

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

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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,⁴ 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

⁴ — 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 Beck 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).~~

6.4. OTHER ADVERSE EFFECTS OF THE PROJECT

~~6.14.1 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

~~6.24.2~~ 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.

[6.34.3](#) 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.

[6.44.4](#) 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.

[6.54.5](#) 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.

[6.64.6](#) 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.

[6.74.7](#) 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

[6.84.8](#) 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.

[6.94.9](#) 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.).

[6.104.10](#) 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.

[6.114.11](#) 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.

[6.124.12](#) 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

[6.134.13](#) 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.

[6.144.14](#) 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.

[6.154.15](#) 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

4

Unitary Plan H17.6.

~~6.164.16 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

~~6.174.17~~ 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.

~~6.184.18~~ 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.

~~6.194.19~~ 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.

6.204.20 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.

6.214.21 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.

6.224.22 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.

6.234.23 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.

7.5. **CONCLUSION**

7.15.1 ~~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.~~

7.25.2 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

**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.

**EXPERT EVIDENCE OF ANDREA LESLEY BRABANT
ON BEHALF OF WASTE MANAGEMENT NZ LIMITED**

PLANNING

25 MAY 2017

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EXECUTIVE SUMMARY

- ~~A. — By way of summary, it is my opinion that the extent of the notice of requirement for the Northern Corridor Improvements project (**Project**), if confirmed, will have significant adverse effects on the operation of the Rosedale Refuse Transfer Station (**RTS**) owned and operated by Waste Management New Zealand Ltd (**WMNZ**). I have relied upon technical operational evidence provided by Mr Kennedy of WMNZ regarding the operations of the RTS and the space requirements for its ongoing operations.~~
- ~~B. — I have reviewed the notice of requirement application and the subsequent evidence prepared on behalf of the New Zealand Transport Agency (**Transport Agency**). Within that material, there is no consideration in terms of s 171 of the Resource Management Act 1991 (**RMA**) regarding the effects of confirming the notice of requirement on the RTS. I consider that without this assessment, the Board of Inquiry (**BOI**) does not have sufficient information to confirm the current notice of requirement as it applies to the RTS site.~~
- ~~C. — Mr Kennedy has given evidence on behalf of WMNZ. I agree with his evidence that the extent of the notice of requirement will, if confirmed, result in a reduction in site size for the RTS that will make the operation of the facility unworkable and may force the relocation of the facility.~~
- ~~D. — As part of considering the effects on the operation of the RTS, if the notice of requirement is confirmed in respect of WMNZ's land, I have considered how the RTS fits into the wider waste network and the important role it plays as part of the integrated infrastructure servicing the waste needs of Auckland. In particular, I have:~~
- ~~(a) — Considered the importance of the RTS and its role in achieving waste minimisation, which is a key goal of the regulatory framework that governs the operation of the waste industry in New Zealand.~~
- ~~(b)(a) — Outlined the recognised shortage of industrial-zoned land in Auckland, which was a focus of studies and evidence heard as~~

~~part of the Auckland Unitary Plan ("**AUP**") process. This lack of supply results in a shortage of industrial-zoned land, which means there is a lack of alternative sites for the RTS if it was forced to relocate.~~

~~**E.A.** None of the matters in paragraph D above have been considered by the Transport Agency as part of its assessment of the effects on the RTS, where the notice of requirement is confirmed as currently proposed.~~

F.B. Mr Kennedy also sets out WMNZ's concerns with adverse reverse sensitivity effects as a result of the location of a Shared Use Path (**SUP**) adjoining the RTS site and overlooking the operation, and traffic management issues during construction of the Project. I have proposed conditions to mitigate these adverse effects.

