

**Submission Form 16 to the Otago Regional Council on consent applications**

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

**Submitter Details:**

*(please print clearly)*

Full Name/s: Stephanie Ann Judd and Blair Ronald Judd

---

Postal Address: [REDACTED]

---

[REDACTED] Post Code: [REDACTED]

---

Phone number: Business: [REDACTED] Private: [REDACTED]

Mobile: [REDACTED]

---

Email address: \_\_\_\_\_

I/ we wish to **SUPPORT / OPPOSE** / submit a ~~NEUTRAL~~ submission on (circle one) the application of:

Applicant's Name: \_\_\_\_\_

And/or Organisation: Dunedin City Council

---

Application Number: RM20.280

---

Location: Smooth Hill

---

Purpose: Landfill

---

The specific parts of the application/s that my submission relates to are: *(Give details)*

Discharge Permit to discharge waste and leachate onto land, and discharge landfill gas, flared exhaust gases, dust and odour to air, and to discharge water and contaminants from an Attenuation Basin and sediment retention ponds, for the purpose of the construction and operation of a Class 1 landfill.

My/Our submission is *(include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).*

We live at 389 Big Stone Road a property which we purchased to build our family home on approximately three years ago. Our home is an off-grid home surrounded by pine forest.

We work in Dunedin (Blair as a fire fighter and Steph as a lawyer and Blair has also previously trained and worked as a flight instructor out of Dunedin Airport).

When we purchased the land our LIM report did not in any way refer to the landfill designation further down our road.

The area we have made our home is beautiful with many native birds including piwakawaka, tui, kererū, South Island robins and native eastern falcons.

Currently our block is planted in pine trees but when these trees are harvested we plan to replant with native trees to enhance the biodiversity of the area we live in and leave what we hope to be a special legacy for future generations.

Our primary concerns with the application for the landfill include:

1. The risk of leachate to Ōtokia Creek and Brighton Beach and the buildup of persistent organic compounds given:

*'The part of the site to be used for the landfill and associated works is located within the McColl Creek Catchment. A branch of the Ōtokia Creek originates within the landfill site, that ultimately flows to the coast near Brighton, approximately 10km south-east of the landfill site.'*<sup>1</sup>

The DCC application does not adequately address the risks present from earthquake and fails to identify the Akatore Fault line in the geotechnical assessment<sup>2</sup>.

We are also concerned that more severe weather events (which are inevitable with climate change) will impact on the risk of leachate draining into the Ōtokia Creek. The DCC assessment of flooding impact on surface water flows seems to be based on a single assessment in July 2020<sup>3</sup>. It is our view that this is inadequate and we don't believe the DCC can reasonably make conclusions on the likely risks from heavy rainwater events based on this information.

The Application does not align with National Environmental Standards for Freshwater that came into effect four days after this application was lodged.<sup>4</sup> It's our view that this landfill poses a risk to our waterways and that the application was rushed through by the DCC in an attempt to avoid being held to a higher standard. This seems very underhanded and short sighted of the DCC.

We strongly oppose this application on the basis there is a risk of leachate escaping. If this enters the waterways it would have a massively detrimental effect on the aquatic life and the safety for our community to enjoy the waterways.

In the warmer months Brighton Beach is a hive of activity with people using the beach and swimming in the sea and creek. We often meet friends from Dunedin when taking our two little boys to the beach to enjoy the water. Just the idea that this water could be compromised by a landfill up stream would be enough to put me off taking my boys in the water. I can imagine that many people would feel this way and I am deeply upset that this application might have a very detrimental effect on the people of Brighton and their lifestyle which for many of us is very linked with the beach and waterways.

---

<sup>1</sup> Page 20, 'Smooth Hill – Assessment of Environmental Effects for the Updated Design'.

<sup>2</sup> Page 8, 'Appendix 6 – Geotechnical Factual Report'.

<sup>3</sup> Page 24, 'Appendix 9 – Surface Water Assessment Report'.

<sup>4</sup> Page 82. 'Application Assessment for Environmental Effects'.

2. We are also very concerned with the risk of fire created by this application. Given landfills carry a well-known fire risk we are very concerned there is no fire management plan apparent in the application.<sup>5</sup>

The landfill is surrounded by thousands of acres of forestry. The fire risk can be extreme in the dry summer months and the forest around the proposed landfill site can be tinder dry. Any spark during these months could be catastrophic. Our area can be exposed to strong winds which would increase the risk of fire spread. There is also significant amounts of gorse and slash throughout these plantations, which would further increase the fire hazard.

