

BEFORE A BOARD OF INQUIRY

NORTHERN CORRIDOR IMPROVEMENTS PROJECT

UNDER

Resource Management Act 1991

AND

IN THE MATTER

Notices of requirement for designations and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Improvements Project.

**STATEMENT OF EVIDENCE OF IAN GAVIN KENNEDY ON BEHALF OF
WASTE MANAGEMENT NZ LIMITED**

CORPORATE

25 MAY 2017

**Russell
McAugh**

A A Arthur-Young / S H Pilkinton
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

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EXECUTIVE SUMMARY

- A. Refuse transfer stations are critical to the functioning of the regional waste management network. The Rosedale Refuse Transfer Station ("**Rosedale RTS**") is one of only two transfer stations located in the Auckland region that are owned by Waste Management NZ Ltd ("**Waste Management**") and the only facility in Waste Management's network that services the North Shore.
- B. The Rosedale RTS is located on two land titles. Waste Management owns 117 Rosedale Road and has a lease over 123 Rosedale Road. The operation of the Rosedale RTS is fully integrated across these two landholdings. The operation is already constrained on the site's current small (approximately 1 hectare) footprint and is facing significant pressure meeting the growing demand for transfer station services on the North Shore.
- C. Waste Management is opposed to the notice of requirement and resource consent applications for the Northern Corridor Improvements Project ("**Project**"), to the extent that they authorise works on the Rosedale RTS. This is because the Project will have significant adverse effects on the operation and functioning of the Rosedale RTS.
- D. As currently proposed, the Project will mean that the land at 123 Rosedale Road will no longer be available for any of the RTS' operations. That space is currently used for bin storage and truck parking, which are activities that are critical to the overall operation of the RTS. These activities cannot be relocated to 117 Rosedale Road, which is already fully utilised for other essential RTS operations.
- E. It is not commercially feasible to relocate the bin storage and truck parking activities to another site that is remote from the remainder of the RTS. These activities have to stay with the remainder of the RTS' operations, which will mean Waste Management would need to constrain the level of its operations from the RTS in order to continue operating from the site, at a time when there is increasing demand on the North Shore for these services.

- F. The result is that Waste Management will need to relocate its Rosedale RTS facility if the Project is approved in its current form. However, its ability to relocate is very limited, given the lack of any undeveloped industrial-zoned land on the North Shore.
- G. The New Zealand Transport Agency's ("**Transport Agency**") evidence does not consider Waste Management's concerns regarding the significant adverse effects of the Project on the ongoing operation of the Rosedale RTS. This approach to the evidence is consistent with the Transport Agency's application documents, which do not identify these effects, let alone consider them. Until very recently, engagement by the Transport Agency with Waste Management regarding the Project has also been very limited.
- H. Assuming the notice of requirement and associated consent applications are declined to the extent that they enable works on Waste Management's landholdings, Waste Management has two additional concerns that must be addressed through appropriate conditions and / or design changes.
- I. The first is the adverse reverse sensitivity effects that will result from the proposed shared use path, which will attract pedestrians and cyclists to the vicinity of the Rosedale RTS.
- J. The second relates to the adverse effects of construction of the Project; specifically, the proposed closure of Rosedale Road to a single lane during construction works.

1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

1.1 My full name is Ian Gavin Kennedy. I am the General Manager of Waste Management NZ Limited's Operational and Technical Services division, which is a centre of technical excellence that provides a technical service across all operating divisions of Waste Management.

Qualifications

1.2 I hold a Bachelor of Science (Civil Engineering) degree from the University of Cape Town, South Africa (1983). I am a New Zealand Chartered Professional Engineer, registered as an International Professional Engineer and a Member of the Institution of Professional Engineers of New Zealand.

Experience

1.3 Since immigrating to New Zealand in 1993, I have had considerable experience in the solid waste industry. This includes the consenting, design, construction supervision and operation of waste management infrastructure, including diesel and electric trucks, refuse transfer stations and material recovery facilities, landfills and associated power generation plants, rubber tyre recycling, construction and demolition recovery facilities, and general office development.

1.4 Initially, from 1993 to 1996, I was responsible for the design and project management of the development of Whitford Landfill for 3 years for the newly formed Waste Disposal Services Joint Venture between (then) Waste Care and Manukau City Council.

1.5 I subsequently joined Waste Management in 1996 as Project Development Manager.

1.6 From June 1999 (following the acquisition of Waste Care by Waste Management) to August 2013, I was the Waste Disposal Services Joint Venture Manager, during which time I was responsible for the consenting and ongoing development and operation of Whitford Landfill and East Tamaki Refuse Transfer Station.

- 1.7 Between 2002 and 2010, I was also responsible for the day-to-day business operation of Redvale Landfill, prior to the formation of OATS.
- 1.8 I am currently a Director of Transwaste Canterbury Limited ("TCL"), which is a joint venture between Waste Management, Christchurch City Council and Selwyn, Ashburton, Hurunui and Waimakariri District Councils. TCL is responsible for selecting, consenting, developing, owning and operating a regional landfill in Canterbury, namely Kate Valley Landfill.
- 1.9 I am also a Director of TCL subsidiary companies Burwood Resource Recovery Park Limited and Tiromoana Station Limited.
- 1.10 I am very familiar with preparing and presenting evidence before Local Authorities and the Environment Court. Over my career, I have presented evidence in relation to the consenting of landfills, refuse transfer stations including the Rosedale refuse transfer station, district and regional planning processes, and other local, regional and national strategic plans and Government regulations relating to the solid waste industry.
- 1.11 In addition, I have been intimately involved as a technical advisor with regulators and Government bodies in the development of regulations surrounding the Waste Levy and the New Zealand Emissions Trading Scheme.
- 1.12 I am authorised to give this evidence on behalf of Waste Management.