1. INTRODUCTION

- 1.1 My full name is Andrea Lesley Brabant.
- 1.2 I am a Principal Planner and Team Leader of the Auckland Planning Team at Tonkin + Taylor and have been with the company since 2011. I am a qualified Planner with sixteen years' experience in New Zealand. I hold the qualification of Bachelor of Planning (Hons) from Auckland University. I am a full member of the New Zealand Planning Institute. I am also a member of the Resource Management Law Association and a certified hearing commissioner.
- 1.3 I am familiar with the refuse transfer station (RTS) owned and operated by WMNZ at Rosedale Road on the North Shore, which falls within the Northern Corridor Improvements (NCI) Project area.
- 1.4 I have been involved in the following projects that are waste related. These projects have given me an understanding of the planning issues specifically relating to the regional waste management network:
- (a) preparation of district and regional resource consent applications and subsequent preparation and presentation of expert evidence for the consenting of the Rotorua Refuse Transfer Station for Transpacific Industries (prior to it being sold and changed to WMNZ);
 - (b) preparation of resource consent applications for the consenting of scrap metal facilities for CMA Recycling in Tauranga and Auckland;
 - (c) preparation of the Assessment of Environmental Effects (**AEE**) Report and resource consent application for the Redvale Earthfill at the Redvale Landfill;
 - (d) review of relevant provisions, preparation of submissions, expert conferencing, mediation and expert evidence on the Proposed Auckland Unitary Plan on behalf of WMNZ with

specific emphasis on those objectives, policies and rules relating to the Auckland region's waste infrastructure; and

- (e) preparation of the AEE Report, and expert evidence in a joint Council hearing and in the Environment Court for the consenting of the Redvale Landfill.

2. CODE OF CONDUCT

- 2.1 I confirm I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 2.2 I am authorised to provide expert planning evidence on behalf of WMNZ.

3. SCOPE OF EVIDENCE

- 3.1 My evidence will deal with the following:
 - (a) Background and the existing environment.
 - (b) The importance of the operation of the RTS and its function within the wider waste network.
 - (c) ~~The statutory framework relating to infrastructure and waste minimisation in Auckland.~~
 - ~~(d) The statutory assessment of the Transport Agency's notice of requirement under s 171 of the RMA~~
 - ~~(e)(d) An assessment of the notice of requirement as it relates to WMNZ's landholdings under Part 2 of the RMA.~~
 - ~~(f)(e) Conditions of the designation necessary to mitigate the Project's adverse reverse sensitivity and construction traffic effects.~~

4. BACKGROUND AND THE EXISTING ENVIRONMENT

4.1 WMNZ is one of the leading providers of comprehensive waste and environmental services in New Zealand, and is a major player in the waste industry across the Auckland region. WMNZ has a comprehensive service offering, including: resource recovery, responsible waste management and transport solutions.

4.2 WMNZ owns and operates the Redvale Landfill (the largest in the Auckland region) and is a joint venture partner in Whitford Landfill with Auckland Council. They also own and operate a number of other strategic waste assets throughout Auckland including the Rosedale RTS on the North Shore.

4.3 The site at Rosedale Road is the only refuse transfer station within the North Shore area operated by WMNZ and is located at 117 and 123 Rosedale Road. The site was zoned Business 10 under the legacy North Shore District Plan. This zone was the heaviest business zone within North Shore District. WMNZ has historically purchased and developed sites in areas which were zoned for heavy industry.

4.4 Refuse transfer station sites need to be strategically located around the region in order to be effective in collecting and distributing waste. Mr Kennedy explains in section 2 of his evidence how the regional waste network operates, including the integration of facilities and the steps in the waste management process.

4.5 The surrounding area at Rosedale is a mixture of activities and land uses, including the motorway, the Rosedale closed landfill; other industrial activities; pockets of residential activities; the Watercare Rosedale wastewater treatment plant; and general business activities.

5. THE REGIONAL WASTE MANAGEMENT NETWORK

5.1 As set out in the evidence of Mr Kennedy, the efficient and safe disposal of waste from Auckland residents and businesses requires a comprehensive network of disposal and recovery facilities, which are necessary to sort and consolidate waste prior to transfer to landfill sites. The Rosedale RTS forms part of this comprehensive waste network and is an important physical infrastructure component.

- 5.2 RTS facilities need to be geographically located to serve a catchment of waste. This is because the purpose of these facilities is to sort and consolidate waste for onward distribution to landfill or other appropriate facility such as a cleanfill.
- 5.3 Waste in Auckland is generated by both residential households and businesses as well as through construction activity. The function and growth of Auckland cannot be supported if there is no infrastructure in place to deal with the waste generated.
- 5.4 In 2010, Auckland produced an estimated 1.174 million tonnes of waste to landfill.¹ This figure does not represent the total amount of solid waste collected, as part of the waste stream gets diverted by refuse transfer stations like the Rosedale RTS and either recycled or reused. The collection and processing of this waste is in my opinion of critical importance to the functioning of the Auckland region and I consider there would be serious adverse effects on the social and economic wellbeing of Auckland if this infrastructure was not in place.

