



SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS

INTRODUCTION

- 1 This submission is made by ACI Operations New Zealand Limited trading as O-I New Zealand (*O-I*), in relation to the first set of National Planning Standards (*Standards*) and accompanying documentation.
- 2 O-I operates a glass container manufacturing plant at 752 Great South Road, Penrose, Auckland (*Site*). O-I has been located at the Site since 1922 and its facility was one of the first buildings in the area. O-I is now part of a pocket of heavy industrial activities in the Penrose area, located in the Business – Heavy Industry Zone under the Auckland Unitary Plan – Operative in Part (*Unitary Plan*).
- 3 O-I is New Zealand’s only glass bottle and jar manufacturer. O-I is also New Zealand’s main glass recycler and is one of the largest recycling companies in the country. O-I therefore makes an important regional and national contribution towards waste minimisation in New Zealand. In O-I’s opinion, the Resource Management Act 1991 (*RMA*) planning documents can and should better provide for the waste infrastructure network.
- 4 The contact details for O-I in relation to this submission are:

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SUBMISSION ON THE FIRST SET OF NATIONAL PLANNING STANDARDS

Recognition of waste infrastructure

- 5 The Standards clearly recognise the need to address infrastructure in RMA planning documents – they include a definition of infrastructure, an ‘Infrastructure and energy’ chapter for regional policy statements, regional plans and district plans, and a requirement for provisions to manage reverse sensitivity effects between infrastructure and other activities.
- 6 However, the definition of infrastructure (adopted from section 2 of the RMA) does not include infrastructure for managing waste, which generally comprises landfills, refuse transfer stations, material recovery facilities and recycling plants (*waste infrastructure*). As a result of this gap in the definition, the Standards do not set up a structure that promotes effective resource management planning for waste infrastructure. This gap is evident in existing RMA planning documents, and is something that O-I considers should be addressed for New Zealand to better manage and minimise the waste it produces.
- 7 O-I considers that waste infrastructure should be thought of as a strategic network, which comprises different facilities to sort, repurpose and dispose of different types of waste. New Zealand’s planning documents need to consider how these facilities operate together and with other infrastructure. For example, O-I is a major

recycling facility. O-I is strategically located to take advantage of supply chain efficiencies resulting from the Site's proximity to Auckland's southern motorway and to Visy Material Recovery Facility in Onehunga.

- 8 Furthermore, reverse sensitivity is a key issue for waste infrastructure. Reverse sensitivity can have a major impact on the ongoing operation and re-consenting of waste facilities – particularly in areas where sensitive activities (such as residential activities) are intensifying. Reverse sensitivity was a significant focus of O-I's submissions through the Unitary Plan process. O-I considers that protecting existing waste facilities from reverse sensitivity effects of new sensitive activities forms a key tenet of effective planning for waste infrastructure.

Definition of infrastructure – (Definitions Standard CM-1)

- 9 The definition of "infrastructure" in the RMA does not include waste infrastructure. The Ministry for the Environment's (MfE's) drafting principles for the Standards require application of any definition contained in the RMA "where it is fit for purpose". O-I considers the definition of "infrastructure" in the RMA is not fit for purpose, as its exclusion of waste infrastructure is a significant gap. O-I notes that the Unitary Plan definition of "infrastructure" expands on the RMA definition, with a number of additional facilities and services included. That definition specifically refers to "municipal landfills", although does not include wider waste infrastructure, which O-I seeks be included in the Standards' definition of "infrastructure".
- 10 Waste infrastructure plays an important role in the functioning of communities, businesses and industry and as such, it should be recognised as infrastructure for planning purposes. It is inconsistent to recognise wastewater facilities (ie drainage or sewerage systems as infrastructure¹), but not solid waste facilities. Accordingly, O-I seeks the amendment of the definition of "infrastructure" in the Definitions Standard CM-1 to add a reference to "facilities for the processing, management, recycling or disposal of solid waste, including landfills, refuse transfer stations, material recovery facilities and recycling facilities" (with corresponding structural modifications to the definition).

