



**Remember  
submissions  
close at 5pm,  
Friday 21  
October 2022**

## Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

**TO: Far North District Council**

This is a submission on the Proposed District Plan for the Far North District.

### 1. Submitter details:

<b>Full Name:</b>			
<b>Company / Organisation Name: (if applicable)</b>	Waste Management NZ Limited		
<b>Contact person (if different):</b>	Anthony Blomfield		
<b>Full Postal Address:</b>	Bentley & Co Limited, PO Box 4492, Shortland Street, Auckland 1140		
<b>Phone contact: 093095367</b>	<b>Mobile: 0211339309</b>	<b>Home:</b>	<b>Work:</b>
<b>Email (please print):</b>	ablomfield@bentley.co.nz		
2. (Please select one of the two options below)			
<input checked="" type="checkbox"/> I <b>could not</b> gain an advantage in trade competition through this submission <input type="checkbox"/> I <b>could</b> gain an advantage in trade competition through this submission			
<i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i>			
3. <input type="checkbox"/> I <b>am</b> directly affected by an effect of the subject matter of the submission that: (A) Adversely affects the environment; and (B) Does not relate to trade competition or the effect of trade competition  <input type="checkbox"/> I <b>am not</b> directly affected by an effect of the subject matter of the submission that: (A) Adversely affects the environment; and (B) Does not relate to trade competition or the effect of trade competition			
<i>Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991</i>			
<b>The specific provisions of the Plan that my submission relates to are:</b> <i>(please provide details including the reference number of the specific provision you are submitting on)</i>  Refer to attached submission.			



Confirm your position: <input type="checkbox"/> Support <input type="checkbox"/> Support In-part <input type="checkbox"/> Oppose <i>(please tick relevant box)</i>
<b>My submission is:</b> <i>(Include details and reasons for your position)</i>  Refer to attached submission.
<b>I seek the following decision from the Council:</b> <i>(Give precise details. If seeking amendments, how would you like to see the provision amended?)</i>  Refer to attached submission.
<input checked="" type="checkbox"/> I <b>wish</b> to be heard in support of my submission <input type="checkbox"/> I <b>do not wish</b> to be heard in support of my submission <i>(Please tick relevant box)</i>
If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Signature of submitter:</b> <i>(or person authorised to sign on behalf of submitter)</i>  <b>Date: 21 October 2022</b>  <i>(A signature is not required if you are making your submission by electronic means)</i>

**Important information:**

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).



**Send your submission to:**

**Post to:** Proposed District Plan  
Strategic Planning and Policy, Far North District Council  
Far North District Council,  
Private Bag 752  
KAIKOHE 0400

**Email to:** [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)

**Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.**

**Submissions close 5pm, 21 October 2022**

**Please refer to [pdp.fndc.govt.nz](http://pdp.fndc.govt.nz) for further information and updates.**

***Please note that original documents will not be returned. Please retain copies for your file.***

**Note to person making submission**

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one 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.

**SUBMISSION NUMBER**

360

**SUBMISSION ON THE PROPOSED FAR NORTH DISTRICT PLAN  
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE  
RESOURCE MANAGEMENT ACT 1991**

**From:** Waste Management NZ Limited

**Address for Service:** C/- Bentley & Co Limited  
PO Box 4492,  
Shortland Street  
Auckland 1140  
Attn: Anthony Blomfield

**To:** Far North District Council

**Address:** Private Bag 752, Kaikohe 0440

**Submission on:** Proposed Far North District Plan

**Introduction**

1. Waste Management NZ Limited (**WMNZ**) is Aotearoa's leading materials recovery, recycling and waste management provider, with over 1600 team members across 70 locations. Annually, WMNZ collects over 1,000,000 tonnes of waste and recycles well over 200,000 tonnes. WMNZ is the largest composter in New Zealand, the largest waste-to-energy provider, and has the largest commercial electric fleet in New Zealand, all powered by electricity from waste.
2. WMNZ has a vested interest in the direction, intentions and outcomes sought by Far North District Council, as expressed in the Proposed Far North District Plan (**Proposed Plan**).
3. WMNZ could not gain an advantage in trade competition through this submission.