~~6. STATUTORY FRAMEWORK – WASTE INFRASTRUCTURE~~

~~6.1 Waste in New Zealand is controlled and regulated by a number of key statutes. These are:~~

~~(a) The Waste Minimisation Act 2008, which seeks to reduce the amount of waste generated in New Zealand and protect the environment from the effect of waste generation and disposal. It provides for tools such as the waste disposal levy and waste minimisation funding.~~

~~(b) The Local Government Act 2002, which sets out the functions of local authorities. Solid waste collection and disposal is identified as a core service of local authorities~~

~~(c) The RMA, which manages the effects of activities on the environment, including the effects of waste facilities.~~

~~6.2 These statutes have resulted in a number of statutory plans being developed. Specifically within the Auckland Region there is the Auckland Waste Management and Minimisation Plan (WMMP) and the AUP. In my~~

¹ Auckland Waste Management and Minimisation Plan

~~opinion, the WMMP must be had regard to under s 171(d) of the RMA when considering the effect of allowing the Transport Agency's notice of requirement, while the provisions of the AUP must be had regard to under s 171(1)(a). (I address these statutory tests in section 7 below.)~~

~~6.3 — The overarching aspirational goal of Auckland Council is zero waste by 2040. It is my opinion that the role of RTS facilities within the waste network in Auckland is critical to achieving both this aspirational goal, and the outcomes regarding waste reduction and management of environmental effects sought through the legal framework summarised above. This is because RTS facilities provide the critical linkage role of sorting and consolidating waste before distribution to landfill or another downstream facility.~~

~~6.4 — The Council's goal of zero waste is about reducing residual waste to landfill. It therefore prioritises the recovery, reuse and recycling of waste. I consider while there is a role for households and individuals in achieving this goal, the more critical role is played by infrastructure operators like WMNZ. This is demonstrated in the WMMP where it identifies that Auckland Council only controls approximately 17% of the waste stream in Auckland, with the remainder managed by companies such as WMNZ. Therefore I consider the continued operation of the Rosedale RTS, which Mr Kennedy explains is a critical part of WMNZ's network, is important in achieving the Council's strategic waste initiatives.~~

~~**Proposed Auckland Unitary Plan**~~

~~6.5 — The Rosedale RTS and the wider Project works area is subject to the AUP. I discuss the operative AUP provisions further below.~~

~~6.6 — As part of the Proposed Auckland Unitary Plan process, I was involved on behalf of industrial clients including WMNZ. This involved being part of both the infrastructure working group and the industry working group. There were a number of key strategic areas we examined as part of these two groups which flowed through to the changes made to the Proposed Plan and ultimately the final AUP. I discuss these changes below as part of addressing the AUP provisions relevant to the assessment of the notice of requirement.~~

Infrastructure

6.7 The notice of requirement for the Project seeks to provide for transport infrastructure. Importantly, consideration also needs to be given to how the project interacts with other infrastructure that may be affected where the notice of requirement is confirmed.

6.8 The recognition, enablement and support of infrastructure was a key topic through the hearings process for the Proposed Unitary Plan. Discussions around how to appropriately provide for infrastructure were critical to the formulation of some key strategic drivers in the now operative Plan, including key Regional Policy Statement (**RPS**) provisions set out under section B3 relating to Infrastructure, transport and energy. I consider the following RPS objectives and policies are relevant to considering the effects of the Project on Waste Management's Rosedale RTS:

Objective B3.2.1(2) — The benefits of infrastructure are recognised, including:

- (i) Providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;
- (ii) Enabling economic growth;
- (iv) Contributing to the economy of Auckland and New Zealand;
- (v) Providing for public health, safety and the well-being of people and communities;
- (vi) Protecting the quality of the natural environment; and
- (vii) Enabling interaction and communication, including national and international links for trade and tourism”.

