

## Report/Decision on a Resource Consent application for a Controlled Activity

<b>Application Number:</b>	<b>RMA92020447</b>
<b>Applicant:</b>	Burwood Resource Recovery Park Limited
<b>Site address:</b>	Burwood Resource Recovery Park (accessed via Landfill Road, Burwood (Bottle Lake Forest))
<b>Legal Description:</b>	A legal description of the sites is noted at section 2.1 of the application.
<b>Activity Status:</b>	Controlled activity pursuant to Clause 7 of the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011

### Description of Application:

- *to authorise the processing and mechanical sorting of demolition materials from the 22 February 2011 earthquake over an expected period through to 2017.*
- *allow for the recovery of re-usable materials from the demolition materials, thereby reducing the amount of waste that must go to landfill.*

### Introduction / Proposal

The purpose of this report is to make a recommendation to an Independent Commissioner on the land use consent application by Burwood Resource Recovery Park Limited (BRRP) to allow the above activity under the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011 (BRRP OIC) and to recommend appropriate conditions to be imposed on the consent when granted.

The Burwood Resource Recovery Park (BRRP) is a joint venture between the Christchurch City Council & Transpacific Waste Industries Ltd to manage the receipt and resource recovery processing of demolition material from the Canterbury earthquakes within Bottle Lake Forest near the Burwood Landfill site. BRRP has applied for resource consents to both Christchurch City Council and Environment Canterbury to carry out the earthquake waste processing activities at the Burwood Resource Recovery Park, as defined in the BRRP OIC.

Section 2.1 of the application AEE describes in detail the location of the BRRP and in particular the locations of Area B (stockpiling, sorting and processing of demolition waste – main activity) and Area D (sensitive material stockpile).

Section 3.0 of the application AEE describes in detail the proposed earthquake waste processing activities. In brief, the proposal includes the stockpiling of demolition materials from the CBD and surrounding suburban areas from within greater Christchurch. In addition to the stockpiling, the BRRP will undertake sorting of the stockpiled demolition materials into recoverable, re-useable materials, and residual waste, with the latter to be transported to the landfill. BRRP is also seeking consent from ECan to use land for the use and storage of fuel and hydraulic oil (hazardous substances); discharge stormwater into or onto land; to discharge contaminants (dust) to air; and to take and use groundwater for sorting and processing material, dust control and office water supply. It is planned to operate the BRRP for 16 hours per day on the from Monday to Saturday. This will involve a 12-hour 'open-gate' period from 6 am to 6 pm for delivery of earthquake waste demolition materials, and a two-shift sorting operation in Area B commencing 5am to 9pm.

The site activities are planned to end in March 2017, and the site will be restored in accordance with the terms of the Christchurch City Council agreement at that time. Therefore BRRP seeks a consent expiry date of 31 March 2017 for the processing of earthquake waste at which time the site will be restored. The primary potential environmental effects associated with the BRRP are noise, dust, traffic, drainage to groundwater and groundwater abstraction. Mitigation measures have been proposed by the applicant for all these effects.

It is expected up to 100 trucks (200 truck movements) can be expected to enter and leave the landfill site (Sites B and D) on a daily basis however this has declined recently to around 50 trucks (100 truck movements per day). Trucks are proposed to access the Burwood Landfill site via the existing Landfill Avenue access however part of this access is now proposed to be realigned away from neighbouring properties and an acoustic fence constructed either side of the road to reduce noise and dust emissions. This is discussed further in the assessment below.

Extensive pre-application work has been undertaken between Christchurch City Council, Environment Canterbury and the applicant in preparing the AEE and the conditions to be imposed on consent. There has also been extensive consultation with the relevant stakeholders identified below.

### Existing environment

The application site is located in the Bottle Lake Forest adjacent the Burwood Landfill. The applicant has described the site and the surrounding environment at Section 2.0 of the application AEE, and comprehensively the environmental setting of the site and surrounding area at Section 5.0 of the application AEE including: the land, the groundwater, the surface waters, the landfill gases, and the ecological features of the site.

In brief, the site is located well within the boundaries of the Bottle Lake Forest and land area owned by the Christchurch City Council, as shown on the plans attached to the application. The two sites for the stockpiling, sorting and processing of earthquake waste (Area B) and for the stockpiling of the sensitive earthquake material (Area D) are located approximately 800m and 1300m respectively from the nearest residential properties. Area B is located approximately 400m from the coastline. Both sites are surrounded on all sides by forest. Burwood Landfill is located south of Area B and adjacent the coastline.

The BRRP sites (B & D) are accessed from Waitakiri Drive and Landfill Avenue into Burwood Landfill. The main feeder roads to Waitakiri Drive are Burwood Road and Prestons Road. When Burwood Landfill was re-opened following the Canterbury earthquakes, the original transport route for trucks travelling from the CBD (where the majority of demolition was occurring) to Burwood Landfill was set down as Hills Rd – Akaroa St – Marshland Rd – Prestons Rd – Landfill Ave. As the demolition of a much wider area of Christchurch is now occurring (not confined to the CBD), and particularly in the eastern suburbs, trucks are now accessing Burwood Landfill from a number of other different roads as well, in particular Burwood Road, Mairehau Road and Putake Drive which has caused some disruption to nearby residents in the suburbs of Burwood, Parklands, Queenspark and North Shore.

A plan showing the location of BRRP and the Burwood Landfill is attached at **Appendix 1**. A plan showing the location of the access into BRRP and the Burwood Landfill from Prestons Road and Burwood Road is attached at **Appendix 2**.

### Planning Framework

#### The Canterbury Earthquake Recovery Act 2011

The Canterbury Earthquake Recovery Act 2011 was passed following a 6.3 magnitude earthquake on 22 February 2011 that caused severe damage to buildings, land and infrastructure, as well as significant loss of life. An earlier 7.1 magnitude earthquake struck the region on 4 September 2010. The purpose of the Act is to

ensure that Christchurch recovers from the earthquakes in a focussed, timely and expedient manner and to restore the social, economic, cultural and environmental well-being of the greater Christchurch community.

Subsequent to the February 2011 earthquake, the Burwood Resource Recovery Park Limited made a request to the Ministry for the Environment for an Order in Council in recognition that the existing Burwood Landfill, which was re-opened following the earthquakes of September 2010 and February 2011, was an appropriate destination for the significant demolition waste resulting from the extensive damage to many buildings in the Central Business District (CBD) of Christchurch, surrounding suburban residential and industrial areas, and surrounding Districts, creating millions of tonnes of demolition rubble.

The Port of Lyttelton, which also sustained significant damage from the earthquakes of September 2010 and February 2011, and required additional flat land to carry out normal port operations, was also granted an Order In Council (The Canterbury Earthquake (Resource Management Act Port of Lyttelton Recovery) Order 2011)) which allowed for millions of tonnes of demolition rubble to be taken to the Port for the construction of the land reclamation associated with recovery of the port operations.

The two Orders in Council were granted by the Minister to address the significant issue of earthquake demolition waste resulting from the earthquakes subject to appropriate conditions of consent to mitigate environmental effects, as contained within the provisions of both Orders In Council.