Scope of evidence

- 1.13 My evidence will:
- (a) Summarise Auckland's regional waste management system, including the critical role of refuse transfer stations.
 - (b) Detail the operation and function of the Rosedale RTS located at 117 and 123 Rosedale Road.

- (c) Detail the Transport Agency's consultation and engagement (or rather, lack thereof) with Waste Management regarding the Project and its effects on the Rosedale RTS.
 - (d) Explain the significant adverse effects that the construction and operation of the Project will have on Waste Management and the Rosedale RTS.
- 1.14 Throughout my evidence and where relevant, I also respond to the evidence on behalf of the Transport Agency.
- 1.15 In addition to my statement, Ms Brabant has provided expert planning evidence in relation to the Project on behalf of Waste Management. I have read Ms Brabant's statement, share the concerns it expresses and agree with the amendments to the Project's design and the conditions on the notice of requirement and resource consents that Ms Brabant recommends.

2. THE REGIONAL WASTE MANAGEMENT SYSTEM

- 2.1 Landfill disposal sites such as Waste Management's Redvale Landfill are regionally significant infrastructure that are critical to the efficient functioning of Auckland and to enabling its expected future growth. However, to function efficiently, these major facilities, which sit at the "top" of the regional waste management system, are dependent on the effective operation of the other parts of the regional waste management system including intermediate facilities like the Rosedale RTS.
- 2.2 Auckland's regional waste management system starts with the collection of residual waste and recyclables from customers. This can be in the form of:
- (a) A regular Council or private subscription household service (kerbside collection service).
 - (b) A regular commercial arrangement between a business and a waste collection operation.

- (c) An irregular service where a private household or commercial business contracts to a commercial collection operator to provide and collect a waste skip from their property.

2.3 In the waste industry services are also referred to by service type, which relates to the type of bin used, for example: wheelie bins for household collection; skip or gantry bins for construction and demolition services; and front load bins for commercial services and recycling.

2.4 Depending on the product collected, once it is collected, the truck will either head for a recycling facility, resource recovery facility, a refuse transfer station or direct to a landfill or other disposal site. I explain these different facilities briefly below:

- (a) A recycling facility - such as Waste Management's Maurice Road recycling facility in Penrose is a facility that will receive source-separated recyclables for further processing and subsequent shipment to a downstream processing facility (being a facility that receives and reprocesses particular kinds of recyclables such as paper and cardboard, plastics, glass, greenwaste etc). Depending on the product, the downstream processing facility might be in New Zealand (such as Waste Management's Living Earth organic composting facility on Puketutu Island) or off shore, as is the case for plastics.
- (b) A resource recovery facility - such as Waste Management's Construction and Demolition Recovery Facility in Southdown Lane, Penrose. As the name suggests, this facility receives construction and demolition materials from the construction industry. It recovers various materials such as ferrous and non-ferrous metals, soil, brick, concrete, timber, etc for reuse or subsequent disposal at a suitable cleanfill or managed fill facility, as appropriate and in accordance with the particular cleanfill facility's relevant resource consents.
- (c) A refuse transfer station - such as Waste Management's Rosedale RTS (which as discussed below also serves as Waste Management's North Shore Depot). Refuse transfer stations serve multiple purposes as follows:

- (i) Receipt of construction and demolition waste for recovery and diversion from landfill (ie disposal of diverted material to a cleanfill or managed fill facility, or for use at a landfill as capping material).
- (ii) Receipt of commercial waste from customers where the payloads are small, which makes it inefficient for the customer to deliver direct to a more distant landfill.
- (iii) Receipt of car and trailer waste from private customers for recovery, recycling, consolidation and haulage off site to the appropriate disposal and reuse facilities.
- (iv) Receipt of greenwaste from private and commercial parties for consolidation and delivery to a greenwaste facility. (In the case of the Rosedale RTS, greenwaste is consolidated and transferred to Waste Management's Living Earth composting facility on Puketutu Island).
- (v) Receipt of small quantities of recyclables, for consolidation and delivery to larger recycling processing plants (such as Waste Management's Maurice Road facility described above).
- (vi) Receipt of commercial waste from businesses that require evening collections (inner city businesses and residents) and consolidation of that waste for delivery to a landfill.
- (vii) Receipt and Discharge of Porto-Let waste into the Auckland Council trade waste system (where resource consents allow this).

2.5 The Rosedale RTS also serves as a central logistics hub for trucks and bins that are used by Waste Management to service upstream customers and to consolidate and haul residual waste and recyclables to downstream reuse, recovery and disposal facilities. Other refuse

transfer stations, because of the nature of the transfer operations as summarised above, are also often appropriate locations for depots and hubs for trucks and bins used throughout the regional waste management system.