Objective B3.2.1(4) — The functional and operational needs of infrastructure are recognised.

Objective B3.2.1(8) — The adverse effects of infrastructure are avoided, remedied or mitigated.

Policy B3.2.2(7) — Encourage the co-location of infrastructure and the shared use of existing infrastructure corridors where this is safe and satisfies operational and technical requirements”.

6.95.5 The objectives and policies above highlight the important role infrastructure has to play in providing for the health and well-being of people and communities and providing essential services. I consider the RTS undertakes these important functions.

6.10 — The Independent Hearings Panel (**Panel**) for the AUP released their report on Hearing topic 012 (Infrastructure, energy and transport) in July 2016. As part of that report, the Panel discussed the importance of infrastructure to the region's economy and to the well-being of people and communities. As part of this, the Panel recommended that municipal landfills should be included in the definition of infrastructure, which was accepted by the Council in its decision on the Plan.

6.11 — The Panel also considered that infrastructure enables other activities to occur. In relation to the RTS site and its role as part of the wider waste infrastructure, I consider the following comment from the Panel in their recommendation report is relevant:²

Typically, and especially for inter-connected networks, the whole system or network is essential to provide the infrastructure service. The efficacy of an infrastructure service almost always depends on the functioning of every element of it.

6.12 — The key point is that the RTS is not a stand-alone business or a site that operates in isolation. On the contrary, it is a site that is part of a wider network of key waste management infrastructure that is essential to the functioning of Auckland. I consider that as part of the design of the Project, there has been no real assessment by the Transport Agency of the RTS in this light and no consideration of what confirmation of the notice of requirement could mean for the operation of the site within the context of the wider waste network. The AEE and evidence on behalf of the Transport Agency also does not consider what mitigation options could be offered or proposed to ensure this infrastructure is not adversely affected.

6.13 — This is despite the fact that the effects of the Project on other infrastructure has been considered through the Auckland Council's s 149G report that has been prepared for the BOI on the Project's key issues. In particular, the need to ensure any effects of the Project on other infrastructure are avoided, remedied or mitigated in a way that allows those infrastructure services to continue in a safe and efficient way was specifically identified as a key issue. I also note that the evidence of Mr McGregor on behalf of the Transport Agency says that the design of the Project was developed in conjunction with potentially affected infrastructure providers.

² Auckland Unitary Plan Independent Hearings Panel, Report to Auckland Council Hearing topic 012, Infrastructure, energy and transport. July 2016

6.14 — However, notwithstanding that, I note from Mr Kennedy's evidence that WMNZ was not one of the infrastructure providers included in the development of the Project's design. The result is that no recognition or consideration of the potential effects of the Project on the operation of Waste Management's Rosedale RTS, or Auckland's waste management infrastructure of which the RTS is an integral part, appears to have been by the Transport Agency in developing its Project for notification.

Shortage of Industrial Land

6.15 — The other important theme that arose through the Unitary Plan hearings process and which is relevant, is the recognised shortage of industrial land in Auckland. Under the AUP, on the North Shore there is no heavy industry zoned land and only minimal Light Industry zoned land (with a large percentage of the Light Industry zone land area covering the Watercare Rosedale Water Treatment Plant and therefore effectively unavailable for other industrial activities).

6.16 — The RTS occupies an area just over 1ha (this is 123 and 117 Rosedale Road combined). If the RTS were needed to relocate, it would need a site of comparable size to be properly accommodated.

6.17 — As part of the development of the AUP, Auckland Council undertook a Capacity for Growth Study.³ Business areas were examined as part of this to determine how much availability or vacancy there was and the ability to accommodate more business land or floor space.

6.18 — The Capacity for Growth study showed in 2012 that across the whole of the Auckland Region and for all business zone types (ie not just industrial-zoned land), for a site size of between 1-2ha there were only 77 parcels of business-zoned land that were vacant. Unfortunately there was no further breakdown of which area these parcels were located within or the type of business zoning they had so I cannot conclusively say how many of these vacant sites might have been located in the North Shore and were also zoned for Industry rather than general business. However, I do consider this supports Mr Kennedy's evidence that finding a replacement site on the North Shore for the RTS would be difficult, as 77 sites on a region wide basis is not a large pool of vacant business land.