**Scope of submission**

4. This submission is made by WMNZ on the Proposed Plan.
5. The specific matters and provisions of the Proposed Plan that WMNZ's submission relates to are:
  - a) PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Directions overview
  - b) PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Economic and social wellbeing

- c) PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Urban form and development
- d) PART 2 – DISTRICT-WIDE MATTERS / ENERGY, INFRASTRUCTURE, AND TRANSPORT / Infrastructure
- e) PART 3 – AREA-SPECIFIC MATTERS / ZONES / Industrial zones / Light industrial
- f) PART 3 – AREA-SPECIFIC MATTERS / ZONES / Industrial zones / Heavy industrial
- g) PART 3 – AREA-SPECIFIC MATTERS / ZONES / Rural zones / Rural production

### **Background to submission**

6. Within the Far North District, WMNZ provides a ‘kerbside’ waste collection service, and operates waste transfer and materials recycling facilities (e.g. refuse transfer stations and materials recovery facilities). WMNZ’s activities presently span across the following sites at:
  - a) Whangae Recycle and Transfer Station, 735 Paihia Road, Opuia;
  - b) Kaikohe Recycle and Transfer Station, 79 Thorpe Road, Kaikohe;
  - c) Opononi Recycle and Transfer Station, Lot 1, Baker Drive, Opononi;
  - d) White Hills Recycle and Transfer Station, 3211 State Highway 10, Kerikeri; and
  - e) Recycling Facility, 18 Skippers Lane, Waipapa.
7. The facilities that WMNZ operates accept a variety of household refuse, recycling products, tyres, greenwaste, and other waste materials. Some of WMNZ’s facilities are open to the public to drop off materials, while other facilities service WMNZ’s waste collection service and are closed to the public.
8. The activities of WMNZ form key infrastructure facilities across New Zealand to transport and transfer waste and recyclable materials. WMNZ performs a vital function within the waste management and resource recovery network, with each of its facilities servicing a sub-district catchment or providing for the recovery of particular materials. The transfer stations ensure that members of the public are provided a convenient location to dispose of waste materials, and maximise the efficiency of WMNZ’s broader waste collection, disposal and recycling operations by providing for the interim storage, processing and distribution of materials to other waste management facilities.

9. The waste management system is fundamental to servicing existing and growing local populations, the visitors to the district, and the businesses which operate within the district. It is critical that appropriate recognition and provision for waste management facilities is incorporated within regulatory documents to ensure that the network may continue to efficiently operate and to grow to meet the growing and changing demands of the population, including by adequately providing for the establishment and operation of new facilities, such as transfer stations, to ensure that the waste management network most efficiently services the geographically spread population.

**Lack of Provisions for Waste Management Facilities/Recognition as key infrastructure**

10. Part 2 of the Proposed Plan sets out the overarching ‘Strategic Direction’ for the Proposed Plan to respond to resource management issues. The strategic directions are concerned with, among other matters, the social and economic prosperity of the district, urban form and development, and infrastructure and electricity resources.
11. Within the Strategic Directions, or in any other part of the Proposed Plan, there is no recognition of the waste management system as a critical component of the district infrastructure that is necessary to manage the effects of human activity within the Far North District, or of its supporting role in responding to the overarching strategic directions for the district. In WMNZ’s submission, the lack of strategic-level recognition for waste management infrastructure and facilities is fundamentally flawed. This lack of recognition for the waste management network flows down into the specific provisions of the Proposed Plan.
12. While the Proposed Plan contains a definition for “regionally significant infrastructure”, this definition relates to activities and facilities which are identified in Appendix 3 of the Northland Regional Plan, which includes the Puwera Regional Landfill Facility, but which does not otherwise identify the waste management network generally, or other specific waste management facilities.
13. Further, the provisions of the ‘Infrastructure’ chapter of the Proposed Plan explicitly relate to “network utilities undertaken by a network utility operator (as defined in the RMA)”. Network utilities do not include waste management facilities.
14. The Proposed Plan contains the following defined activities, which are relevant to the nature of waste management facilities:

***Offensive trade***

*means activities listed as offensive trades in Schedule 3 of the Health Act 1956 (as set out below)*

1. *Blood or offal treating*
2. *Bone boiling or crushing*
3. *Collection and storage of used bottles for sale*
4. *Dag crushing*
5. *Fellmongering*
6. *Fish cleaning*
7. *Fish curing*
8. *Flax pulping*
9. *Flock manufacturing, or teasing of textile materials for any purpose*
10. *Gut scraping and treating*
11. *Nightsoil collection and disposal*
12. *Refuse collection and disposal*
13. *Septic tank desludging and disposal of sludge*
14. *Slaughtering of animals for any purpose other than human consumption*
15. *Storage, drying, or preserving of bones, hides, hoofs, or skins*
16. *Tallow melting*
17. *Tanning*
18. *Wood pulping*
19. *Wool scouring*

***Industrial activity***

*means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.*

(Emphasis added in underline)

15. Having regard to the definitions above, it can be interpreted that the collection of waste (refuse) falls within the definition of an ‘offensive trade’, while the collection and processing of recyclables falls within the definition of ‘industrial activity’.
16. Related to these defined terms, WMNZ has concerns with regard to the relevant zones that WMNZ has an interest in, and the nature of the provisions for the activities that WMNZ operates. These concerns are discussed in further detail below.
17. Under the Proposed Plan, WMNZ’s existing facilities are located within the Light Industrial and Rural Production Zones. WMNZ also has an interest in the Heavy Industrial zone as being a potentially viable zone within which a transfer station could be reasonably expected to be located.

Offensive trade activities

18. WMNZ are concerned with the classification of the collection of refuse as an ‘offensive trade’, insofar as refuse collection occurs at its transfer stations. Such activities are typically characterised by the generation of particular effects, such as odour, dust and noise. In WMNZ’s submission, the typical effects that are generated

by transfer stations are either already managed by the Northland Regional Plan (which requires controlled activity resource consent for discharges to land and to air from any waste transfer station), or by the Proposed Plan (such as through the use of noise standards).

19. 'Offensive trade' activities are classified as a Discretionary activity in the Heavy Industrial zone. In all other zones, including the Light Industrial and Rural Production zones, they are a Non-complying activity.
20. The Discretionary activity status for offensive trade activities within the Heavy Industrial zone indicates that such activities are theoretically more appropriate within this zone, compared with all other zones in which such activities are subject to the more onerous Non-complying activity status.
21. The extent of the Heavy Industrial zone within the Proposed Plan is notably limited. The Heavy Industrial zone applies to an area of land within Waipapa, a single site in Kaitaia (which is occupied by a timber mill) and a small area of land at Moerewa (which is occupied by a meat processing activity). Notably, besides Waipapa, there is no Heavy Industrial zoned land proximate to WMNZ's existing facilities.
22. The combination of the limited extent of the Heavy Industrial zone, and the onerous provisions for 'offensive trade' in all other zones, is such that:
  - a) The limited land area of the Heavy Industrial zone will affect the demand and supply of land for waste management facilities and other heavy industrial activities.
  - b) The limited geographic extent and spread of the Heavy Industrial zone throughout the Far North District, being limited to three areas, will limit the ability of WMNZ (and other operators) to efficiently establish and operate transfer stations in locations which are convenient to local communities, and which are effectively integrated with the broader waste management network.

#### Industrial activities

23. In both the Light Industrial and Heavy Industrial zone, there are no rules which specifically provide for industrial activities. In contrast to this, both of these zones contain rules which apply a permitted activity status for other activities, including new buildings, trade suppliers, emergency service facilities, public toilets, convenience stores, restaurants, cafes and takeaway food outlets, and conservation activities.
24. The lack of a rule providing specifically for industrial activities is anomalous within the structure of the Proposed Plan, particularly noting that, comparatively, the Mixed Use zone provides for "light industrial activities" as a Discretionary activity, and for "heavy industrial activities" as a Non-complying activity.



25. To the extent that WMNZ’s operations are classified as an ‘industrial activity’, the lack of clarity within the structure and content of the Light Industrial and Heavy Industrial zones, is of concern to WMNZ.

