

Before Hawkes Bay Regional Council and Hastings District Council

In the matter of the Resource Management Act 1991

And

In the matter of Applications by Hastings District Council and Napier City Council
(**Applicants**) for approvals relating to Area B at Ōmarunui Landfill
(**Landfill**)

Summary of evidence by Andrea Brabant (Planning)

Dated 28 October 2021

1. I prepared primary evidence related to planning matters dated 2 September 2021.
2. My primary evidence addresses the planning matters and assessment relating to the resource consent applications and alteration to designation for the development and operation of Area B at Omarunui Landfill by Hastings District Council and Napier City Council.
3. The overall application has been considered as a discretionary activity under the regional provisions. Separately a Notice of Requirement relating to the alteration to the designation has been lodged.
4. The proposal results in a range of potential adverse effects that are able to be appropriately avoided, remedied or mitigated to ensure that effects are minor and often less than minor. This has been achieved through careful design and construction methods and robust consent conditions including management plans. I note that the HBRC section 42A report also agrees and reaches a conclusion of minor adverse effects and a recommendation of grant of consent. The report from HDC also supports the alteration to the designation.
5. Specific areas of concern for submitters are those relating to air discharges and particularly the potential for odour effects. There is also concern around flooding, water quality and windblown litter. Evidence has been provided by Mr Bearsley

relating to specific flooding concerns on his property. These concerns have been addressed through the evidence of Mr Hansford.

6. Overall the provision of essential infrastructure is important to the functioning of the Hawke's Bay region, as discussed in the evidence of Mr Jarvis. However, infrastructure facilities cannot be established without causing effects due to their size, locational requirements and operation. In my view, this does not mean that essential infrastructure projects should be prevented outright from obtaining consent, as the purpose they serve is far wider than an individual one and offers multiple benefits. That said at the same time I consider that they must be able to demonstrate they have managed their resulting effects to an appropriate level. I consider that Ōmarunui Area B is able to be developed and operated in a way that manages those effects appropriately, while also providing an essential facility, such that grant of consent, subject to the conditions proposed, can be supported.
7. A set of conditions was filed with my primary evidence based on the conditions recommended in the section 42A report from HBRC and this set is supported by the applicant's technical experts, with only some minor changes as set out in the supplementary evidence of Mr Bryce. On 26 October 2021, a 'comment' document on an old version of conditions was received from HBRC, and comment on the conditions in my Appendix A was not received until just before midday on 28 October 2021. It appears that the majority of the Applicants' conditions are agreed to by HBRC, but it has not been possible, in the time available, to review the areas where there is apparent disagreement.
8. Ms Davidson has addressed the various comments received from HBRC in her legal submissions. At this stage, the set of conditions attached to my primary evidence with the minor changes from Mr Bryce are considered to be appropriate to support grant of consent from the Regional Council. With the proposed designation conditions, the applicant and Hastings District Council are in agreement.
9. In summary, it is my opinion that consent for the construction and operation of Area B at Ōmarunui Landfill should be granted with the inclusion of appropriate conditions of consent (as attached as Appendix A to my primary evidence). I also consider that the alteration to the existing designation (D-123) should be confirmed with the proposed changes to the designation conditions as set out in the evidence of Mr Bray.

10. I have formed that opinion because effects arising from the proposal can be appropriately addressed through the proposed management plans and conditions of consent and designation and because the proposal is not contrary to the objectives and policies of the relevant planning documents and in fact finds direct support in many of them.

11. I consider that the grant of consents and alteration to designation would be in accordance with the overall purpose and principles of the RMA and the promotion of sustainable management.

Andrea Brabant
28 October 2021