- 2.6 As set out above, landfill disposal sites sit at the top of the regional waste management system and are regionally significant infrastructure. Auckland is served by three landfill disposal sites, only two of which are located within the Auckland region, namely: Waste Management's Redvale Landfill in Dairy Flat; and Waste Disposal Services' Landfill in Whitford (as discussed above, a joint venture between Waste Management and Auckland Council). A third landfill – the Hampton Downs Landfill in Hampton Downs, North Waikato – also services Auckland, but is located outside Auckland Council's boundaries.
- 2.7 In addition to landfills, there are several cleanfill and managed fill sites serving Auckland and other waste / recycling facilities that will process the recovered material, including the O-I Glass glass recycling facility in Penrose and various tyre recycling facilities across Auckland.
- 2.8 The distance from urban areas to a landfill is generally large, meaning that the transport of waste direct to landfill in smaller trucks is usually inefficient. In addition, access to landfills is limited for health and safety and environmental reasons to vehicles that can "self-discharge" waste material. This means landfills cannot be accessed by private cars or smaller commercial vehicles.
- 2.9 Redvale is the closest landfill to the North Shore and the Rosedale RTS. However, its life is limited to 2028 after which it will no longer receive waste, so the distance from the North Shore in general and the Rosedale RTS in particular to other existing or replacement landfill sites will only increase in the future. This increases the importance to the region of Waste Management having a transfer station at Rosedale. This enables Waste Management to continue to consolidate residual waste for delivery to more distant landfills, at a location where this essential service can be provided efficiently and in a manner that reduces the mileage travelled by unconsolidated waste.

3. OPERATION AND FUNCTION OF THE ROSEDALE RTS

- 3.1 The site of the Rosedale RTS comprises two separate titles. Importantly, this does not impact the day-to-day operations of the facility, which operates in an integrated fashion across both landholdings.
- 3.2 The land at 117 Rosedale Road (0.89ha) has been owned by Waste Management since 1999. The neighbouring land at 123 Rosedale Road (0.124ha) is leased by Waste Management. I discuss both these landholdings and the integrated operations of the RTS across these landholdings below. I have **attached** an annotated site plan showing the locations of the various RTS operations as **Appendix A** to my evidence.
- 3.3 In this section I explain the site selection, development and operation of the Rosedale RTS, to illustrate the integrated nature of its operations and to show why it is essential that the land at 123 Rosedale Road continues to form a critical part of the RTS' operations into the future.

Selection and purchase of 117 Rosedale Road

- 3.4 At the time of acquiring 117 Rosedale Road in 1999, the land was zoned Business 10 under the then operative North Shore Council District Plan. The site was specifically selected because of this zoning, which was the heaviest industrial zoning then available under the District Plan. This zoning was the most appropriate on the North Shore for Waste Management's intended operation of a depot / waste consolidation facility.
- 3.5 The surrounding area comprised an operating landfill to the north, State Highway 1 and a Business 10-zoned Industrial Park to the west and an undeveloped area of Business 9-zoned land (which was the second-heaviest industrial zoning under the then operative District Plan) to the south and east. These surrounding land uses and zonings were compatible with Waste Management's proposed operation and were one of the major reasons why the land at 117 Rosedale Road was considered suitable and subsequently purchased.

- 3.6 This land was also selected because it had ready access to State Highway 1 without the need for Waste Management's trucks to travel through sensitive residential areas. It was also centrally located on the North Shore, which was the area the depot / waste consolidation facility was intended to service. Its location was therefore considered suitable as it enabled transport efficiencies for the collection / delivery of waste to the facility and the subsequent haulage of residual waste to landfill.

Site development

- 3.7 The land at 117 Rosedale Road was originally developed from a greenfields site into a depot / consolidation facility for Waste Management's own trucks (third party commercial and private vehicles were not originally permitted to access the facility).
- 3.8 This facility was subsequently converted into a refuse transfer station, with resource consents being obtained for that activity in 2004. The air discharge consent authorising activities associated with the Rosedale RTS operations was renewed in 2012.
- 3.9 On 1 November 2012, Waste Management commenced its lease of the adjoining property at 123 Rosedale Road.
- 3.10 As I discuss in more detail below, this lease was obtained to allow the expansion of the Rosedale RTS to meet the growth in demand for refuse transfer services on the North Shore. The Rosedale RTS now operates across both pieces of land – the Waste Management-owned land at 117 Rosedale Road and the leased land at 123 Rosedale Road – in a fully integrated manner.

Delivery of waste to the site

- 3.11 The site is fully consented to receive 100,000 tonnes per annum of non-hazardous waste, excluding separate recyclables, and the contents of portable toilet tanker trucks that discharge to Auckland Council's trade waste system.
- 3.12 On entering the site via the Rosedale Road cul-de-sac:

- (a) All customers are required to pass over the weighbridge, in order to be weighed and for the weighbridge operator to confirm their waste is acceptable in accordance with the site's waste acceptance criteria (defined by the conditions of the site's resource consents).
 - (b) Customers are also advised of the site's health and safety requirements through appropriate signage, which is reinforced by the weighbridge operator.
- 3.13 Customers are then directed to the recycle drop off bins or into the building where they can unload greenwaste, construction and demolition material or residual waste. The site's trained spotters will direct the customers to the appropriate area and ensure their safety while they are unloading their waste.
- 3.14 On rare occasions, waste may be found to be particularly odorous upon unloading by the customer. Where that is the case, this waste will be loaded into a separate bin and prioritised for removal from the site (I discuss the removal of waste from the site to downstream facilities in more detail below).
- 3.15 On completion of unloading, the customer is directed back across the weighbridge to the exit gate (which also adjoins the Rosedale Road cul-de-sac), where the customer's vehicle is weighed again to determine the applicable fee.
- 3.16 In addition to the weighbridge operator, Waste Management staff are always present across the site on foot. Their role is to ensure the safe and efficient unloading of waste by our customers.
- 3.17 During the course of the day, customer numbers fluctuate. It is critical for the safe and efficient functioning of the site that there is sufficient space across the yard and within the building to ensure safe traffic management and to provide protection to customers when they are out of their vehicles unloading their waste or recyclables. As I discuss in more detail in section 5 below, any loss of the currently available space will significantly compromise the ability for the RTS to safely continue to operate at its current level.