³ Capacity for Growth Study 2013 — Auckland Council

~~6.19 — In addition, the RTS operation needs to be located within an industrial zoning as that provides for the land use component (in terms of s 9 of the RMA) as a permitted activity under the AUP. Outside of an industrial zoning the activity itself becomes non-complying and the objectives and policies do not support it. There are specific policies both within the zoning provisions and the air quality provisions that actively discourage activities in the general business zones that may have noxious, offensive or undesirable qualities. This is further compounded by all business zones outside of industrial zoned sites requiring a high air quality amenity. I do not consider it is practical for a refuse transfer station operation to meet these requirements as they are a true industrial activity. This results in the RTS operation being limited to a location within either a Heavy or Light Industry zoning.~~

~~6.20 — It is my view that the known lack of industrial land supply in Auckland should have been considered as part of the Transport Agency's assessment of the Project under s 171 of the RMA, when considering the extent of the notice of requirement and the adverse effects it could have (if confirmed) on the Rosedale RTS and its operations.~~

~~7. — SECTION 171 OF THE RMA~~

~~7.1 — Section 171(1) of the RMA sets out the tests when considering a notice requirement and any submissions received. Specifically s 171(1) says:~~

~~(1) — When considering a requirement and any submissions received, a territorial authority must subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to —~~

~~(a) any relevant provisions of~~

~~(i) — A national policy statement;~~

~~(ii) — A New Zealand coastal policy statement;~~

~~(iii) — A regional policy statement or proposed regional policy statement;~~

~~(iv) — A plan or proposed plan; and~~

~~(b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that work will have a significant adverse effects on the environment; and~~

~~(c) Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and~~

~~(d) Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement”.~~

~~7.2 I address each of the s 171(1) tests below, in relation to the effects on the ongoing operation and function of Waste Management's Rosedale RTS, where the notice of requirement as proposed by the Transport Agency is confirmed.~~

Effects of allowing the requirement

~~7.3 Mr Kennedy sets out in detail the adverse effects of allowing the notice of requirement on the ongoing operation of the Rosedale RTS in section 5 of his evidence.~~

~~7.4 Given Mr Kennedy's evidence, it is my opinion that the extent of the notice of requirement on WMNZ's landholdings will, if confirmed, result in adverse effects on the Rosedale RTS site, which forms part of the existing environment. These effects must therefore be considered in terms of s 171 RMA when determining whether to confirm the notice of requirement as it relates to WMNZ's landholdings and, if so, on what conditions.~~

~~7.5 In summary, the adverse effects of allowing the notice of requirement on Waste Management's landholdings include:~~

~~(a) Adverse effects on the ongoing ability for the RTS to continue to operate from its current location, and in doing so provide for the growth in demand for waste transfer services on the North Shore.~~

~~(b) Wider adverse effects on the regional waste management network. These adverse effects are significant and arise because allowing the notice of requirement will compromise the RTS's continued performance of its role as an intermediate waste management facility that is an integral part of the wider waste management network.~~

~~(c) Adverse reverse sensitivity effects on the day-to-day operation of the Rosedale RTS, resulting from the proposed SUP which will give significant numbers of pedestrians and cyclists visibility of the RTS' operations.~~

~~(d) — Adverse construction traffic effects on the operation of the Rosedale RTS, during the period of proposed closure of Rosedale Road.~~

~~7.6 — I have considered the adverse effects in (a) and (b) above when addressing each of the tests in section 171(1)(a) – (d) of the RMA below, and then undertaken a Part 2 assessment, in terms of whether the notice of requirement should be confirmed as it applies to WMNZ's landholdings.~~

~~7.7 — I have then separately considered the adverse reverse sensitivity and construction traffic. This is because these effects will arise irrespective of whether the notice of requirement is confirmed as it relates to WMNZ's land, and can be mitigated through amendments to the conditions of the designation.~~

~~7.8 — Having reviewed the application documents and evidence of the Transport Agency, I consider that in lodging its notice of requirement for the Project, the Transport Agency has not properly considered the adverse effects on the ongoing operation of the Rosedale RTS, if its requirement is confirmed. In its application, the Transport Agency has chosen to take a narrow approach to the consideration of effects, and has not considered the adverse effects of the Project on the operation of the Rosedale RTS, or how this fits within Auckland's wider strategic waste network and the adverse effects that will arise where it can no longer function efficiently as part of that network.~~

