

PROPOSED DISTRICT PLAN
Hearing Stream 2 – Business
SUPPLEMENTARY MEMORANDUM – WASTE MANAGEMENT NZ LTD (SUBMITTER 461)

Response to Panel Minute 7 – rationale for the 200m separation distance

Angela Goodwin – Planning

8 October 2026

1. Introduction

This memorandum responds to paragraph 31 of the Panel's Minute 7 dated 10 June 2026, which requested the technical basis for, and rationale of, the 200m separation distance from residential and open space zones that Waste Management NZ Ltd (WM) proposed as a standard on the proposed permitted activity rule for waste management facilities in the Heavy Industrial Zone.

I previously filed a memorandum dated 27 May 2026 providing a high-level response to this request.¹ This was in response to an oral question from the Hearing Panel seeking more information on the rationale for the 200m separation distance. This memorandum expands on that earlier memorandum. Since the hearing I have also undertaken a wider review of the approaches taken in other district plans to distance-based provisions for industrial and waste management activities. As expanded below, my opinion is now that, with the additional clauses recommended by Mr Davis, a separation distance is not necessary, but that if the Panel considers a distance should be included, 200m is appropriate.

I confirm that the opinions expressed in this memorandum are my own and that I continue to comply with the Code of Conduct for Expert Witnesses.

Background

The Proposed District Plan specifically includes waste management facilities as heavy industrial activities. WM opposed this definition and seeks a definition of waste management facility. Waste management facilities would then be specifically regulated and fall under the umbrella definition of infrastructure. As set out at Hearing Stream 6, this gives effect to the National Policy Statement for Infrastructure 2025. I note that, whilst discussed at previous hearings, WM's relief seeking a definition of waste management facility is yet to be formally heard.

As drafted, Rule HIZ-R17 of the Proposed Plan provides for heavy industrial activities as a restricted discretionary activity in the Heavy Industrial Zone. My evidence considered that, in regard to waste management facilities, the efficiency of the rule could be improved by refining it to apply to sites within 200m of a non-industrial zone or that generate dust or odour effects beyond the boundary of the site, and by clarifying what health and safety effects are of concern.

The Statement of Rebuttal Evidence of Mr Stephen Davis clarified that the health and safety effects of concern relate to the concept of residual risk. Mr Davis added the Marae Zone to the 200m condition

¹ Memorandum of Angela Goodwin – Hearing Stream 2 – Speaking Notes and Panel Requests, 27 May 2026.

and recommended two additional clauses: that waste is not stored or handled outdoors, and that hazardous waste is not accepted (which in any case would require consent under the Hazardous Substances chapter rules).²

Since the time of Hearing Stream 2 I have considered the role of the Regional Council in regulating discharges of odour and dust to air, the changes proposed by Mr Davis, guidance on separation distances and planning for waste management facilities, and undertaken a high-level review of other District Plans to ascertain whether a distance is used. From this further analysis, from a land use perspective, I do not think it is necessary to include a separation distance. This is a refinement of the view in my evidence, where I considered that introducing a distance may make assessment more effective. My view has changed because of the additional clauses recommended by Mr Davis, with which I agree, which require waste to be stored and handled indoors and exclude hazardous waste. If waste handling is undertaken within buildings and odour and dust are contained within the site, prescribing a distance becomes less necessary. A distance would be a precautionary basis to further control effects. If the Panel prefers to retain a separation distance, I consider 200m to be appropriate.

2. Background to the 200m separation distance previously proposed

The reason for suggesting a 200m separation distance between waste management activities in the Heavy Industrial Zone and residential and open space zones was to ensure that any adverse effects experienced outside the subject site would not be unacceptable for people and more sensitive land uses.