### **The Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011**

The purpose of this order is to permit the storage, sorting, and processing (including recycling) of Canterbury earthquake waste at the Burwood Resource Recovery Park to proceed without being unduly impeded by certain processes of the Resource Management Act 1991. The Order came into force on the day after the date of its notification in the Gazette being 18 July 2011 and expires on the expiry of the Canterbury Earthquake Recovery Act 2011, being 18 April 2016. The Order enables the Burwood Resource Recovery Park Limited (“BRRP”) to apply to both territorial authorities, being Environment Canterbury and Christchurch City Council, for resource consent for a controlled activity to carry out earthquake waste processing activities at Burwood Resource Recovery Park.

The Order specifically identifies the meaning of “earthquake waste” and “earthquake waste processing activities” (**Clause 4**) and the land comprising the Burwood Resource Recovery Park (Schedule to the Order). The definition of “earthquake waste” specifically excludes general domestic waste, human waste, building insulation and building materials containing asbestos, hazardous waste or waste material from an industrial process or trade process, unless it is not reasonably practicable to separate it from the waste specified in paragraph (a) of the definition as acceptable waste at Burwood Resource Recovery Park. It also worth noting that the definition of “earthquake waste processing activities” specifically excludes the permanent storage or permanent disposal of earthquake waste. Amendments to the Christchurch City Plan were made separate to this Order to allow for the permanent disposal of earthquake waste to the landfill site. The Burwood Landfill Plan Change was made operative by public notice, dated 24 November 2011, under Section 27 of the Canterbury Earthquake Recovery Act 2011. A separate resource consent application has been made for that activity (RMA92020450).

**Clause 5** of the Order sets out how applications are to be made and to which consent authorities the Order applies. **Clause 7** classifies earthquake waste processing activities under the Act and states that earthquake waste processing activities for which an application is made under clause 5(2)(a) of the Order are controlled activities within the meaning of section 87A(2) of the Act. It also identifies a number of matters for which conditions may be imposed on a resource consent granted under this Order.

It should be noted that the Order at **Clause 8** states that applications under the Order are to be determined on a non-notified basis. Applications must not be publicly notified or given limited notification and must be determined in accordance with Part 6 of the Resource Management Act, unless otherwise specified by this Order.

**Clause 9** of the Order sets out that the consent authority must notify certain persons and invite written comments as soon as practicable after an application is lodged under Clause 5 and identifies the persons and organisations to be notified. Each person and organisation invited to make written comment is to be given not less than 10 working days to make their comments to the consent authority from the date of receiving the invitation. A person or organisation invited to make written comments under this clause on an application may not appeal against the consent authority's decision on the application and may not object under Part 14 of the Act against the consent authority's decision on the application. To avoid doubt, a person who makes written comments to a consent authority under this clause is not to be treated, under the Act, as a person making a submission on the application. Consultation on the application will be discussed later in this report.

**Clause 10** of the Order requires that before a consent authority makes a decision on an application, a summary of the written comments made under Clause 9 must be prepared and considered by the consent authority. The summary of written comments together with the consent authority's response to the issues raised in the written comments, must be included in the notification of the decision under the Act. **Clause 11** of the Order states that the period for making written comments is excluded from the time limits for notification of the decision under section 115 of the Act. i.e. not included in the 20 day statutory timeframe to determine the consent application.

### **Christchurch City Plan**

The sites for the stockpiling, sorting and processing of earthquake waste (Area B) and for the stockpiling of the sensitive earthquake material (Area D) are both located in the Rural 1 (Coastal Zone) under the Christchurch City Plan. The sites for the permanent disposal of earthquake waste (subject to resource consent application RMA92020450) are located in the Special Purpose (Landfill) Zone.

The Rural 1 (Coastal) Zone covers the area between Rothesay Road and the mouth of the Waimakariri River and extends westwards from the coastal sand dune system (Conservation 1A Zone) to surround the Bottle Lake Plantation and the Brooklands and Spencerville communities. Natural resources in this zone are strongly influenced by its coastal environment and the lower reaches of the Styx River. Soils within the zone are prone to erosion and are generally unsuitable for sustaining intensive cultivation.

In order to maintain and enhance soil resources forestry activities are encouraged. In addition, the Bottle Lake Plantation also provides for a variety of recreational experiences. Public access to the Brooklands Lagoon, beach areas and camping facilities are provided at Spencer Park.

An area of approximately 90ha is separately zoned Special Purpose (Landfill) immediately to the west of the coastal dune system. The presence of this separately zoned facility has a major impact on any changes in land use in the adjoining Rural 1 Zone.

The zone surrounds pockets of living zoned land at Kainga, Riverlea Estates, Spencerville and Brooklands, and adjoins the Business 6 (Rural Industrial) Zone at Channeys.

#### *Environmental results anticipated*

- a) Recognition and protection of the coastal environment while facilitating public access.
- b) Protection of the operational requirements of forestry and waste management activities, in the interests of soil stability, community health and safety.

- c) Recognition of the scale and extent of existing residential, recreational or camping activities in the Spencer Park and Brooklands communities adjoining the Rural 1 Zone, and the protection of landscape and amenity values adjoining these communities by the limitation of any significant expansion of the effects of non-rural activities in these areas.
- d) Maintenance of the predominant visual characteristics of the zone, including the open coastal, wetland and forest environment present in this area.
- e) Maintenance and enhancement of the stability of soil resources in this zone.
- f) Maintenance of an overall low density of building and residential activity compatible with the soil resources and the visual and environmental characteristics of this zone.
- g) Management of the nature and location of activities and building so as to minimise the risk of fire damage within the zone.

It is noted that the current access road in to the BRRP and Burwood Landfill (Landfill Avenue) is zoned Living 1.

This proposal for earthquake waste processing would normally be assessed as a non-complying activity under the Christchurch City Plan in the Rural 1 (Coastal) Zone) and the Living 1 zone. However the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011 overrides the requirements of the Christchurch City Plan and some sections of the Resource Management Act 1991 allowing the current proposal to proceed as a controlled activity.

As stated earlier, Clause 7 of the Order applies to earthquake waste processing activities as controlled activities and essentially sets out the planning framework for this application. For the purpose of imposing conditions on a resource consent granted under the Order for earthquake waste processing activities the work or activity is a controlled activity, but only in respect of the following matters:

- (a) site management, including hours of operation:
- (b) noise and vibration:
- (c) visual effects:
- (d) lighting, safety, and security:
- (e) cultural effects:
- (f) effects on recreational users:
- (g) traffic and access:
- (h) earthworks:
- (i) landscaping:
- (j) air discharge (including dust, contaminants, and odour):
- (k) hazardous substances:
- (l) stormwater:
- (m) groundwater (including quality and quantity):
- (n) aquifer stability:
- (o) surface water depletion (including quality and quantity):
- (p) effects on the coastal environment, including the coastal marine area:
- (q) biodiversity effects:
- (r) remediation:
- (s) record keeping and reporting:
- (t) monitoring (including data management):
- (u) duration of the consent:
- (v) review of conditions:
- (w) bond:
- (x) community liaison-complaints process and reporting:
- (y) health effects:
- (z) receipt and management of waste.