Distribution of refuse material to downstream facilities

- 3.18 I have described in section 2 of my evidence the general refuse transfer purposes fulfilled by the Rosedale RTS, and the downstream facilities (such as landfills, recycling facilities, etc) that waste delivered to the site is transferred to after being consolidated. In this section of my evidence, I briefly describe the process for consolidating that waste and providing for its onward distribution to the various downstream facilities.
- 3.19 For safety purposes, the site is designed as a "Flat Floor" facility, meaning all aspects of the operation within the building take place on the same level. This removes the risk of customers and operators falling from a height into the pit.
- 3.20 Once waste is unloaded onto the floor by the customers, it is top loaded into bins and / or trucks using a materials handler (an excavator with a grab attachment).
- 3.21 A variety of top loaded haulage options are available for the bulk haul of residual waste to landfill and it is important to keep all options open so as to maximise operational flexibility. These options include:
- (a) A standard Hook Truck and trailer unit carrying 30m³ open top bins. Bins can be loaded on the floor and lifted onto the truck at a later stage, meaning the truck does not have to be present during loading. Spare bins are kept in the bin storage area on 123 Rosedale Road.
 - (b) A contractor's tractor unit and triple axle walking floor trailer. The combination reverses into the loading area and has to remain in position while it is loaded.
 - (c) A company owned truck and trailer combination with a tipping body on the truck and a walking floor trailer. Again, the bodies are fixed to the truck and both must remain in position when being loaded.
- 3.22 Once loaded, the loads are tamped down and the truck and trailer units are covered with a tarp, securing the load prior to transport.

- 3.23 Trucks enter the site through the same gate as customers but are not required to pass over the weighbridge. They proceed to the east of the building where they are able to reverse into a designated loading area. Because of the size of the truck and trailer units, it is critical for the safety of all on site that this area is kept free from customers, who are not familiar with driving in the close proximity of manoeuvring trucks. It is a company policy to maintain a 5m safe distance from all operational vehicles. Where this is not possible, there are certain additional safety procedures that must be followed.
- 3.24 Depending on the time of loading relative to the operating hours of the landfill, the trucks will either haul direct to landfill once loaded or they will be parked up for early delivery to landfill the following morning. In situations where open top bins are loaded, the bins will be stored until the next Hook Truck is available to haul to landfill.
- 3.25 Trucks exit the site using the same exit as customers. Where possible, the trucks are weighed before leaving to ensure they do not exceed permitted axle loadings. From a commercial perspective, it is only necessary to weigh trucks on arrival at the landfill.

North Shore truck and bin depot

- 3.26 As set out above, as well as operating as an RTS, the Rosedale RTS also fulfils a critical function as Waste Management's North Shore hub for its trucks and bins.
- 3.27 Trucks and bins are key components of the regional waste management system, without which the overall system as currently designed could not function. Because of its role within the regional waste management system with its linkages to both upstream and downstream operations and assets, the Rosedale RTS is an ideal (and indeed the most appropriate) location for Waste Management's North Shore truck and bin depot. It is essential from the business' perspective that onsite bin storage and truck parking can be provided for at the Rosedale RTS moving forward.

4. CONSULTATION AND ENGAGEMENT WITH THE TRANSPORT AGENCY

- 4.1 The Transport Agency first met with Ian Mayes from Waste Management in relation to the Project on 26 January 2017, which was prior to notification of the Project for submissions on 22 February 2017.
- 4.2 I was not present at that meeting, but I understand that it proceeded on the basis that the Transport Agency required the permanent acquisition of the land at 123 Rosedale Road, the permanent acquisition of 14m² of the land at 117 Rosedale Road for access to a stormwater drain, and temporary occupation of 156m² of the land at 117 Rosedale Road for construction purposes. In other words, even from the first meeting with Waste Management, the Transport Agency had already appeared to have made up its mind that it would require some of Waste Management's land for its Project, without considering the significant adverse effects that this would have on Waste Management and the ongoing operations of its Rosedale RTS.
- 4.3 Subsequently, on the date the Project was notified for submissions on 22 February 2017, Opus (on behalf of the Transport Agency) advised Mr Mayes that the temporary occupation of 156m² was no longer required due to realignment of the designation boundary. Mr Mayes was also advised that the only requirement for the 117 Rosedale Road land was a permanent area of 14m², which would ensure access to an existing stormwater manhole.
- 4.4 At that point, Opus was advised that I should be the contact point for further discussions.
- 4.5 Since notification of the Project for submissions, my contact about the Project has been Matt Kirkbride at Opus Consultants. As I understand it, Mr Kirkbride's primary role is to negotiate with Waste Management for the acquisition of the land interests the Transport Agency says it needs to enable the construction and operation of the Project under the Public Works Act 1981 ("**PWA**"), should its current proposal be approved by the Board of Inquiry under the Resource Management Act 1991 ("**RMA**").

