Otago Regional Council

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: INGRID LEARY M.P.

Postal Address: [redacted]

Post Code: [redacted]

Phone number: Business: [redacted] Private:

Mobile:

Email address: [redacted]

I/ ~~we~~ wish to ~~**SUPPORT**~~ / **OPPOSE** / ~~submit a **NEUTRAL** submission on (circle one)~~ the application of:

Applicant's Name: DUNEDIN CITY COUNCIL.

And/or Organisation:

Application Number: RM20.280

Location: Cnr of Big Stone Road and McLaren Gully Road, Brighton

Purpose: Discharge waste & leachate onto Land etc.

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

Please refer to attached letter.

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)*.

please see attached letter

Otago Regional Council

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

please see attached letter.

I/~~we~~:

- ☑ Wish to be heard in support of our/my submission
- ☐ Not wish to be heard in support of our/my submission

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

- ☑ Yes
- ☐ No

I, **~~am~~/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/~~do not~~** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do/~~do not~~** 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/~~have not~~** served a copy of my submission on the applicant.

Ingrid Leary MP
Taieri Electorate
PO Box 2084
South Dunedin

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

15/11/2021
(Date)

Labour

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The Chief Executive
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15 November 2021

Submitter: Ingrid Leary MP

I write as the MP for Taieri on an application from the Dunedin City Council for a resource consent with reference RM20.280 for activities associated with the proposed Smooth Hill landfill at the corner of Big Stone Road and McLaren Gully Road, Brighton (the Application).

I would like to be heard in support of this submission.

Specific Points of Submission

I strongly oppose the Application for the following reasons:

The proposed site

- will generate significant adverse effects on the environment and on neighbouring residents. Of particular concern are adverse effects on
    - the unique rural character and community wellbeing of Brighton and the surrounding area
    - a unique beach and community enjoyed by residents of and visitors to the City of Dunedin
    - a network of wetlands supporting indigenous biodiversity
    - a neighbouring established rural-residential development

Community and Rural Amenity Effects

The Application has the potential to impact negatively on a coastal area which has a distinct special character.

- The Application seeks to locate in the Coastal Rural zone with a distinct visual character of hills, streams and wetlands.
- The significant impact on this area will arise directly from the discharge of contaminants to land and by the emission of odour, noise etc.
- Despite the management plan and other proposed mitigations the Application does not explain how the wider community will continue to be able to swim, tramp, bike and enjoy the semi-rural environment.
- In addition to each of the above factors, the combined effect of them will be to diminish the reputation of the area as a pristine area of nature, to be enjoyed by all who visit or who live there.

Ecological effects

The ecological risk to wetland habitat is potentially significant and the Applicant has not provided sufficient detail to show that it has not underestimated these effects.

- The Tonkin and Taylor review raises issues on the amount of data held to assess future impact.
- The impact on indigenous species including lizard and falcon, and on the wetlands, is underestimated in the application.
- No ecological monitoring is proposed to ensure that the actual effects will be as low as predicted.
- There is unsatisfactory surface and groundwater data and catchment modelling.

Effects on waterways and catchments

There is an unacceptable shortage of information about the potential and actual adverse effects on waterways (and wetlands) arising from the Application.

- There are potential adverse effects of the Application on ground water and surface in relation to wetlands.
- A liner system is proposed in the Application to address the risk of leachate leaks. The extent of the impact should this fail remains to be fully understood.
- The Application is not clear and lacks data on downstream effects and to which catchments they relate.
- Accurate baseline date is required to understand the effects of surface water flow.
- Draining run-off into Ōtokia Creek is not an acceptable outcome.

Contaminant effects

The Application fails to address the generational risk associated with the disposal of persistent organic pollutants (POPs) including elemental mercury, PFAs, dioxins, POP-PBDEs etc.

The information on emerging persistent, toxic and bio-accumulative compounds is constantly evolving. The Application fails to explain how it will adapt to emerging risks.

