlands.

Impacts on ecology

15. Forest & Bird is concerned at the limited timeframes in which ecological assessments took place. This has resulted in a limited data set to assess the effects. Research, monitoring and knowledge by others with a close association with the catchment, such as the Ōtokia Creek And Marsh Habitat Trust should be considered.
16. Further the assessments of lizard and falcon habitat in the application are extremely limited.
17. The Section 92 report suggests that further investigative work be undertaken² to manage potential effects is an appropriate test to rely on in granting a consent. The grant of consent cannot sensibly precede the investigative work required to determine the effects of the Application. This missing information about potential effects leaves the ORC unable to determine the Application.

Impact on wetlands and vegetation clearance

18. New Zealand has lost 90% of wetlands with that loss continuing today in Otago with 2,369ha of wetlands being partially or completely lost between 2001 and 2016.³ In that context the Policy 6 of the NZPSFM 2020 directs that “*There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*” The NES-F also outlines restrictions in or near natural wetlands, notably prohibiting earthworks within wetlands and those within 100m of a wetland having a non-complying status.

² Section 92 Report page 41,4

³ <https://www.stats.govt.nz/indicators/wetland-extent>

19. It's acknowledged that due to the incredulous timing of the application the specific activity status may not apply, yet the RMA still requires decision-makers to have regard to these documents. Given the applicant knew they were imminent, and the time passed since their implementation, Forest & Bird suggests high weight is placed in considering them.
20. Forest & Bird would like to see no earthworks for the landfill or road upgrades to occur within, or within 100m of natural wetlands where those earthworks may result in the partial drainage of the wetland.
21. With Dunedin and the wider Otago region already having faced significant loss of indigenous biodiversity Forest & Bird is concerned at the loss of indigenous vegetation, especially associated with the upgrade of McClaren Gully Road, and seeks that this be avoided.

Relief sought (in order of preference)

22. The consent applications (RM20.280 and LUC-2020-405) is declined in its entirety; or
23. Granting consent with comprehensive amendments to conditions to actually achieve best practice management of the landfill operations and certainty with respect to the level of adverse effects that will be generated, in particular avoiding effects on:
 - a. Indigenous biodiversity and habitats
 - b. Hydrology and impact on wetlands
 - c. Water quality of the Ōtokia Creek, Graybrook Stream, Fern Stream and Flax stream and receiving coastal waters

Thank you for considering our submission.