### Summary

26. In WMNZ’s submission, it is critical that the Proposed Plan provide for ‘waste management facilities’ in a broader range of zones to reflect the functional and operational requirements of such activities, and to provide a framework within which the effects of such activities can be appropriately managed. In this respect, it is appropriate that the Proposed Plan provides for waste management facilities at the ‘strategic direction’ level, as well as specifically within the Light Industrial, Heavy Industrial and Rural Production zones.
27. In order to assist with the integration of provisions for such activities, WMNZ considers that it is necessary to include a new definition for ‘waste management facility’, to avoid the uncertainty that would otherwise arise from a refuse transfer station or a materials recovery facility being interpreted and categorised as both an ‘offensive trade’ and an ‘industrial activity’ (with these activities being differently provided for). This is set out in the relief as requested further below.

### **Other concerns**

28. Within the Light Industrial zone, Rule LIZ-R1 proposes to apply a permitted activity status to new buildings, which is subject to sub-rule LIZ-R1 PER-1 which states “the building or structure on the site does not exceed a GBA [gross business area] of 450m<sup>2</sup>”. WMNZ is concerned with such a rule, for the following reasons:
- a) Rule LIZ-R1 PER-1 seeks to limit the ‘gross business area’ of new buildings or structures, however the definition of “gross business area” includes “the area of any part of the site used solely or principally for the storage, sale, display or servicing of goods or the provision of services on the site but not including permanently designated vehicle parking, manoeuvring, loading and landscaped areas”. Therefore, the metric that the threshold is based on includes area that are not within a building or structure, which is illogical in the context of what the rule is intended to manage.
  - b) The Council’s section 32 assessment explains that “The GFA threshold is to control the scale of new buildings in the Light Industrial zone”<sup>1</sup>. The description of the rule as being a “GFA threshold” is inconsistent with how the rule has been drafted within the Proposed Plan, which is based on ‘gross business area’.

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<sup>1</sup> Section 32 Report: Urban Environment (General Residential, Mixed Use, and Light Industrial zones) and the Heavy Industrial zone; May 2022; page 47

- c) Leaving aside the anomalous use of ‘gross business area’ to control the scale of buildings, there is no justification or analysis of why a threshold is necessary to control the scale of buildings in the first instance.
  - d) The Light Industrial zone is intended to accommodate ‘light industrial’ activities such as light manufacturing, contractor depots, automotive and marine repair and service industries<sup>2</sup>, together with other commercial activities which complement light industrial activities, and which require larger sites and which may not accommodate amenity values anticipated in the Mixed Use zone<sup>3</sup>. The nature of these activities typically require large buildings and/or large outdoor areas. The proposed gross business area threshold of 450m<sup>2</sup> is unnecessarily and arbitrarily restrictive, and would be routinely triggered by new development, which would be inefficient.
  - e) For example, the Light Industrial zone in Waipapa is occupied by a variety of activities and built forms which range in scale from small buildings of some 200-450m<sup>2</sup>, to larger buildings of some 3,000-4,500m<sup>2</sup> (which accommodate trade suppliers, automotive and bulk retail activities).
  - f) The Light Industrial zone contains a range of standards which seek to manage the scale of buildings, including standards relating to building height, height in relation to boundary, and setbacks from water bodies. These standards specifically seek to manage the effects of the scale, bulk and position of building forms within a site, and a gross business area or gross floor area based rule is unnecessarily duplicative.
  - g) The matters of discretion that relate to Rule LIZ-R1 cross reference the relevant matters of discretion of any standard which is infringed, but otherwise have no relevance to the scale of buildings. In this regard, there are no matters of discretion that are engaged by a proposed activity which infringes the gross business area threshold, but which comply with the other standards.
29. In WMNZ’s submission, there is no rational basis for the threshold for the area of buildings within the Light Industrial zone. It is not necessary to apply a threshold to the gross business area (or gross floor area) of activities or new buildings within the Light Industrial zone, noting that other standards are proposed to manage the effects of the location and scale of buildings. The threshold is a blunt instrument which does not adequately recognise the requirements for the efficient design and operation of industrial activities, including transfer stations, and should be deleted.
30. In general, WMNZ is not concerned with the proposed standards for the Light Industrial, Heavy Industrial and Rural Production zones. However, both the Light Industrial and Heavy Industrial zones contain a proposed rule relating to landscaping and screening on road boundaries. Rules LIZ-S6 and HIZ-S6 are as follows:

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<sup>2</sup> Proposed Objective LIZ-O2.