The report below will address each of these effects in turn.

## Notification

As noted previously Clause 8 of the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011 states that applications under the Order are to be determined on a non-notified basis. Clause 8(1) states that applications lodged under Clause 5 – (a) must not be publicly notified or given limited notification; but (b) must be determined in accordance with Part 6 of the Act, unless otherwise specified by this Order. Clause 8(2) states that subclause (1) applies instead of sections 95 to 99A of the Resource Management Act 1991 (which relate to public notification and limited notification of applications, submissions on applications, and pre-hearing meetings and mediation).

## Consultation

As noted earlier in this report, Clause 9 of the Order sets out that the consent authority must notify certain persons and invite written comments as soon as practicable after an application is lodged under Clause 5 and identifies the persons and organisations to be notified. Each person and organisation invited to make written comment is to be given not less than 10 working days to make their comments to the consent authority from the date of receiving the invitation. A person or organisation invited to make written comments under this clause on an application may not appeal against the consent authority's decision on the application may not object under Part 14 of the Act against the consent authority's decision on the application. To avoid doubt, a person who makes written comments to a consent authority under this clause is not to be treated, under the Act, as a person making a submission on the application.

Clause 9(2) identifies the persons and organisations to be notified of the application and invited to make written comment. These include:

- (a) Te Rūnanga o Ngāi Tahu and any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu; and*
- (b) the Canterbury District Health Board; and*
- (c) the Burwood–Pegasus Community Board; and*
- (d) the Parklands Residents Association Incorporated; and*
- (e) the Queenspark Residents Association; and*
- (f) the Selwyn Plantation Board Limited; and*
- (g) owners and occupiers of land adjacent to the Burwood Resource Recovery Park; and*
- (h) any other person or organisation that the consent authority considers would be adversely affected if the application were granted.*

Following lodgement of the application by BRRP, both consent authorities (CCC and ECan) proceeded to invite written comment on the application from the above parties. CCC also placed an advertisement in the newspapers inviting written comment from the general public in accordance with Clause 9(2)(h) - *any other person or organisation that the consent authority considers would be adversely affected if the application were granted.*

The Council's received a combined 167 written comments and a summary of these comments (prepared by ECan) is attached at **Appendix 3** to this report. A copy of all comments received is attached at **Appendix 4**. I have reviewed the summary of the consultation with the relevant stakeholders identified above and other parties who have commented on the application and am satisfied that the conditions of the CCC consent will address the concerns raised by each of the stakeholder groups.

## Assessment of the effects on the environment

The applicant in their assessment of effects has addressed in turn each of the matters over which control is reserved pursuant to Clause 7 of the Order and placed these in to the following categories:

- (a) **site management, including hours of operation:**
- (b) **noise and vibration:**
- (c) **visual effects:**
- (d) **lighting, safety, and security:**
- (e) **cultural effects:**
- (f) **effects on recreational users:**
- (g) **traffic and access:**
- (h) **earthworks:**
- (i) **landscaping:**
- (j) **air discharge (including dust, contaminants, and odour):**
- (k) **hazardous substances:**
- (l) **stormwater:**
- (m) groundwater (including quality and quantity):
- (n) aquifer stability:
- (o) surface water depletion (including quality and quantity):
- (p) effects on the coastal environment, including the coastal marine area:
- (q) biodiversity effects:
- (r) **remediation:**
- (s) **record keeping and reporting:**
- (t) **monitoring (including data management):**
- (u) **duration of the consent:**
- (v) **review of conditions:**
- (w) **bond:**
- (x) **community liaison-complaints process and reporting:**
- (y) **health effects:**
- (z) **receipt and management of waste.**

For each of these categories the applicant has summarised the actual or potential effects on the environment, and proposed mitigation and relevant conditions to address these effects. I note that not all of these matters are relevant to both consent authorities assessments of the proposal. Some matters are relevant to only Christchurch City Council and some only to Environment Canterbury, and some are relevant to both. Those relevant to Christchurch City Council are highlighted in **bold**. I do not intend to repeat the assessment of the applicant in addressing these matters as this has been comprehensively addressed in the AEE, but instead summarise the key points raised in the AEE under each of the proposed headings and note the conditions Council wishes to see imposed on the consent to avoid, remedy and mitigate adverse effects of the proposed activities upon the environment. I note that Groundwater (including quality and quantity), Aquifer stability, Surface water depletion (including quality and quantity), Effects on the coastal environment, including the coastal marine area, and Biodiversity effects will be assessed by Environment Canterbury separately.

Consultation with the relevant stakeholders identified in the Order following lodgement of the AEE and the conditions to be imposed on consent, has also been undertaken.

I note that on behalf of the Christchurch City Council, Environmental Health Consultant Russell Malthus has undertaken a review of the BRRP and Burwood Landfill consents and has been involved heavily in pre-application discussions leading to lodgement of the consent applications. Mr Malthus comments are contained within a report attached to this document at **Appendix 5**. Mr Malthus' review of the consent applications has

informed my assessment and also the drafting of the consent conditions. Mr Malthus' report should be read in conjunction with this document.

### **Visual effects**

The location of Site B is such that adverse visual effects are unlikely given the level of screening afforded by the surrounding Bottle Lake Forest. The site is not visible from any nearby residential properties which I note are more than 1300m away with the existing Burwood Land fill and Bottle Lake Forest separating the two. The proposed stockpile may be visible from the coast, and would be visible from the air, however this is not considered to have any adverse visual effects. The stockpile is proposed to be no higher than 20m and this is unlikely to be significantly visible beyond the tree cover afforded by the forest, even from some distance. The beach is located approximately 500m to the east and the nearest residents are approximately 1300m to the south with Burwood Landfill between the two. The immediate forest cover is to a height of 4-5m to the west of the site and 8m to the east. The stockpile may be visible to recreational users of the Bottle Lake Forest Park who come close enough to the site to catch a glimpse of the stockpile however I do note that there is an exclusion zone in place and the site is secured such that users of the park are not in close proximity to the stockpile to be adversely affected. The use of the site is also temporary in nature. The location of the sorting plant is also screened by the surrounding forest and is not likely to be visible beyond the site unless viewed from the air.

The location of Site D is such that it is completely surrounded on all sides by Bottle Lake Forest. Whilst it may be visible to some users of the park, it is considered that any adverse visual effects will be temporary and confined within the park. Overall I consider any adverse effects in this regard to be less than minor.

Christchurch City Council has also advised that the trees within the forest are to remain surrounding the activities for their duration thus providing that visual barrier to surrounding land uses. This is secured by separate agreement with the owners of the forestry operation.

I suggest a condition be placed on the consent that the surrounding forest immediately adjoining the location of Site B be retained for the period of time that the site is in operation as a stockpile and sorting plant, and for the length of the site rehabilitation period. Upon completion of rehabilitation the surrounding forest could then be removed if and when required. As Christchurch City Council is the owner of the land containing the forest this restriction should not be an issue for the duration of this consent. This will ensure any adverse visual effects are contained within the site and will not adversely affect the surrounding environment.