- 4.6 In my view, it was premature for the Transport Agency to seek to negotiate for the acquisition of Waste Management's land interests under the PWA when its notice of requirement for the Project has not even been confirmed under the RMA. It also demonstrated a fundamental failure on the part of the Agency to understand Waste Management's position on the RMA approvals required for its Project. This position (as set out clearly in Waste Management's submission) is that the Board should decline these approvals to the extent that they seek to authorise Project works on Waste Management's landholdings. An acquisition under the PWA will not be necessary where Waste Management's submission in this regard is upheld by the Board.
- 4.7 Consistent with the above, Waste Management is disappointed that the Transport Agency's primary evidence on the Project does not even specifically address Waste Management's submission that the Project will significantly compromise the current and future operation of the Rosedale RTS. Messrs More and Burn on behalf of the Transport Agency acknowledge Waste Management's submission in this regard,¹ but nowhere in their evidence, or elsewhere in the Transport Agency's evidence, does there appear to be any consideration of the adverse effects that allowing the notice of requirement will have on the operation of the Rosedale RTS.
- 4.8 As set out in the evidence of Ms Brabant, it also does not appear that the Transport Agency specifically considered these adverse effects when it was assessing the alternatives for achieving its objectives and developing its preferred Project alignment for notification.
- 4.9 In my view, the Transport Agency has made no effort (until only very recently, which I acknowledge below) to understand the significant adverse effects that its notice of requirement will have on the ongoing operation of the Rosedale RTS. If these effects were understood by the Transport Agency when it was developing the Project, then in my view it would not have proceeded with its current applications. At the very least, I would have expected these adverse effects to have been

¹ Statement of evidence of David Moore on behalf of the Transport Agency, at paragraphs 9.47 and 9.48; Statement of evidence of Mr Burn on behalf of the Transport Agency, at paragraph 16.8.

firstly identified, and secondly properly considered by the Agency in terms of the relevant tests under the RMA, in its application materials and again in its primary evidence.

- 4.10 I therefore disagree with the evidence of Ms Brock, which is dated 20 April 2017, that the Transport Agency's consultation in relation to the Project up to that date has been "robust and comprehensive".² Given there was a failure to even identify, let alone consider, the Project's significant adverse effects on the operation of the Rosedale RTS before the Project was notified for submissions, and again even after Waste Management raised these very effects in its submission, the Transport Agency's engagement and consultation process cannot be described as either "robust" or "comprehensive".
- 4.11 I acknowledge that after the pre-hearing conference on 2 May 2017, the Transport Agency has sought to engage with Waste Management regarding its concerns and, specifically, the Project's significant adverse effects on the operation of the Rosedale RTS. From Waste Management's perspective, we are keen to see this engagement continue and are hopeful that some solutions to Waste Management's concerns may be able to be agreed between the parties.
- 4.12 Having said that, Waste Management continues to be opposed to the Project as currently designed and proposed.

5. ADVERSE EFFECTS OF THE PROJECT ON OPERATION AND FUNCTIONING OF ROSEDALE RTS

- 5.1 The notice of requirement affects all of Waste Management's leased land at 123 Rosedale Road and a portion of its freehold land at 117 Rosedale Road. Taken together, the confirmation of this requirement will have significant adverse effects on the ongoing operation of the Rosedale RTS activities from Waste Management's existing site. I understand the associated regional resource consent applications will further enable works on this part of the site.
- 5.2 Allowing the notice of requirement and granting the resource consent applications for the Project, as currently proposed by the Transport

² Statement of evidence of Ms Bock on behalf of the Transport Agency, at paragraph 4.4.

Agency, will have a range of significant adverse effects on Waste Management and its Rosedale RTS.

5.3 The acquisition of the lease of 123 Rosedale Road and the subsequent development of this land to form an integrated part of the overall RTS operation was driven by the need to provide for Auckland's growth:

- (a) As Auckland grows, traffic on the local roading network and the motorway system increases. Intensification also means there is less industrial land available within urban areas, and a corresponding increased chance of sensitive activities locating in proximity to existing industrial facilities. Together, these factors are forcing new replacement landfill disposal sites to be located further away from urban development.
- (b) The role of the Rosedale RTS specifically, and refuse transfer stations and waste industry depots generally, in efficiently linking upstream and downstream waste management processes is becoming more critical as Auckland continues to grow. Because landfills will increasingly be located further away from urban development, it is becoming more essential to provide intermediate waste management facilities within the urban area. Conveniently located intermediate facilities like the Rosedale RTS are particularly important for members of public, who for health and safety reasons generally cannot access landfill sites directly
- (c) In addition, as Auckland grows, so too do the waste volumes its residents and businesses produce. Because of the relative scarcity of the landfill resource and other environmental factors, there is a greater emphasis on diverting more of these increased waste volumes away from landfills into other downstream processing facilities such as recycling facilities and cleanfills. As described in detail above in section 2 of my evidence, refuse transfer stations by their very nature, are designed to play a critical role in this increased diversion of waste away from landfill.

- 5.4 All of the above factors combined to drive the need for Waste Management to expand the operation of the Rosedale RTS in 2012 to the land at 123 Rosedale Road. In particular, as delivery and diversion activities on the land at 117 Rosedale Road continued to increase, it was necessary for certain aspects of the normal transfer station and depot operations to be relocated to the adjoining land at 123 Rosedale Road. The normal operations relocated to 123 Rosedale Road, being bin storage and truck parking, were chosen for relocation because:
- (a) These activities could be undertaken on the 123 Rosedale Road as permitted activities and without the need for resource consent.
 - (b) The relocation of these activities was the most efficient way of expanding the site's waste delivery and diversion operations, and involved the least disruption to those activities.
- 5.5 Today, the two sites continue to operate in conjunction with each other and in a fully integrated fashion across both titles. There is currently a fence that separates the land at 123 Rosedale Road from 117 Rosedale Road. However, that fence is only required for health and safety reasons, being that it allows the bin storage and truck parking functions undertaken on 123 Rosedale Road to continue where there is no site manager supervising the waste delivery and transfer operations at 117 Rosedale. Where there is no site management supervision, 117 Rosedale Road must be closed to public access.
- 5.6 The bin storage and parking functions undertaken on 123 Rosedale Road are critical to the overall Rosedale RTS operation. The RTS cannot fulfil its waste delivery and transfer functions described above without the associated use of bins and trucks. The land at 123 Rosedale Road therefore fulfils a critical role in the logistics of the site and Waste Management's broader business, in that it allows for the temporary storage of bins and the parking of trucks, both of which are activities integrally involved with the RTS operation and wider functioning of the regional waste management system.
- 5.7 It is not possible to relocate these critical bin and truck parking functions to the land at 117 Rosedale Road, without compromising the safety and