<sup>3</sup> Proposed Policy LIZ-P4.

***Landscaping and screening on road boundaries***

1. *Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees.*
  2. *The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years.*
31. WMNZ is concerned with the proposed wording of the rule, both in terms of the lack of a specified depth for landscaping to occur (within rule 1), and the onerous extent of landscaping required which is effectively intended to screen a site. WMNZ considers that if rule 1 is retained, it must relate to a specified depth from a road boundary, as the current wording of the rule is ambiguous and could be interpreted as requiring the full extent of the site area between the front boundary and any building or driveway to be landscaped, which does not adequately recognise that activities within these zones regularly require sealed outdoor areas. WMNZ also considers that it is inappropriate and inefficient to require vegetation to achieve a continuous screen at the road boundary. The ‘overview’ sections for both the Light and Heavy Industrial zones explain that these zones are not required to focus on pedestrian access or amenity. Industrial zones naturally have a lower expectation in terms of amenity, such that it is unnecessary to seek to visually screen activities from the streetscape. WMNZ considers that the landscaping requirements at road boundaries are unnecessarily onerous.

**Submission**

32. In WMNZ’s submission, the Proposed Plan does not adequately recognise or provide for waste management facilities within those zones that can accommodate such activities. On that basis, WMNZ opposes the Proposed Plan. As currently drafted, the Proposed Plan:
- will not promote the sustainable management of resources, will not achieve the purpose of the RMA and are contrary to Part 2 and other provisions of the RMA;
  - will not enable the social, economic, and cultural well-being of communities in the Far North District;
  - will not meet the reasonably foreseeable needs of future generations; and
  - do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

**Decision sought**

33. WMNZ seeks the following decision from Far North District Council on the Proposed Plan:

- That the Proposed Plan is amended to incorporate appropriate and adequate provision for waste management facilities within Part 2 – District-wide Matters – Strategic Direction to recognise the importance that waste management plays in supporting the development and growth of the district; S360.001
- That adequate objectives, policies and rules are included within the Light Industrial, Heavy Industrial and Rural Production zones which provide for waste management facilities S360.002 to S360.010
- That a specific definition of ‘waste management facility’ is inserted in PART 1 – INTRODUCTION AND GENERAL PROVISIONS / INTERPRETATION / Definitions, to ensure that such facilities are clearly provided for with a specific definition rather than being interpreted as either ‘offensive trade’ or ‘industrial activity’. The following wording is sought: S360.011

***Waste Management Facility***

*means a facility where waste and recyclable materials are temporarily stored, handled and processed, prior to being transported to another facility for disposal or an alternative use. These include, but are not limited to, refuse and recycling transfer stations, and materials recovery facilities.*
- That Rule LIZ-R1 PER-1 be deleted to remove the GFA/GBA threshold for new buildings in the Light Industrial zone; S360.012
- That Rule LIZ-S6.1 be amended to specify that landscaping is required for a depth of 1m; S360.013
- That Rule LIZ-S6.2 be deleted to remove the requirement for screening at the road boundary; S360.014
- That Rule HIZ-S6.1 be amended to specify that landscaping at the road boundary is required for a depth of 1m; S360.015
- That Rule HIZ-S6.2 be deleted to remove the requirement for screening at the road boundary; and S360.016
- Such further or other consequential relief as may be necessary to fully give effect to the relief sought in WMNZ’s submission.

34. WMNZ wishes to be heard in support of its submission.

35. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

**Signature**

**Waste Management NZ Limited**

by its planning and resource management consultants  
Bentley & Co. Ltd.



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Date: 21 October 2022

Anthony Blomfield

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