### **Receipt and management of waste**

The applicant has noted in the AEE and proposed consent conditions that all material received, stored, processed and recycled at Sites B and D shall meet the definition of "earthquake waste" as defined in the OIC. A notice will be clearly positioned at the recovery park entrance (Kiosk) to identify the wastes which are acceptable and unacceptable at the sites. A log book will also be kept of any random visual inspections (minimum two incoming loads per day inspected) detecting the presence of any unacceptable wastes. Vehicles will be turned away if containing unacceptable wastes. These will then be required to go to Kate Valley or a suitable alternative for disposal. If any waste which is unacceptable at the entrance, manages to make its way into the site and is discovered at the inspection station at Site B, this waste will be separately stockpiled until such time that the waste can be disposed off appropriately off-site. Management of this waste stream will need to be included in the BRRP Management Plan for the site.

I suggest conditions be placed on consent to address the receipt and management of waste. These shall include conditions relating to the type of waste to be received at the site and signage directing which waste streams are acceptable and unacceptable. A management plan will also be in place and will address waste specifically waste acceptance criteria and record keeping.

## **Site management, including hours of operation / Record keeping and reporting / Monitoring (including data management)**

It is planned to operate the BRRP for 16 hours per day from Monday to Saturday. This will involve a 12 hour 'open-gate' period from 6 am to 6 pm for delivery of earthquake waste demolition materials and for trucks leaving with sorted materials (recovered materials and residual waste), and a two-shift sorting operation in Area B from 5am to 9pm. The site will not be open on Sundays or public holidays.

As discussed above the applicant has proposed a Management Plan for the Burwood Resource Recovery Park. At minimum, the Management Plan shall:

- a. Define the key staff positions and responsibilities for the management of the site(s);
- b. Identify waste acceptance criteria and keeping of records for each site(s);
- c. Identify the methods by which compliance with other conditions of this resource consent will be achieved
- d. Identify the management methods and procedures for the effective avoidance and mitigation of environmental effects arising from:
  - i. Stormwater discharges;
  - ii. Air contaminant discharges;
  - iii. Noise emissions;
  - iv. Dust emissions;
  - v. Litter;
  - vi. Spillage of materials being transported;
  - vii. Vermin;
  - viii. Fire and landfill gas hazards;
  - ix. Hazardous substances storage and management;
  - x. Detection, handling and disposal of unacceptable wastes
  - xi. Any other method to ensure compliance with other conditions on this resource consent.
- e. Identify emergency procedures;
- f. Identify reinstatement and rehabilitation procedures;
- g. Where not listed above, address any other relevant matter in Appendix 3 of the Landfill Guidelines (2000) published by Centre for Advanced Engineering, University of Canterbury.
- h. The Management Plan shall be reviewed on an annual basis, and updated as necessary. Any revised management shall be submitted to the Canterbury Regional Council and Christchurch City Council.

Some residents have expressed significant concerns associated with the gate access times and use of Landfill Road for access into the site. I will discuss these concerns further below. However, I am comfortable that with measures in place to mitigate noise, vibration and dust from truck movements that any adverse effects associated with the operating hours of the BRRP will be minor on neighbouring residents. The community liaison group and complaints register will allow a feedback mechanism to the operators of the BRRP to raise any concerns which may arise in the future and which are appropriately addressed at a later date.

I suggest conditions be placed on consent regarding the hours/days of operation of the BRRP and conditions requiring the Management Plan to be submitted to the Council.

Conditions regarding a community liaison group and a complaints register will to be put in place to address on-going concerns is discussed further below and will form a condition of consent.

## **Noise and vibration / Traffic and access**

The applicant has discussed noise at section 6.1 of the AEE. Noise is one of the main concerns raised by residents in the surrounding area, particularly the noise from trucks entering and exiting the site via Landfill Avenue. The applicant submitted additional information (dated 7 September 2012) stating that they proposed to

construct an acoustic fence along the southern side of Landfill Avenue from the intersection with Prestons Road and Burwood Road through to a point just short of the entry Kiosk to the Burwood Landfill. The applicant has also submitted additional information discussing alternative options to this access arrangement and why these are not appropriate for various reasons. This has resulted from the feedback received during consultation on the BRRP and concerns raised by residents and Christchurch City Council regarding the proximity of the access road to those neighbours immediately adjoining Landfill Avenue. Noise, vibration and dust being the most significant adverse effects these residents are experiencing.

The applicant has also proposed that trucks accessing the site must adhere to strict speed limits throughout the site, particularly the 20km/hr speed limit along Landfill Avenue adjacent to the residential properties in the adjoining Living 1 zone (which back on to Landfill Avenue). The applicant is proposing to monitor speed limits with the aid of speed cameras or other suitable alternative methods. Drivers in breach of the speed limit will be issued with speed infringement warning letters with a three strike policy in place. If in breach three times their access rights will be removed. This method of speed monitoring is however intermittent. The applicant is also proposing maintaining roads and reducing effects of potholes and bumps in the road.

In my opinion the addition of the acoustic fence along the southern boundary of Landfill Avenue, and other measures relating to the speed of trucks and maintenance of the road do not provide enough mitigation to the immediate neighbours from these adverse effects. After careful consideration of the adverse effects and discussion with Russell Malthus, Environmental Health Consultant on behalf of the Council, it is suggested that the access road, Landfill Avenue, should be realigned away from the neighbours to the south and an acoustic fence be constructed along the southern side of the road and for a portion of the northern side of the road, as per the indicative layout plan attached at **Appendix 6**.

The new alignment of the road will provide some separation distance to the nearest residents and with the new fence at an appropriate height to attenuate noise (approximately 4 metres high), will not only reduce the impact of truck noise upon neighbouring residents, but will also remove the 'perception' of adverse effects by screening the trucks whilst they travel along this stretch of road. Dust and vibration will also be reduced due to the separation distance involved and the physical barrier the fence provides. I also suggest that speed cameras be permanently displayed along the newly aligned Landfill Avenue to monitor speed of trucks entering and exiting the site, along with the suggested speed limits and other restrictions in place to deter speeding vehicles. This will pick up any trucks speeding along this stretch of road and with the three strike policy in place will be a strict deterrent to any trucks speeding along this section of road. This will also aid in reducing any noise associated with trucks travelling along this portion of the access road. It will also aid in reducing vibration effects on nearby properties if the strict speed limits are adhered to. In order for this to work, the monitoring and log requirements of such a strict condition would need to be in place and be able to be provided to Council Enforcement Officers upon request. These requirements would not seem unreasonable given the significance of the noise and vibration effects upon nearby residents. I note the applicant has accepted this new alignment for Landfill Avenue and associated acoustic treatment, subject to detailed design.

There may be some adverse visual effects associated with the acoustic fence to be constructed along the newly aligned road into the BRRP and Burwood Landfill, however in my opinion these are unavoidable. The nearest residences at the intersection of Burwood and Prestons Roads will be in quite close proximity to the fence, approximately 10m away from their rear boundaries. Although this is quite close, neighbours south of the access road will also be separated from the fence by the existing bund and landscaping as well as their own boundary fencing adjacent the existing Landfill Road. Those neighbours to the north west of the new access road alignment may have direct views of the acoustic fence however this will be for a limited length, approximately 50m, and will taper away as the fence extends further towards the kiosk. The separation distance from neighbours will also ensure there are no shading effects which would have been anticipated had the fence been constructed south of the existing Landfill Avenue.