environmental compliance of the RTS operations, or significantly reducing the scale of those operations (for example, by excluding the public and returning to a more limited depot / waste consolidation). I accept that to a layperson without experience in the operation of transfer stations and the regional waste management system, it may appear that the site has empty space that can provide for bin storage and truck parking. However, as explained above, this area is in fact critical for safe traffic management, manoeuvring of line haul trucks, recycling drop-off and other operational requirements of the RTS.

- 5.8 It is not impossible to have the bin and truck parking undertaken at 123 Rosedale Road operation relocated to a remote site. However, relocating this to a remote site would significantly increase truck movements on surrounding roads (with associated safety and environmental impacts). This would in turn increase the cost of operating from 117 Rosedale Road, to the extent that I consider it will and adversely impact the commercial viability of the entire operation.
- 5.9 A key issue in terms of the long-term viability of the Rosedale RTS is the ability not only to provide for the current level of operations in the short-term, but also for Waste Management to expand the facility to provide for growth in demand for waste transfer services. As set out above, providing for Auckland's growth drove the need to expand the Rosedale RTS operations to 123 Rosedale Road in the first place. That growth is expected to continue at a fast pace. Waste Management cannot reasonably operate a much more constrained facility at this location, when there is a clear need to continue to expand the existing level of operations in the near future.
- 5.10 As such, without the ongoing use of the land at 123 Rosedale Road as part of the Rosedale RTS' integrated operations, the entire business operation will be compromised. In my view, this means Waste Management will have to relocate the entire RTS operation to another site, which will obviously have significant economic and disruption effects on the business and may result in increased adverse traffic and other effects on the wider environment, depending on the site to which the facility is relocated to.

- 5.11 In addition to these effects, there is an added complexity in that under the Unitary Plan there is no other suitably zoned (ie heavy or light industrial-zoned) undeveloped land that can be developed to service this area of the North Shore with suitable access to the motorway network (such access being critical given the onward transfer functions of the RTS). The only alternative is to buy out another brownfields site and obtain the necessary plan changes and / or resource consents to redevelop it for a refuse transfer station. There is no guarantee that a suitable site could be found and purchased or that any necessary approvals under the RMA can be obtained.
- 5.12 Given the above, Waste Management's position is that the notice of requirement and associated regional resource consents for the Project should not be approved, to the extent that they will enable works on Waste Management's landholdings at 117 and 123 Rosedale Road. The adverse effects of the Project on Waste Management and its Rosedale RTS cannot otherwise be avoided, remedied or mitigated, except potentially by way of relocating the entire facility (should that even be practicable).

6. OTHER ADVERSE EFFECTS OF THE PROJECT

- 6.1 Assuming that the extent of the notice of requirement is reduced so that it no longer affects Waste Management's landholdings and the Project proceeds on that basis, Waste Management remains concerned that the construction and operation of the Project will have other adverse effects on the ongoing operation of the Rosedale RTS. These adverse effects can be mitigated to an extent, through design amendments and the amendments to the proposed designation set out in the evidence of Ms Brabant.

Reverse sensitivity

- 6.2 A shared-use path ("**SUP**") (including a cycle lane and pedestrian pathway) along the eastern boundary of the new busway that will adjoin the improved State Highway 1 is proposed as part of the Project. The Transport Agency proposes that the shared-use path will be elevated above the adjoining land to the east, which means it will be elevated above the Rosedale RTS. I understand that this neighbouring property

is also likely to become a parking area in the future for a proposed new bus "park and ride" station.

- 6.3 Waste Management is concerned that by attracting pedestrians and cyclists to the vicinity of the transfer station site through the SUP and future proposed park and ride station, the Transport Agency is, in effect, changing the receiving environment. The business' concern is that this will create adverse reverse sensitivity effects that will impact the business going forward. I explain this concern and the mitigation that can be employed to address it in detail below.
- 6.4 The waste delivery and transfer aspects of the Rosedale RTS operations are undertaken on 117 Rosedale Road, which is zoned Light Industry under the Unitary Plan. As Ms Brabant explains, this zoning provides for industrial activities that do not generate objectionable odour, dust or noise. The zoning also anticipates that there will be a lower level of amenity than other business zones and, because of the nature of the industrial activities that are enabled within the zone, activities sensitive to air discharges and other amenity effects are discouraged from locating in the zone.
- 6.5 The Light Industry zone therefore provides Waste Management with a level of protection against activities that might be more sensitive to its Rosedale RTS operations, by specifically seeking to avoid reverse sensitivity effects from activities that may constrain the operation of light industrial activities.
- 6.6 In terms of dust and odour, the discharge of contaminants associated with the operation of the Rosedale RTS is also authorised by way of an Air Discharge consent, which expires on 30 April 2027. Condition 5 of this consent provides that:
- Beyond the boundary of the site, there shall be no dust or odour caused by discharges from the site which, in the opinion of the enforcement officer, is noxious, offensive or objectionable.
- 6.7 It has never been stated by Waste Management, or been a requirement of its air discharge consent, that the Rosedale RTS will have not have any dust or odour effects beyond the site boundary. Rather, Waste Management's obligation is to ensure that any such discharges beyond

the boundary of the site are not noxious, offensive or objectionable, in the opinion of a Council enforcement officer. Trained Council enforcement officers rely on the five "FIDOL" factors when enforcing this condition.³