~~7.9 — Given this and Mr Kennedy's evidence summarised above, I therefore disagree with paragraph 14.5 of Mr Burn's evidence where he states that "...the adverse effects of the Project are avoided and the residual impacts are mitigated". From WMNZ's perspective, the adverse effects of the Project on its Rosedale RTS will not be avoided, remedied or mitigated if the notice of requirement is confirmed in its current form.~~

~~Section 171(1)(a) — planning framework assessment~~

~~7.10 — As discussed in section 6 of my evidence, the RTS site is part of a connected waste infrastructure network. The AUP, particularly through the RPS provisions, places importance on the enablement and protection of infrastructure and infrastructure networks to enable these to serve communities and the region.~~

7.11 — Consideration has been given by the Transport Agency to these provisions in relation to the improvements that the Project will make to a key piece of transport infrastructure, being State Highway 1. However, it is my opinion that the Transport Agency has not adequately considered how these objectives and policies apply to other infrastructure within the Project area that may be adversely affected, in particular the Rosedale RTS and the region's waste infrastructure.

7.12 — I have outlined key infrastructure provisions from the AUP in my evidence above. There are also important provisions contained within the AUP relating to industry and the protection of industrial land that are relevant and should be had regard to under s 171(1)(a). Specifically, under the RPS B2.5 Commercial and Industrial Growth chapter, I consider the following to be relevant:

Objective B2.5.1(3) — Industrial growth and activities are enabled in a manner that does all of the following:.... promotes the efficient use of buildings, land and infrastructure in industrial zones, recognises the particular locational requirements of some industries.

Policy B2.5.2(8) — Enable the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports, and can be efficiently served by infrastructure.

Policy B2.5.2(9) — Enable the efficient use of industrial land for industrial activities and avoid incompatible activities....

7.13 — The majority of the RTS site is located within the Light Industry zone. In my opinion, in addition to the RPS infrastructure and industry provisions, The following objectives and policies are relevant from the Light Industry zone and should also be had regard to:

Objective H17.2(1) — Light industrial activities locate and function efficiently within the zone.

Objective H17.2(2) — The establishment of activities that may compromise the efficiency and functionality of the zone for light industrial activities is avoided.

Policy H17.3(2) — Avoid reverse sensitivity effects from activities that may constrain the establishment and operation of light industrial activities.

7.14 — Taken together, the AUP provisions give clear direction to the enablement and protection of both infrastructure and industry within the Auckland region. I consider the RTS site falls under both of those categories. It serves an important function as part of the regional waste infrastructure

and is an industrial activity that relies on the protection and provision of industrial-zoned land in key locations around Auckland.

Section 171(1)(b) – alternatives assessment

7.15 — As part of the Project, the Transport Agency has undertaken an assessment of alternatives for the alignment of the Project, which is not disputed by WMNZ.

7.16 — However, I consider that in order to give adequate consideration to alternatives as required by s 171(1)(b), it is important to have a complete picture of what all the potential effects of the Project may be on the environment and to have regard to these effects when undertaking the alternatives assessment. I cannot find within the application documentation or evidence provided by the Transport Agency any consideration of the effects on the Rosedale RTS that may result from the preferred alignment option, or the other alternatives considered. I consider this means the alternatives assessment may have been undertaken without all necessary information to make an informed decision.

Section 171(1)(c) – work reasonably necessary to achieve requiring authority objectives

7.17 — It is not disputed that the Project, in general, is reasonably necessary to achieve the Transport Agency's objectives, which it has defined. However, this is just one of the matters that the BOI must have regard to when considering the effects on the environment of allowing the requirement under s 171 of the RMA.

Section 171(1)(d) – any other matter

7.18 — I consider the role of waste minimisation in enabling social and economic well-being and the regulatory framework that governs this key initiative is an important other matter to which regard can be had under s 171(d).