Residents opposed to the BRRP and the Burwood Landfill consent applications have suggested an alternative access to the site via Lower Styx Road and a fire access road into the BRRP site. I have calculated roughly that this would add approximately 7km each way to the journey for trucks entering/exiting the site from the Prestons / Burwood Road intersection. A plan submitted by concerned residents showing the proposed access arrangement from Lower Styx Road is attached at **Appendix 7**.

While I think this would potentially be an appropriate access into the site if formed to meet the requirements for trucks using these roads, and would significantly reduce the impact of trucks on nearby residents as trucks would stay on the arterial route of Marshlands Road through the rural area out to Lower Styx Road and into Bottle Lake Forest, thereby avoiding nearby residential properties. The applicant has advised this option is not feasible for numerous reasons. Firstly, the new road access would need to be upgraded at significant cost and would take quite some time to complete. Secondly, the new access would add time and cost to each truck taking material to BRRP thus making this a less attractive location for depositing material. Finally, the applicant notes that much of the demolition work is in the eastern suburbs. Trucks would likely travel along Mairehau, Burwood and Prestons Roads to get out to Marshland Road to the new site access from Lower Styx Road and therefore it would make more sense rather for vehicles to enter at Landfill Avenue (provided appropriate mitigation measures are in place).

I agree with this assumption and consider that with appropriate mitigation measures in place as suggested earlier in this report, the new alignment of Landfill Avenue would be the most appropriate access point into and out of the site. Given this activity is temporary until 2017, it is my opinion the benefits of such a joint venture to recycle material from the demolitions occurring in Christchurch outweigh the short term effects on a limited number of neighbours from some traffic and noise disturbance beyond that which can be mitigated through the road realignment, acoustic fencing and other mitigation measures. I suggest also that vehicles should be prohibited from stopping along this stretch of road to avoid noise associated with idling trucks. A condition to this effect should also be included upon consent.

A number of conditions are proposed to mitigate the effects of trucks utilising the Landfill Access into the site. These include, but are not limited to, the realignment of the road, provision of acoustic fencing either side of the access road, truck speed limits, no stopping/idling, speed surveillance cameras, and maintenance of the road surface.

### **Health effects / Air discharge (including dust, contaminants, and odour)**

The applicant has considered the issue of dust at section 6.2 of the AEE. Dust may be an issue at the location of the stockpiles at both Sites B and D in windy conditions when stockpiles are disturbed and fine materials are picked up and blown from the site. However given the location of the sites are remote from nearest residential properties, and given the sites are surrounded by Bottle Lake Forest, I do not consider this to be an issue for any of the nearest residents. The predominant wind in Christchurch is a north-easterly wind which would pick up fine particles and carry them towards the south-east and residential properties but as stated before the Bottle Lake Forest trees will act to reduce wind velocity and stop dust from getting carried off the site boundaries over long distances. The actual processing plant and equipment will also be covered in areas where dust would be generated and dust suppression sprays will be employed. Dust will be trapped and fed into bag house arrangements. I don't foresee dust being an issue from the processing plant and equipment.

More particularly dust may be an issue for neighbouring residential properties from the access roads into the site being used by trucks on a daily basis, and from stockpiles within the Burwood Landfill (not subject to this consent). The applicant is proposing to sweep and dampen roads with a water truck and dust monitoring will be in place, particularly on days of high wind velocity where exposed surfaces are likely to generate dust effects. On those days dust mitigation measures will be used more frequently. I suggest rather than dampening or sweeping of roads that these be vacuumed to mitigate the dust issue which is far more effective. The acoustic fence will also aid in reducing dust effects on neighbouring residential properties. In some instances it will be

difficult to distinguish between dust associated with the BRRP or Landfill and those dust effects associated with the Forestry industry and the Bottle Lake Forest, particularly on days of strong north-westerly winds.

Dust to air discharge consents are also required by the Regional Council and the assessment of those effects and any relevant conditions will be imposed by ECan.

I suggest conditions be placed on consent to appropriately address fugitive dust emissions should they occur. Conditions particularly should relate to maintaining the access road i.e. potholes, bumps, sweeping the internal road within the site, and vacuuming the section of road between the main entrance to the realigned Landfill Avenue and the Kiosk. Also conditions relating to covering of loads of silt and soil, maintaining vehicles and maintaining working surfaces such that they reduce dust emissions beyond the site are also relevant.

The applicant has considered other environmental health effects such as odour, birds and vermin at sections 6.8 and 6.9 of the AEE. I agree with the applicant's assessment of these effects. Odour does not in my opinion seem to be an issue. It may have been an issue when the site was first being used for stockpiling of material as some minor volumes of putrescible materials may have been present. However when I visited the site, and in particular Site B, I did not smell any offensive odours emanating from the stockpile. The applicant proposes that if any putrescible materials are discovered during sorting and processing of the stockpile that these will be removed to Kate Valley Landfill. I consider this an appropriate approach.

With respect to birds and vermin, the applicant suggests that a pest control plan be in place for the duration of the consent. As the stockpile reduces and any putrescible material on site reduces, this is likely to be less of an issue. Given the separation distance to neighbouring properties I do not consider this to be an issue which cannot be managed through an appropriate pest management plan.

I suggest a condition to address any discharge of odours which are noxious, dangerous, offensive or objectionable beyond the boundary of the site, such that they have an adverse effect on the environment, be imposed on consent.

In terms of contaminants, these are assessed separately by the Regional Council with consideration given to contamination of groundwater below the site and likelihood of contaminants entering the coastal marine area.

### **Lighting, safety, and security**

As discussed above, sites B and D will not likely be visible beyond the site boundaries due to the surrounding pine trees of the Bottle Lake Forest. Some users of the park may catch glimpses of the site when lit up at night and it will be visible from the air due to the scale of the activity being undertaken, however given the short duration of operation during nighttime hours (5am to 7am) and that the surrounding park is not likely to be utilised much during this time I consider any adverse lighting effects will be less than minor. Any lighting on site can be focussed within the site to reduce light spill beyond the boundaries of the site and to minimise effects on the surrounding environment. Lighting will predominantly be utilised around the sorting/processing plant, vehicles and other equipment, and for security and safety purposes. I consider the lighting proposed is appropriate and will have less than minor adverse effects on the environment.

With respect to safety and security, both sites B and D are secure sites. Deer fencing to a height of 2m surrounds both sites in order to secure the site from the public and from scavengers attempting to remove material from the stockpile. The security fencing will not only stop users of the park from unknowingly wandering into the site, but will also keep unwanted/unauthorised people out of the site. Security patrols of the site are also proposed after hours. Without the security fencing and patrols there is a potential public safety risk.

There may also be some glare from headlights of trucks entering and exiting the BRRP during night time hours, however with the acoustic fencing in place this would likely be mitigated to an acceptable level in close proximity to residential properties. A condition should be placed on the consent however to restrict the use of flashing lights or reverse lights in close proximity to residential properties i.e between the entrance to the newly aligned Landfill Road and the entry Kiosk.