- 6.8 In terms of noise, the Unitary Plan requires that existing and authorised activities and infrastructure, which by their nature produce higher levels of noise, are appropriately protected from reverse sensitivity effects (where it is reasonable to do so). The noise level measured within the boundary of any site adjoining both light industry-zoned land (117 Rosedale Road) and general business-zoned land (123 Rosedale Road) must not exceed 65bD L_{Aeq} . The operations at the Rosedale RTS do not exceed these levels.
- 6.9 Notwithstanding compliance with the above planning rules and the conditions of its air discharge consent, during the operational life of the Rosedale RTS to date, Waste Management has received complaints from neighbours in relation to noise from trucks (specifically in the early mornings), the loading of bins (metal on metal) and odour (greenwaste frequently stands on people's properties for several weeks prior to being collected, which means it is already old when it is received on the site. Greenwaste odours are offensive to some.).
- 6.10 These complaints were primarily from neighbours in the adjoining business park, which was zoned "Business 10" (ie heavy industry) under the former North Shore District Plan but is now zoned "General Business" under the Unitary Plan. Examples include:
- (a) Complaint from a neighbour living in a Business 10 property.
 - (b) Complaint from an early morning outdoor gym class run from the parking area of the adjoining business park.
 - (c) Complaint from a business next door during working hours.
- 6.11 Waste Management's experience across its business is that, when the public have visibility of a transfer station or landfill operation, they pay closer attention to that the operation of that site. Understandably,

³ This involves a subjective assessment of F – frequency of effect; I – intensity of effect; D – duration of effect; O – offensiveness of effect; and L – location of effect.

members of the public are also generally unaware of the planning rules and consent requirements pertaining the management of adverse effects from Waste Management's facilities. This closer attention invariably results in complaints about Waste Management's activities, even where those activities are operating entirely lawfully.

- 6.12 Waste Management is therefore concerned that attracting large numbers of pedestrians and cyclists to the vicinity of the Rosedale RTS via the proposed SUP will inevitably result in more complaints about its lawful operations and therefore adverse reverse sensitivity effects. A particular concern is that the SUP is elevated above the RTS, meaning that members of the public using the path will have a high degree of visibility of the RTS' operations
- 6.13 In addition, the Rosedale RTS has operational hours of 07h00 – 18h00 on weekdays and 08h00 to 17h00 on weekends(outside of these hours, the RTS is locked, but occasional truck movements outside of these hours do occur and are permitted). These hours of operations are likely to coincide with peak times for usage of the SUP, particularly where the neighbouring property becomes a parking area for the future proposed bus "park and ride" station.
- 6.14 Waste Management's view is that the design of the elevated SUP and the access ramp / stairs must therefore include a visual screen that precludes the public from looking down into the RTS. In Waste Management's experience, effective screening goes a long way towards reducing complaints about its lawful operations and therefore is effective mitigation against adverse reverse sensitivity effects.
- 6.15 Screening of the Rosedale RTS and Waste Management's other facilities has long been a requirement imposed on it by Auckland's planning rules. When Waste Management developed the site for its operations, it was a requirement that it screened the operation by planting along the property boundary. The Unitary Plan continues to require that Waste Management's facilities including the Rosedale RTS are screened from neighbouring residential, rural, open space and other zones.⁴

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Unitary Plan H17.6.

- 6.16 In addition, I note that there are no other activities on the northern side of Rosedale Road (between SH1 and Hugh Green Drive). In my view, it is illogical to locate the ramp / stairs to the SUP on southern side of the road (as proposed in the Project drawings). Apart from increasing the health and safety risk associated with members of the public crossing the road to access the SUP, the proposed location of the ramp / stairs will attract pedestrian public onto the sidewalk immediately outside the RTS, increasing further the risk of adverse reverse sensitivity effects. Relocating the ramp / stairs to the SUP to the northern side of Rosedale Road will therefore assist in mitigating the potential for these adverse reverse sensitivity effects to arise.

Adverse effects of partial closure of Rosedale Road during construction of the Project

- 6.17 In its submission, Waste Management raised concerns regarding the partial closure of Rosedale Road required for construction of the Project. This was because the RTS is accessed from Rosedale Road and traffic congestion in this area significantly increases Waste Management's cost of operation, which must ultimately be passed onto Waste Management's customers.
- 6.18 The traffic arising from the commercial development between Constellation Drive and Rosedale Road (an area of approximately 100ha) already causes significant congestion during the day, particularly as this entire area is serviced by only three single lane exits. As a result, traffic will frequently back up the full length of Rosedale Road from Tawa Drive to Hugh Green Drive.
- 6.19 Waste Management opposes the proposed reduction of Rosedale Road to a single lane as indicated by the Transport Agency, to enable the construction of the Project. This will simply worsen an already bad situation.