7.19 — In particular, I identified in section 6 of my evidence the WMA as an important matter for consideration in terms of the effects of the Transport Agency's notice of requirement on the RTS. The purpose of the WMA is to encourage waste minimisation and a decrease in waste disposal to landfill, in order to protect the environment and provide environmental, social, economic and cultural benefits. There is a responsibility under the Act for territorial authorities to promote effective and efficient waste

~~management and minimisation within their districts. To achieve this, territorial authorities must adopt a WMMP.~~

~~7.20 — As set out in the WMMP for Auckland, of the four landfills and 17 transfer facilities servicing the Auckland region, Auckland Council has full control of only one facility — the Waitakere Refuse and Recycling Transfer Station. Auckland Council has no operational control of any landfills other than Glaris landfill on Great Barrier Island. Therefore, implementing and achieving goals under the WMMP requires the involvement of the key waste industry participants like WMNZ and the efficient operation of sites such as the Rosedale RTS. I consider this is an important other matter to be had regard to when considering the effects of the notice of requirement of the Project on the RTS, and the implications for regional waste minimisation initiatives if the RTS can no longer efficiently function.~~

~~8. — PART 2 OF THE RMA~~

~~8.1 — I consider that the notice of requirement as applied for in its current form will not meet the overall purpose of the RMA of sustainable management. While the Project as a whole offers benefits to the community, in terms of s 5(2)(c) it is not clear that these benefits will be achieved while avoiding, remedying or mitigating adverse effects.~~

~~8.2 — Specifically, there has not been sufficient consideration of the potential adverse effects of the Project on the ongoing operation of the site or consideration of how the Project could adversely affect how the RTS contributes to people and communities' social and economic wellbeing. This contribution is important as the RTS forms part of the critical waste infrastructure network that services the region, and is part of the system in place to achieve national waste minimisation initiatives.~~

~~8.3 — Furthermore, in relation to s 7 of the RMA, as identified earlier in my evidence, the RTS is located on industrial land, which has been recognised by Auckland Council as being in short supply in the medium to long term in Auckland. I consider further loss of industrial land to a non-industrial activity is not an efficient use of this land resource as in terms of s 7(b).~~

9.6. REVERSE SENSITIVITY

9.1 — Mr Kennedy's evidence sets out the adverse reverse sensitivity effects that WMMZ considers the Project will have on the Rosedale RTS. ~~These effects will arise irrespective of whether the current notice of requirement is confirmed, or where a modified requirement is confirmed to address the Project's adverse effects on the ongoing operation of the RTS as set out above.~~

9.26.1 Specifically, WMNZ's concerns relate to the SUP along the eastern boundary of the proposed new busway, which will adjoin and be elevated above the RTS site. WMNZ is concerned about the potential for adverse reverse sensitivity effects on the operation of the RTS to arise via the SUP through the introduction of cyclists and pedestrians in close proximity to the RTS. WMNZ's experience, as set out by Mr Kennedy, is that where the members of the public are able to view the operation of its waste management facilities, they are more likely to complain about perceived amenity effects (odour, dust and noise), even where those effects are either permitted by the relevant planning framework or the conditions of WMNZ's resource consents.

9.36.2 Mr Burn for the Transport Agency has responded in his evidence to this concern. In paragraph 16.10 of his evidence Mr Burn says that:

...as far as the matter of reverse sensitivity goes I have examined the council files for the RTS site and note that the RTS is the subject of a suite of land use and discharge consents. A discharge permit (No26218) was granted in 2004 which included a condition requiring inter alia that there be no noxious, dangerous or offensive odours discharged beyond the boundary of the site.

9.46.3 Mr Burn then goes on to say that this consent expired in 2012 and he believes it has not been renewed. Mr Kennedy has confirmed that the site has a current air discharge permit. The current consent contains the standard odour condition relating to offensive and objectionable odours beyond the site's boundary. The condition says:

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.

9.56.4 This condition does not require there to be no discernible odour beyond the boundary of the RTS. I have been involved in projects relating to air

discharge applications and the air quality experts have confirmed this approach to the management of odour effects is appropriate.