Lighting, safety and security requirements all form part of the Management Plan for the site. I do not foresee any issues in this regard as these can be appropriately managed on site.

### **Hazardous substances**

The applicant has addressed hazardous substances and spills at section 6.5 of the AEE. Some hazardous substances are to be stored on site, particularly a 10000L diesel fuel tank for refuelling of machinery used on the site and the sorting/processing plant. There may also be some other hazardous substances such as engine coolant, engine oil, transmission oil and hydraulic oils stored on the site in the order of around 200L. The tank and other hazardous substances will be constructed, stored and maintained in accordance with HSNO legislation and appropriate measures/management plans will be in place for dealing with any spills which may occur during refuelling. There may also be some hazardous substances brought to the site which will need to be separately stored until they can be removed from the site. With appropriate conditions in place to ensure management of hazardous substances I do not consider there will be any risk to groundwater below the site, surface water or stormwater quality.

I suggest conditions be placed on consent to address the storage and handling of hazardous substances at the site. This shall include conditions relating to the secure containment of hazardous substances and the manner in which refuelling of equipment shall be undertaken on site.

### **Stormwater**

The applicant has addressed stormwater at section 6.4 of the AEE. As the site is free draining stormwater will not be contained or captured on site. Stormwater will permeate to the groundwater beneath the site. The main areas for stormwater runoff will be from the access roads, processing plant and stockpiled areas, and to a lesser degree the roof of the site office and the processing shed.

It is not expected that stormwater runoff from access roads will enter the groundwater below the site. Any contaminants contained in sediments will likely be retained in surface soils and not penetrate groundwater. Stormwater will be directed to along shallow depression swales towards infiltration areas and sediment/infiltration ponds. Upon cessation of the use of the site for the earthquake waste processing activities the site is to be rehabilitated and all infiltration basins/wet ponds are to be removed unless CCC wishes to retain them. On-going monitoring of groundwater will be in place as part of the Management Plan for the BRRP.

With respect to stockpiles of inert and non inert materials these are to be situated over a base constructed of 1m of crushed materials which act as an additional barrier to contaminants leaching into the groundwater below. As the stockpiles reduce and material is taken to landfill, the potential for contaminants from non inert material will reduce, and also given the use of the site is for a short period (until 2017) potential for contaminants to leach over time is reduced.

### **Earthworks**

Any earthworks associated with the BRRP operation are limited to the creation of the pad for the new processing/sorting plant and for creation of associated hardstand areas. There may also be some earthworks associated with creation of stormwater detention ponds. These earthworks are not likely to have any adverse effects on groundwater below the site, although some ponding may occur which will need to be back filled to

remove this issue. I do not anticipate any adverse effects on the environment associated with earthworks as they are fairly limited.

### **Landscaping**

No landscaping is required as part of the BRRP operation, however upon cessation of the activity rehabilitation of the site will be required, this is discussed further below.

### **Effects on recreational users of Bottle Lake Forest Park**

With respect to the potential adverse effects on recreational users of Bottle Lake Forest, as discussed above the site is to be secured with a 2m high deer fence to restrict access to the site by the public. Only a couple of trails within the Bottle Lake Forest Park come in close proximity to Site B. Any adverse effects arising from the proposed stockpile and sorting/processing plant are considered to be less than minor. The use of the site for this activity is temporary until 2017 and any users of the park will be well aware that the site is being used as such and may choose to avoid the trails that take them near the sites. As the effects arising from this activity are not long term effects I consider these to be appropriate and transient to those recreational users of the park.

### **Cultural effects**

I do not anticipate there being any adverse cultural effects arising from the temporary use of Sites B & D for the stockpiling and processing of earthquakes waste material. The site as discussed previously is located within the Bottle Lake Forest visually screened from surrounding areas. I suggest an advice note be placed on the consent in the event that should any archaeological material or sites be discovered during the course of work on the site, that work in that area of the site shall stop immediately and the appropriate agencies including the New Zealand Historic Places Trust and the Manawhenua shall be contacted immediately.

### **Rehabilitation**

The applicant has addressed site rehabilitation at section 3.6.3 of the AEE. Essentially the agreement between CCC as land owner and BRRP as operator is that the site be restored to the pre-earthquake situation and any fencing/infrastructure be removed from the site, unless agreed separately to remain. This shall include the removal of all plant facilities, infrastructure and materials related to the activities described in this consent, with the exception of access roads. The site will then have any disturbed areas rehabilitated back to their pre-earthquake condition. The rehabilitation of Sites B and D shall be completed by the end of the period of the operation. I suggest a condition be placed on the consent requiring a rehabilitation plan be submitted to the Council following granting of the consent and within a specified timeframe to ensure the site is rehabilitated in the future upon cessation of the proposed earthquake waste storage and processing activities.

### **Duration of the consent**

The applicant is seeking a duration of 5 years from the date of granting the consent. This is when the proposed activities are expected to cease and the site be cleared and rehabilitated. This is an appropriate timeframe and gives some certainty to residents that this activity will not occur long term. I suggest a condition be placed on the consent to this effect.

### **Review of conditions**

The applicant has suggested an on-going review condition be placed on the consent to ensure that environmental monitoring and reporting is taking place, to deal with any adverse effects on the environment which may arise from the exercise of the consent and which are appropriate to deal with at a later stage, to deal

with matters identified or resulting from any report required under this consent, and to require the adoption of the best practicable option to reduce or remove any adverse effect on the environment. I agree with such a condition being placed on the consent, and this condition should also cross reference those matters over which the Council's have control as noted in Clause 7 of the BRRP OIC.

## **Bond**

No bonds are required as the Christchurch City Council and BRRP are a joint venture. Council has a significant interest in returning the land to the state it was in prior to the earthquakes and the need for such activities.

## **Community liaison-complaints process and reporting**

The applicant is proposing a community liaison group and complaints register to address any concerns raised by the community to address any adverse effects arising from the BRRP land use. BRRP are suggesting that prior to the commencement of operations under this consent, BRRP will advertise, by way of a local mail out, and hold a public meeting to offer local residents the opportunity to establish a Community Liaison Group. For the avoidance of doubt, it is acceptable for a single Community Liaison Group to be formed to address all earthquake waste related activities at the Burwood Landfill and Burwood Resource Recovery Park. Any such Community Liaison Group shall consist of representatives of Residents Associations in the Burwood area; two representatives of the property owners adjacent to Landfill Avenue; and one representative of each of the Consent Holders. A representative from each of the consent authorities shall be invited to attend meetings in an observer capacity. The members of the liaison group shall be offered the opportunity of a quarterly site inspection, a quarterly meeting opportunity, and provision of any information to which the Councils are entitled by virtue of these conditions regarding the development and operation of the site, at the Consent Holders expense. The prime purpose of the quarterly meetings with the Community Liaison Group will be to:

- a) Explain the progress of the site(s) operations;
- b) Listen to, and discuss as far as practicable any community and cultural concerns with the site(s) operations;
- c) Develop additional mitigation measures where appropriate;
- d) Present and discuss the complaints register and results of any monitoring and/or reporting as required by the conditions of regional and district council consents.