The 200m figure does not represent a prediction that waste management facilities generate adverse effects to a distance of 200m. As set out in my memorandum of 27 May 2026, the operational record of the Seaview Transfer Station (two complaints over a ten-year period, in 2016 and 2019, both resolved by the operator, as identified in Mr Davis' rebuttal evidence) does not indicate that this is the case.³ I proposed a distance of 200m as a conservative outer limit. Mr Davis also agreed that a waste transfer station of a reasonably conventional size and configuration would be very unlikely to have unmanageable dust and odour effects beyond a 200m distance.⁴

The figure was proposed to operate as an assessment gateway. Beyond 200m from the relevant zone boundary, a waste management facility complying with the other conditions of the rule would be a permitted activity in the Heavy Industrial Zone. Within 200m, the activity would require resource consent as a restricted discretionary activity, and the effects of the specific proposal on the specific receiving environment would be assessed through that process. The distance therefore determines where site-specific assessment occurs, not whether effects are acceptable.

² Statement of Rebuttal Evidence of Stephen Davis, 19 May 2026, at [7.31], [7.35] and [7.37].

³ Statement of Rebuttal Evidence of Stephen Davis, 19 May 2026, at [7.10]–[7.12].

⁴ Statement of Rebuttal Evidence of Stephen Davis, 19 May 2026, at [7.33].

3. The EPA Victoria guideline

As set out in my memorandum of 27 May 2026, the document informing my judgment was the Separation Distance Guideline (Publication 1949, August 2024) of the Environment Protection Authority Victoria (Attachment 2 to that memorandum).⁵ For completeness, I restate that the recommended separation distance in that guideline (Table 4) for transfer stations and material recovery and recycling facilities is 250m, not 200m.⁶ This is in relation to dust. The guideline does not presuppose indoor handling, which recommended Rule HIZ-R17 requires, and, in my view, this and the requirement for odour and dust to be internalised support a lesser distance than 250m.

For odour, Table 2 of the guideline recommends 500m for transfer stations handling “municipal kerbside organics and/or putrescible waste (e.g., FOGO, municipal waste)”, with the specification “accepting green waste/putrescible waste (e.g., FOGO)”. I understand that FOGO (food organics and garden organics) is a kerbside collection system in which councils collect household food scraps together with garden waste. In my opinion, the category and the 500m distance is directed at facilities receiving bulk municipal kerbside organic collections of this kind, which I understand have a higher odour potential. The waste management facilities I refer to do not receive kerbside organics collections; green waste may be accepted only as drop-off from members of the public and is on site for a limited amount of time. The guideline recognises that the scale and configuration of an operation, and the configuration of its odour sources, may make a recommended distance inappropriate (ss 4.4 and 5.3.5). For these reasons, I consider the 500m odour figure is not an appropriate reference for these facilities, and that the 250m dust figure for transfer stations is the more relevant reference point to take as guidance from the EPA document for waste management facilities the Proposed District Plan rule seeks to regulate (HIZ-R17).

I understand the guideline measures from the activity boundary of the industry, being the area containing all sources of odour or dust including buildings, stockpiles and unsealed surfaces, to the property boundary of the nearest sensitive land use in urban areas. The proposed rule is measured from the site boundary of the facility to the boundary of the relevant zones. Because the Guideline measures from the activity boundary, which may lie within the site emitting the odour, the proposed rule will in most cases build in additional separation on the facility side compared with the guideline's method.

The effects the guideline addresses, discharges of odour and dust to air, are managed in the Wellington region by the Greater Wellington Regional Council under the Natural Resources Plan. The district plan separation distance performs a land use compatibility function at the interface between the Heavy Industrial Zone and residential or other more sensitive zones. It is not intended to be a

⁵ Environment Protection Authority Victoria, Separation Distance Guideline, EPA publication 1949, August 2024. Available at <https://www.epa.vic.gov.au/separation-distance-guideline>. The guideline replaced Recommended Separation Distances for Industrial Residual Air Emissions (EPA publication 1518, 2013). A copy was provided as Attachment 2 to my memorandum of 27 May 2026.

⁶ The recommended distances in the guideline are tiered by waste type and scale. The 250m dust figure applies to transfer stations and material recovery and recycling facilities; a transfer station accepting green waste or putrescible waste attracts a recommended odour distance of 500m.

control on discharges to air. I understand Mr Davis takes the same view at paragraph 7.23 of his rebuttal evidence, while also considering that the district plan has a role in managing the location, design and management of activities to minimise such effects at source. I agree with that.