- 6.20 Waste Management's trucks are restricted in their options to access State Highway 1, as the business does not support its trucks using the Rosedale Road / Hugh Green Drive / Greville Drive route to access the motorway. This route passes through residential areas, which includes two childcare centres, and will result in unacceptable health and safety risks to both the community and the business' drivers.
- 6.21 As such, Waste Management's trucks will continue to be compelled to use Rosedale Road / Tawa Drive to access State Highway 1 during construction even though this will result in additional costs caused by the delays associated with the construction of the Project.
- 6.22 Accordingly, should the Project be approved, Waste Management requests that the Transport Agency be required to provide a construction programme in relation to the Rosedale Road construction works, well in advance of those works commencing. This is so that Waste Management has adequate time to prepare for the disruption this will cause and can take steps within its business to minimise the costs of that disruption.
- 6.23 Waste Management also requests that the Transport Agency be required to commit to working 24-hours per day, 7 days per week in this area to expedite completion of the works. Where possible, Rosedale Road should also be temporarily opened to two lanes at peak hours to minimise traffic delays during construction.

7. CONCLUSION

- 7.1 Waste Management is opposed to the Project, as it relates to the Project's significant adverse effects on the Rosedale RTS. Waste Management therefore requests that the Board decline to confirm the notice of requirement and decline to grant the associated resource consent applications for the Project, to the extent that the requirement and applications seek to authorise works on Waste Management's Rosedale RTS.
- 7.2 To the extent that the Project may be otherwise be approved by the Board, Waste Management requests the amendments to the conditions

set out in the evidence of Ms Brabant are imposed to address the Project adverse reverse sensitivity and construction traffic effects.

A handwritten signature in black ink, appearing to read 'Ian', with a long, sweeping horizontal stroke extending to the right.

Ian Gavin Kennedy

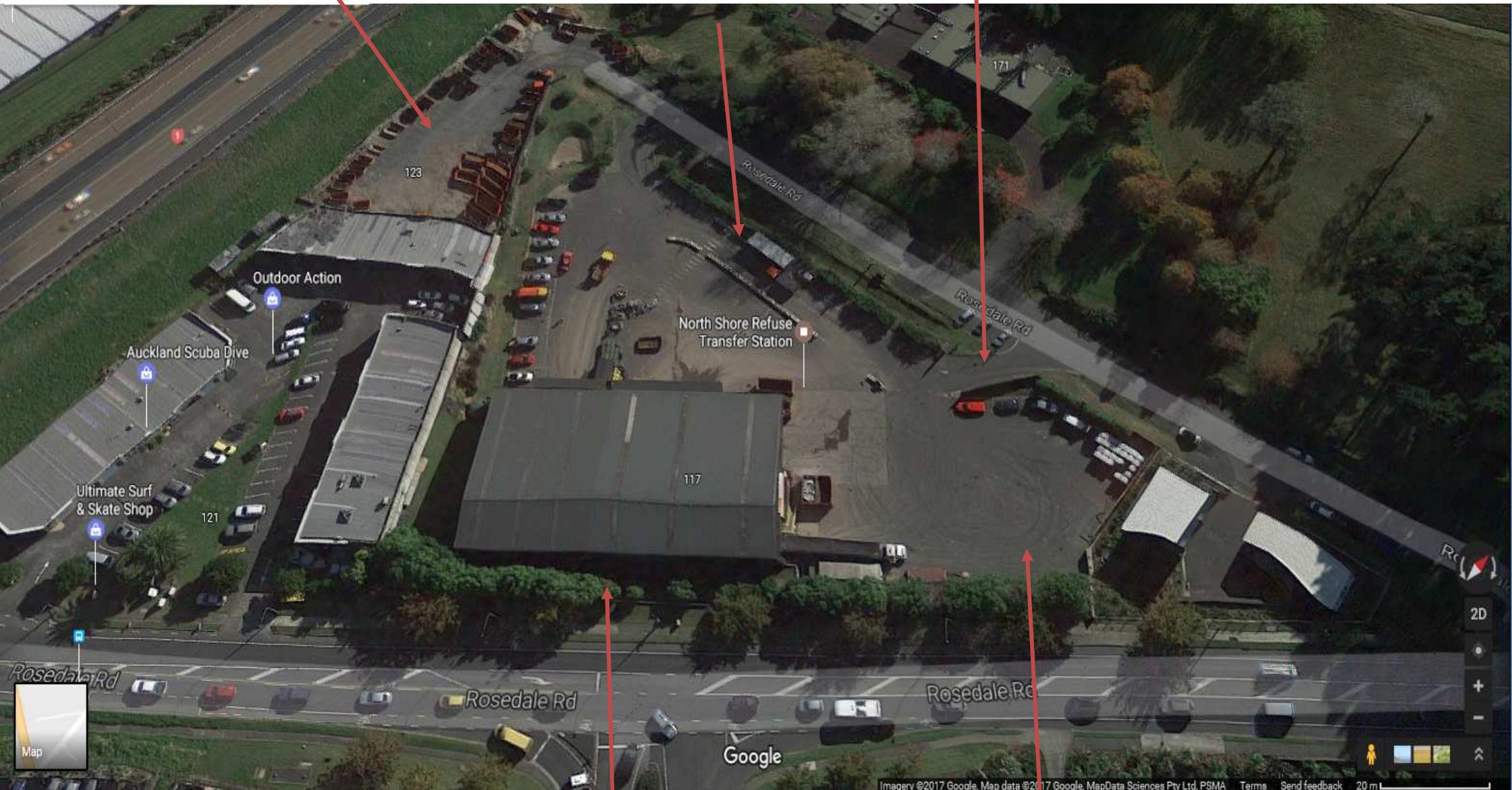
25 May 2017

APPENDIX A

Truck parking and bin storage area at 123 Rosedale Road

Weighbridge

Entry of vehicles to the site



Flat floor facility building

Designated truck manoeuvre area. No customers in this area.