A complaints register shall be maintained and kept at the site office. The complaint register shall include:

- a) The location of the complaint detected by the complainant;
- b) A description of the event leading to the complaint, including date, time, weather conditions;
- c) The most likely cause of the event;
- d) Any corrective action undertaken to avoid, remedy or mitigate the event and any similar future events.

BRRP note that the Canterbury Regional Council and the Christchurch City Council shall be advised as soon as practicable via email or phone following any complaint. The complaints register shall be made available to the consent authorities upon request.

I consider the above community liaison group and complaints register will address any concerns of residents and will provide a suitable mechanism to address any unforeseeable adverse effects which may arise in the future and which are best to be addressed at the time. Suitable conditions should be imposed on consent noting the above requirements of the community liaison group and complaints register.

## Conclusion

The Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011 (BRRP OIC) provides for the storage, sorting, and processing (including recycling) of Canterbury earthquake waste at the Burwood Resource Recovery Park to proceed without being unduly impeded by certain processes of the Resource Management Act 1991 and is in my opinion necessary for the expedited earthquake recovery of greater Christchurch.

I agree with the applicant's assessment of effects on the environment and consider that in an overall sense the extent and nature of the proposed activities within the receiving environment of an existing landfill, alongside the mitigation proposed, will ensure the adverse effects of the proposed activities are no more than minor.

I have reviewed the feedback from the extensive consultation which has resulted in numerous changes to the proposal: realignment of the access road, removal of asbestos dumping at the site, and removal of the Putake Drive access for sucker trucks – and consider that the proposed changes to the application go a long way to addressing adverse effects on the surrounding residential neighbours to the Burwood Landfill and Burwood Resource Recovery Park, subject to adherence to the imposed conditions of consent. In my opinion the consultation undertaken has been adequate and the assessment of effects has addressed the issues raised in consultation through appropriate conditions of consent.

I sympathise with neighbouring residential property owners that they have had to endure approximately two years of truck movements to and from the Burwood Landfill, and the associated effects of this, but moving forward I am confident that the realigned access road and acoustic treatment, as well as conditions of consent will ensure these effects are reduced as much as possible.

Burwood Landfill is the logical place for this stream of earthquake waste to be disposed of at rather than taking up the capacity of the Kate Valley Landfill which was never intended to take this material and would be significantly reduced if this material were taken there.

As a controlled activity, consent must be granted to this application and in my opinion it is appropriate this is granted subject to the conditions set out later in this report and appropriate consents being obtained from Environment Canterbury.

<b>How do any relevant objectives, policies, rules or other provisions of the District Plan relate to the proposal?</b>
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The Christchurch City Plan contains a number of objectives and policies relevant to this proposal. These include those objectives and policies relevant to the natural environment and rural areas of the City, transport and recreation and open space.

The Plan seeks the maintenance and enhancement of the quality of natural resources and their ability to meet the needs of present and future generations. A number of objectives and policies are contained with the Plan which relate to land and soil, water, air, coastal environment, natural features and habitats, and environmental awareness, all of which are relevant to this proposal. These are contained at Volume 2 Section 2 of the Plan.

I consider that proposed Sites B and D will have no more than minor adverse effects on the landscape, natural character and visual amenity of the site and surrounding area. The natural character and amenity of the coastline will be preserved. The works will be undertaken in a manner that sees the landscape rehabilitated over time and the effects on the landscape amenity of the area minimised. In my opinion, and subject to conditions relating to rehabilitation, the adverse effects on the landscape will be adequately mitigated and ecological values of the area will be maintained.

I also consider the amenity of the area will be protected from the additional activities associated with the Sites B and D. There may be some effects on residents around the access into the Burwood Landfill due to increased trucks movements associated with both sites, however with the newly realigned access road at the entrance and the inclusion of acoustic fencing along the length of the new road these effects should be mitigated to an appropriate level.

I consider noise levels proposed at Sites B and D are acceptable, reasonable and appropriate in the context of the environment and will not result in undue adverse effects, including cumulative effects, upon surrounding residential neighbours, particularly given the separation distance between the activities and the residential receiving environment, and the protection the existing Bottle Lake Forest and Burwood Landfill hill provides. There will be on-going community consultation regarding noise and dust effects as a requirement of the Management Plan included within the conditions of consent. Users of the Bottle Lake Forest recreation area will not be adversely impacted upon due to the activities occurring at Sites B and D.

After considering the relevant objectives and policies of the City Plan, it is my opinion that the proposal is not contrary to the objectives and policies as they relate to this proposal for controlled, non-notified activity which must be granted consent subject to conditions.

<b>Are there any relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement?</b>
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### **The Regional Policy Statement (RPS) (1998)**

The (operative) RPS deals directly with two issues relevant to this proposal; namely soils and land use, and settlements and the built environment.

Chapter 7 of the RPS concerning soils and land use has an objective to safeguard the life supporting capacity of soil (Objective 1a) and to avoid the irreversible use of land containing versatile soils (Objective 2, Policy 6). Policy 6 is replicated in the City Plan as Policy 2.2.1. As concluded in the assessment of effects and assessment of relevant objectives and policies above, the proposal is not considered to result in adverse effects on the life supporting capacity of soil, nor to preclude future productive use of soils and the rural land resource. The proposal is consistent with the relevant objectives and policies of Chapter 7 of the RPS.

Chapter 12 of the RPS addresses settlements and the built environment with specific focus on urban development and settlement patterns. I do not consider that the proposal constitutes 'urban development'; accordingly I do not consider Objectives 1 and 2 of Chapter 12 and their respective policies to be of relevance to this proposal.

Objective 3 is to maintain the rural character of land in the proximity of Christchurch where that land has significant landscape or ecological values, including amenity values, and maintain Christchurch's rural-urban contrast. The explanation to Objective 3 sets out: *'Amenity values include those values associated with "openness". The amenity value arises from the contrast between the area of open character and the built environment, and from the proximity of open countryside to the urban population.'*

For the reasons discussed in the assessment above, the proposal is considered to be consistent with Objective 3 of Chapter 12.

There are also policies in the RPS which seek to preserve the natural character at the coast and maintain or enhance the quality of the coastal waters.

I consider that the proposed Sites B and D will upon rehabilitation form part of the wider Burwood Landfill site. The natural character and amenity of the coastline will be preserved. Overall I consider the proposal is consistent with the objective and policies of the RPS as they relate to the protection of the natural features and landscapes of the coastal environment.

With respect to other relevant statutory documents such as the *New Zealand Coastal Policy Statement*, the *Regional Coastal Environment Plan (RCEP)* and the *Natural Resources Regional Plan* these are considered in the reports presented by Environment Canterbury.

Overall I consider the proposal is consistent with the Regional Policy Statement.

### **Proposed Change 1 to the Regional Policy Statement (PC1)**

PC1 provides direction around the management of residential and business growth in rural areas and on the periphery of existing urban areas in Greater Christchurch, and is to form Chapter 12A of the RPS. PC1 implements the Greater Christchurch Urban Development Strategy. The Regional Council has released its decisions on PC1, and appeals on the decisions are to be heard by the Environment Court.