The local fire brigade is approximately 10 minutes away and by itself is simply not equipped to deal with a large fire spreading through forestry from the proposed landfill. Further firefighting services from surrounding areas and Dunedin brigades are at least half an hour away during which time a fire would have spread significantly.

This is particularly concerning to our family. Our home is surrounded by forest. We live down a 600m driveway which passes through the forestry. This is our only exit and as a result we are extremely concerned and worried about the risk to our home and our ability to escape (putting our very lives in danger) should a fire break out. Any increased risk of fire is a risk to the health and safety of our family and our neighbours which is unacceptable.

3. The risk of odours. Whilst we are outside of the 1km area from the landfill (which is referred to by ORC in their queries as to why DCC have not followed the generally accepted minimum separation distance of landfills from residences<sup>6</sup>) – we have low confidence in the DCC's abilities to manage landfill odours effectively or to prevent this from having a detrimental effect on the enjoyment of our property.

Our low confidence is based on the Green Island landfill example and the reach of the odours from that facility. When we travel into work from Brighton we are often hit by foul odours from Green Island well before Waldronville and I often think as I commute that I would not consider living in any of the areas around Green Island or Waldronville for that reason alone. We are worried sick about the potential impacts of odour on our property.

If we ever had to sell our property in future I am sure the existence of a landfill up the road and the likely odours emanating from it would have a significant impact on the value of our property or make it completely undesirable as a location for many people.

4. We are concerned with the increased risk of bird strike due to the proposed landfill being located so close to the airport and established flight paths and flight training areas. The International Civil Aviation Organisation recommends that landfills be located no closer than 13kms from an airport and Dunedin airport is only 4.5kms from the proposed site.<sup>7</sup>

The area over the hills to the east of Dunedin airport from Brighton to Taieri Mouth are commonly used for flight training with pilots learning the fundamentals of flying and carrying out low relatively low altitude maneuvers.

The potential increase of birds in this airspace is a real concern. We see daily training aircraft at low altitudes near our property which is not far from the landfill sight. We are also

---

<sup>5</sup> Page 38. Draft Landfill Management Plan Prepared for DCC.

<sup>6</sup> Page 17, 7.2 Odour, 'Further s92 Response Final 5 August 21').

<sup>7</sup> Page 5. Guidance material for land use at or near aerodromes. [www.aviation.govt.nz](http://www.aviation.govt.nz)

in the flight path of rescue helicopters and commercial flights. We cannot see how this increased risk to life can be acceptable.

This landfill application has already had a very major impact on us in terms of the way we feel about the place we live and the stress of the proposal. I used to feel a sense of calm driving up our driveway to our home in the forest when returning from work each day and now instead I feel anxious daily when thinking about the Council's proposal to develop this landfill on our road. This application has already affected my enjoyment of our property.

We struggle to understand why the Council has allowed the area to be developed in the way it has been without any warning about the landfill given to those seeking to build here (e.g. on LIM reports of potential new owners).

It seems like the historically designated site is wholly unsuitable for a landfill now given the risks to the environment, airspace and community wellbeing. We are worried for our children and future generations who use this area and make it their home if the risks to the environment and our community from this proposal are accepted and the landfill is allowed to proceed.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

Decline application – no landfill

---

I/we:

- Wish to be heard in support of our/my submission  
 ~~Not wish to be heard in support of our/my submission~~

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes  
 ~~No~~

I, ~~am/am not~~ (choose one) a trade competitor\* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

*\*If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am/am not~~ (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and  
b) does not relate to trade competition or the effects of trade competition.

I, ~~do/do not~~ (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I ~~do/do not~~ request\* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I ~~have/have not~~ served a copy of my submission on the applicant.



15.11.2021

---

**Signature/s of submitter/s**

*(or person authorised to sign on behalf of submitter/s)*

---

(Date)

### **Notes to the submitter**

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

**Privacy:** Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

**Otago Regional Council, Private Bag 1954, Dunedin, 9054**  
or by email to [submissions@orc.govt.nz](mailto:submissions@orc.govt.nz)