Infrastructure and energy chapter (S-IE)

- 11 As noted above, it is critical that waste infrastructure is treated as infrastructure by amending the definition of "infrastructure" in the Definitions Standard CM-1. The flow-on effect of that change is that the regional policy statement, regional plan and district plan structure standards create a 'home' for waste-related provisions within the *Infrastructure and energy* chapter. Without this change, the *Infrastructure and energy* chapter will not work as effectively, and it is inevitable that matters not included within the structure will, as a default, be excluded from planning documents going forward.

Definition of "reverse sensitivity" (Definitions Standard CM-1)

- 12 O-I supports the definition of 'reverse sensitivity' and considers it accurately captures the meaning of this concept, as held in case law. As above, amending the definition of infrastructure to include waste infrastructure will mean that the Standards require reverse sensitivity effects on waste infrastructure to be addressed through district plans. This is a key issue that merits national direction and consistency.

¹ Resource Management Act 1991 s2, incorporated into proposed definition of 'infrastructure' in the Standards.

Industrial activities and zones (Definitions Standard CM-1)

- 13 As O-I's manufacturing operation is also a heavy industrial activity, it wishes to submit on the definition of "industrial activity" and the zone definitions.

"Industrial activity" definition

- 14 The Definitions Standard CM-1 defines "industrial activity" to mean:

an activity for the primary purpose of (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities.

- 15 O-I's activities clearly fall under the umbrella of manufacturing, fabricating, processing and packing of goods. However, the Unitary Plan definition of industrial activity also includes the phrase "*the processing of raw materials*". For clarity, O-I considers that phrase would be a useful addition to the definition of "industrial activities" to ensure it captures all industrial activities.

Industrial zone definitions

- 16 The Standards include a light industrial zone, a heavy industrial zone and a (general) industrial zone. The definitions of the light and heavy industrial zones distinguish these zones by reference to whether the industrial activities are incompatible with sensitive activities (which are not defined) or not.
- 17 O-I has concerns about the 'negative' framing of the heavy industry zone definition, which creates potential uncertainty. To improve clarity, the zone should be defined by reference to activities that are considered appropriate within that zone, not in terms of activities that are inappropriate by reference to sensitive activities. The focus should be on the activity itself and its effects, recognising that adverse effects are appropriate and to be accommodated in some contexts.
- 18 As an illustration, the light and heavy industrial zones in the Unitary Plan are distinguished by whether the industrial activities may generate objectionable odour, dust or noise. O-I considers that this effects-based approach is more appropriate and more certain for industrial activities and other activities that may seek to locate in or near an industrial zone. It is important that there is a clear expectation that objectionable odour, dust or noise is a key characteristic of heavy industrial zones. Any other expectation puts at risk the ongoing operation of heavy industrial activities, such as O-I's activities, as a result of reverse sensitivity effects.

Draft Introduction and General Provisions Standard

- 19 The Standards require RMA plans to provide a link to the National Environmental Standards for Air Quality (NESAQ) and to record whether any plan rules developed are more lenient or stringent than the NESAQ. O-I considers this requirement will assist in ensuring that local authorities properly turn their minds to consistency between the NESAQ and RMA plans.

SUBMISSION ON FUTURE SETS OF STANDARDS

- 20 As discussed earlier in this submission, O-I considers the Standards can and should promote effective planning for waste infrastructure.
- 21 The effective management of waste infrastructure is a significant gap in existing RMA planning documents and the Standards provide an opportunity to rectify that. Waste is an issue that needs to be much more effectively managed, particularly in light of anticipated population growth and the need to minimise waste to landfill.

Addressing waste infrastructure through substantive planning provisions in future sets of planning standards would be consistent with MfE's goal of ensuring nationwide clarity and consistency in RMA planning documents.

- 22 O-I considers it would also be helpful for future Standards to include standard provisions eg objectives and policies, for the following matters:

22.1 Reverse sensitivity; and

22.2 Air quality.

- 23 O-I would be happy to meet with the Ministry for the Environment to discuss the potential for future sets of Standards to include provisions dealing with waste infrastructure.