9.66.5 Exposure to unpleasant odours can affect people's enjoyment of their surroundings and create nuisance. For this reason odour is primarily considered in terms of its effects on amenity. In New Zealand, the relevant guidance is set out in the Good Practice Guide for Managing and Assessing Odour in New Zealand.⁴ Different people have different sensitivity to odours and the Good Practice Guide (section 3.4.1) states that:

It is usually insufficient for an odour to simply be detected at or beyond the boundary of a site. As discussed in Section 3.3.1, the odour must be sufficient to create an adverse effect and the odour must be objectionable or offensive in the opinion of an ordinary reasonable person.

9.76.6 I consider that the SUP will introduce a cross section of the general public into the vicinity of the RTS. The technical reports supporting the notice of requirement state that the Project will result in significantly improved safety and connectivity outcomes for active modes with the addition of the SUP. Some of these people will likely be sensitive to odours. While the RTS may meet the tests relating to an ordinary reasonable person as described in the Good Practice Guide, it is possible there will be people who will be more sensitive than this, which could result in complaints about the operation of the RTS even though it is operating within the bounds of its consent. This is likely to create a reverse sensitivity effect on the operation of the RTS and has the potential to affect the commercial operation.

9.86.7 I therefore consider that mitigation is required to reduce the likelihood of reverse sensitivity effects occurring on the RTS. This can be achieved via the requirement for the RTS to be screened from the SUP and the access ramp / stairs, so that it is not visible to pedestrians and cyclists using this new transport infrastructure. In my opinion, the following condition on the designation requiring screening is appropriate and will mitigate, to some extent, the Project's potential adverse reverse sensitivity effects:

The Requiring Authority shall include screening in the form of a solid fence along the edge of the proposed Shared Used Path (SUP) and access ramp / stairs, where it adjoins the Refuse Transfer Station (RTS) site at 123 and 117 Rosedale Road. The fence should ensure that the RTS is predominantly screened from the SUP.

⁴ Good Practice Guide for Managing and Assessing Odour in New Zealand. Ministry for the Environment. June 2003

40.7. CONSTRUCTION TRAFFIC EFFECTS

40.17.1 Mr Kennedy also sets out WMNZ's concerns in relation to the proposed partial closure of Rosedale Road during the construction of the Project. As he explains, this closure will result in adverse effects on WMNZ, as it is not appropriate for its trucks to use an alternate route through sensitive areas during the time when the construction of the Project necessitates the partial closure of Rosedale Road.

40.27.2 In my opinion, given the importance of Rosedale Road in providing access to the RTS, the Transport Agency does need to work closely with WMNZ in preparing a construction programme that will, as far as practicable, mitigate the adverse effects of any necessary partial closure of Rosedale Road. I consider this can be achieved by the imposition of the conditions below relating to the preparation of the Construction Traffic Management Plan (CTMP).

40.37.3 I accept that the condition needs to be limited to operators like WMNZ who generate high levels of traffic, so as to allow the CTMP to be efficiently prepared by the Transport Agency. It will therefore be necessary to identify a trigger (based on the average number of vehicle movements per day, or similar). I consider the determination of the appropriate trigger can be addressed during caucusing of the relevant experts, so I have not proposed a trigger in my evidence.

40.47.4 The condition I propose is as follows:

The Requiring Authority shall ensure that, when developing the CTMP, the suitably qualified person preparing the CTMP shall:

- (a) Use best practice to better understand the effects of construction of the Project or Project stage on the affected road network, which may include the use of traffic modelling tools. Any such assessment should be undertaken in consultation with Auckland Transport, and have the ability to simulate land restrictions and road closures
- (b) Be undertaken in consultation with operators of high traffic generating activities (in excess of ** vehicle movements on average per day) due to their high reliance on the road network and the implications on their operations from road restrictions; and
- (c) As far as practicable, include measures to avoid road closures and also the restriction of vehicle, cycle and pedestrian movements.

11. CONCLUSION

~~11.17.5 It is my opinion that in preparing the notice of requirement for the Project, the Transport Agency did not properly consider effects on the existing Rosedale RTS as required by s171 of the RMA. The potential effects on the operation of this facility have wider ramifications for Auckland's network of waste infrastructure, particularly as the ability to relocate the RTS is not straight forward. Without this consideration being undertaken by the Transport Agency, I consider there is insufficient evidence to confirm the extent of the notice of requirement as it relates to WMNZ's Rosedale RTS.~~



Andrea Lesley Brabant

25 May 2017