Having considered the guideline further, I consider that it provides relevant context but not a distance that should be directly adopted in a district plan. In a district plan context, the focus should be on controlling amenity effects on people in more sensitive zones.

4. New Zealand district plan practice

I undertook a high-level survey of more than 20 district plans (operative and proposed), searching the industrial zone chapters for the activity status of waste management facilities, resource recovery facilities, transfer stations, or industrial activities generally, and whether this changes based on distance from a residential or other sensitive zone. This builds on the review of 21 district plans in Appendix 1 to my evidence for Hearing Stream 2.

Distance-triggered activity status provisions were rare in the plans reviewed. Most plans manage the industrial–residential interface through fixed building setbacks, height in relation to boundary, screening and landscaping standards, and buffer or amenity overlays.

One New Zealand example that I have identified from the plans reviewed of a 200m activity-status trigger for heavy industrial activities (defined to include waste transfer activities) is Draft Christchurch City Plan Change 20, under which container yards and heavy industrial activities must locate at least 200m from residential zones or require consent as a restricted discretionary activity. Plan Change 20 does not appear to have been notified, is currently subject to the national "Plan Stop" pending an exemption application, and its section 32 evaluation has not been published. While it has no legal weight, I refer to it as an example of a similar approach being proposed elsewhere. The explanatory text on the Christchurch City Council website states:

The District Plan has enabled some industrial activities to set up and operate near residential zones, resulting in effects including:

- reduced levels of amenity due to the scale, appearance, dominance and shadowing of buildings and outdoor storage, including from stockpiles and shipping containers;
- disturbance from industrial operations (noise and vibration effects); and
- exposure to things like odour, smoke and dust.

The website also notes that the Council considered advice in 2021 on changing the rules for metal recycling and dumping yards and, in 2022, considered a notice of motion raising concerns about the lack of controls in the District Plan on the movement and storage of shipping containers. This appears to be the background to the draft plan change and the context for the above statement. That context relates to specific issues experienced in Christchurch, rather than to the separation of waste management activities from residential uses.

5. Discussion

As set out above, with the additions to the rule recommended by Mr Davis, I consider that prescribing a distance is not strictly necessary to manage the effects of waste management facilities on more sensitive zones. If waste is handled indoors, this reduces odour risk and visual amenity effects. In a district plan context, the clause of the rule requiring odour to be internalised within the site also adequately manages amenity effects. An air discharge permit is required from the Greater Wellington Regional Council for discharges of odour from a waste management facility. Effects on sensitive receivers are assessed through that process, as occurred for the Seaview Transfer Station. Consent is required to discharge dust to air should dust potentially extend beyond the boundaries of a site. A facility that does not contain odour and dust within the site would also not meet the permitted activity rule and would require consent as a restricted discretionary activity, including in proximity to the Marae Zone. The effects of a waste management facility in the Heavy Industrial Zone in proximity to a more sensitive zone are therefore well covered.

Taking the effects identified for Draft Plan Change 20 as an example: shadowing effects of buildings associated with waste management activities would be controlled through the bulk and location standards of the zone; the requirement for waste to be handled indoors effectively removes concerns about the effects of outdoor storage; and noise and vibration are regulated through the Noise chapter. Dust and odour are regulated through the Natural Resources Plan and the clause of the rule requiring dust and odour to be contained within the site. Smoke and shipping containers are not relevant to waste management activities.

A 200m distance would therefore reflect a precautionary approach, adding further protection to any nearby more sensitive zone. With the other clauses in the rule, the figure is conservative from the perspective of protecting residential amenity. The cost of the additional caution falls on consenting efficiency for the operator (a wider area within which resource consent is required), not on the residential environment.

I have not been able to find any definitive New Zealand guidance on specific separation distances between waste management facilities and more sensitive zones. The 200m separation distance is a planning judgment informed by an overview of sources and practice, as identified in my memorandum of 27 May 2026 and above. My primary view is that a separation distance is not necessary; however, if the Panel considers that a distance should be included, I consider 200m to be appropriate.

Angela Goodwin

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8 October 2026