- The current waste acceptance criteria does not address persistent organic pollutants. These remain in the environment forever and beyond the life of the proposed engineering controls. It is unclear what measures are in place to mitigate when these controls fail.
- Within best practice standards it is now common practice for POP's to be prohibited from disposal within even Class 1 landfills.

Landfill Fire Risk

The application has not adequately addressed the issue of fire risk. There is no commitment to strict standards to minimise this risk and the risk management response is inadequate.

- Landfill fires are a potential major issue for landfills and they can have significant adverse impacts on the community nearby. In addition to the risk of hazardous air pollutants being emitted from the landfill there is also a real safety risk from siting the landfill next to an area with a number of residential dwellings.
- In the event of a fire, the proposed vegetation for visual screening situated next to the road is at risk of catching fire and then transferring rapidly to the surrounding forestry.
- The ability of rapid fire service response is compromised by this location putting neighbouring properties are at risk, both from the fire itself and the toxic fumes are likely to emanate from a fire.

Air Quality effects

The application has not adequately addressed the issue of highly odorous wastes or exposure to landfill gas migrating beyond the site boundary which would normally be addressed in a comprehensive Landfill management plan.

- According to Tonkin and Taylor review, the control of highly odorous wastes is one of the most common causes of odour nuisance effects at landfills. I would expect to see more robust processes to manage this both on its journey to the site and on arrival. This might include a covered dumping zone.
- The management plan should encompass best practice monitoring of hydrogen sulphide.
- Consideration should be given to the impact of dust from heavy traffic movements.

Air Safety

Landfill have issues concerning pest bird infestations, and the risk to aircraft is not adequately covered in the application. I understand measures to mitigate are considered necessary to manage aviation safety risk.

Mana whenua

I understand that mana whenua:

- *have stressed the importance of a zero waste vision for the City.*
- *suggested that the waste minimisation programme should be brought forward to reduce the need for waste to go to a landfill.*
- *are concerned at the potential long term impact, both on site and beyond, of leachate seppage.*
- *recognise the regional significance of the Lower Ōtokia Creek Marsh.*
- *recognise that with more time the community will be able to convey their views with regard to the Application and In the spirit of partnership under Te Tiriti, it is important to allow sufficient time for that to occur.*

Conclusion

The adverse effects of this proposal have been inadequately assessed with the significant potential long-term consequences for the Brighton community.

This Application relies on 30 year old "consultation" which doesn't take into account three decades of deeper environmental understanding. It would not be chosen under current best practice landfill site selection criteria as a good site for a Class 1 landfill.

There have been great advances in understanding the environmental risks of siting landfills away from valleys and waterbodies. We are far more aware of how fragile waterways and wetlands are since this site was selected 30 years ago.

The landfill management plan and the use of best practice proposed in the application are incomplete and do not allow an informed assessment of whether methods to mitigate the risk of adverse effects will be sufficient at this sensitive location.

The Application also flies in the face of the Government's freshwater NEFWS by draining wetlands and seeking consents for discharge to water.

There is insufficient information to reach positive conclusions about the effects of the Application on the environment. From an "anticipatory governance" perspective, the lack of detailed mitigation planning as discussed earlier in my submission, is worrying and gives insufficient regard to future stakeholders i.e. future generations.

I'm not convinced that the environmental impacts are "low" and I don't think the fact that there are limited alternative options make this decision right. Nor, do I accept the justification of time pressures to allow an application of such magnitude to be passed given the level of opposition by the wider community.

Additionally, I am concerned that the DCC initially chose to proceed with the proposal with limited notification despite it clearly being a contentious decision – and therefore one for which ample notification and consultation would be required from a good governance perspective. It makes me question why such a narrow process would be followed.

I propose that the Council reconsiders the alternatives while moving with much greater urgency to support waste minimisation, composting of putrescible waste streams and increased recycling.

I seek the consent authority decline the Application in its entirety.

Ngā mihi nui

Ingrid Leary
MP for Taieri