I do not consider that the proposal constitutes residential or business growth within the context of such activities in PC1. Accordingly, I do not consider PC1 to be of relevance to consideration of this proposal.

### **The Proposed Regional Policy Statement (PRPS) (2011)**

The Resource Management Act requires that Regional Policy Statements are reviewed every 10 years. A full review of the operative RPS (above) has been undertaken and decisions on the Proposed Canterbury Regional Policy Statement (PRPS) were released on 19<sup>th</sup> of July 2012.

Chapter 5 (Land-use and infrastructure) focuses on development which results in changes to urban, rural-residential and rural areas, together with the infrastructural services which support this development. Whilst Chapter 5 does include consideration of the 'entire region' it is noted that Chapter 6<sup>1</sup> addresses the issues to be resolved, and the manner in which objectives are to be implemented for the Greater Christchurch area. Objective 5.2.1 relates to location, design and function of development in the entire region, including Greater Christchurch, as follows:

*Development, is located and designed so that it functions in a way that:*

- (1) achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and*
- (2) enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:*
  - (a) maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;*
  - (b) provides sufficient housing choice to meet the region's housing needs;*
  - (c) encourages sustainable economic development by enabling business activities in appropriate locations;*
  - (d) minimises energy use and/or improves energy efficiency;*
  - (e) enables rural activities that support the rural environment including primary production;*
  - (f) is compatible with and will result in the continued safe, efficient and effective use of regionally significant infrastructure; and*
  - (g) avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;*
  - (h) facilitates the establishment of papakainga and marae;*
  - (i) avoids conflicts between incompatible activities.*

To the extent that the proposal may be considered to be development which results in changes to the rural area, I consider that the proposal is generally consistent with Objective 5.2.1.

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<sup>1</sup>Proposed Change 1 to the Canterbury Regional Policy Statement – Development of Greater Christchurch, will be incorporated as Chapter 6 to the Canterbury Regional Policy Statement when it is made operative.

Chapter 11 of PRPS concerns natural hazards, and seeks to avoid or mitigate the impacts of natural hazards and the effects of methods used to manage natural hazards on the environment, infrastructure, property, the social, economic and cultural well-being and the health and safety of people and communities; and to recognise and provide for the effects of climate change. Any impacts on particular requirements for geotechnical assessment and design of buildings and associated infrastructure in relation to the earthquake hazard will be addressed at the time of Building Consent.

Chapter 15 of the PRPS concerns soils, and effectively carries over the relevant objectives and policies from Chapter 7 of the operative RPS (see assessment/discussion above).

Overall the proposal is considered to be generally consistent with the Proposed Regional Policy Statement.

### **Weighting of the relevant Regional Policy Statements**

The RPS is the current relevant operative regional planning document. However, decisions on the PRPS were released on the 19<sup>th</sup> July 2012, and the subsequent appeal period closed on 10<sup>th</sup> August 2012. As it is likely that there will be a number of appeals, given the stage that the PRPS is at in the policy statement development/RMA process with decisions having been released; I consider that less weight should be afforded to the PRPS.

However, as discussed above, with regard to the issues relevant to this proposal, I consider that the provisions of RPS and PRPS are very similar.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)**

Mr Malthus has addressed the NES at section 6.6 of his report and concluded that while no Preliminary Site Investigation (PSI) has been provided for any of the sites to state that there is no likelihood of human health risk from the land, the isolation of the sites from the Living 1 zone would ensure that any risk to human health will be an occupational health matter to be addressed by the BRRP management under the Health and Safety in Employment Act, and is therefore not a matter of concern to public health. In any case he considers the potential is likely to be low as Sites A and B are in areas that have not previously been used for sanitary land filling, and Sites F and P involve areas that have been previously capped with clean cover material. I am comfortable from Mr Malthus' assessment that any issues to deal with contaminated soil can be addressed through conditions in the Management Plan for the sites.

<b>Are there any other matters which are relevant and reasonably necessary to determine the application? [Section 104(1)(c)]</b>
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Recovery Strategy for Greater Christchurch (<http://cera.govt.nz/recovery-strategy/overview/read-the-recovery-strategy>)

The Recovery Strategy for Greater Christchurch (the Recovery Strategy) prepared by CERA under the Canterbury Earthquake Recovery Act became operative on 1 June 2012. It is a statutory document that must be "read together with, and forms part of" other relevant legislation within the greater Christchurch area. The City and District Plans (and a number of other statutory documents) must not be interpreted or applied in a way that is inconsistent with the Recovery Strategy. Only Section 3-8 of the Strategy have statutory effect.

"Recovery" is defined under the CER Act as including both restoration and enhancement (Section 3).

Section 4 identifies the vision for the recovery of Greater Christchurch and supporting goals relating to the six components of recovery. The following goals are of particular relevance to this application:

**Leadership and Integration** – Coordination between public and private sector, and communities to contribute to recovery and future growth by:

- Facilitating a timely and efficient recovery

**Economic** – Revitalise greater Christchurch by:

- Planning for a well-functioning Christchurch central city and thriving suburban centres
- Facilitating the recovery and development of the Central Business District
- Restoring the confidence of the business sector to enable economic recovery and growth
- Ensuring a range of employment options

**Natural Environment** – Restore the nature environment to support biodiversity and economic prosperity, and to reconnect people to the rivers, wetlands and Port Hills by:

- Ensuring recovery activities value, protect and sustainably manage our water sources
- Ensuring ecosystems are healthy and functioning
- Enhancing air quality through managing recovery activities that impact on air quality
- Sorting, storing and processing waste in an environmentally safe and effective manner.

Granting consent to this application is not considered to be inconsistent with the above goals.

Section 5 of the Recovery Strategy identifies a number of priorities for recovery to address and promote social, economic, cultural and environmental wellbeing. These include:

- Permanent repair or rebuild of infrastructure in areas identified for redevelopment and development in the short to medium term.
- Supply of land for recovery needs through efficient consenting processes and timely provision, restoration or optimisation of infrastructure.

Granting consent to this application is not considered to be inconsistent with any of the priorities for recovery.

**The above considerations are subject to Part II of the Act. Is the application consistent with Part II? [Section 104(1)]**

Achievement of Part II, the purpose and principles of the Resource Management Act, must be considered when reviewing an application for resource consent.

The purpose of the Act is to promote the sustainable management of natural and physical resources. Section 5 imposes a duty on consent authorities to promote sustainable management while avoiding, remedying or mitigating adverse effects of activities on the environment.

Section 6(e) requires the Council, as a matter of national importance, to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and Section 6(f) requires the Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.

Section 7 lists various matters to which regard shall be had in achieving the purpose of the Act. The matters of particular relevance to this application are:

- a) The efficient use and development of natural and physical resources;
- b) The maintenance and enhancement of amenity values;
- c) Maintenance and enhancement of the quality of the environment.

Section 8 requires that the Council take into account the principles of the Treaty of Waitangi.

This proposal in my opinion represents efficient use of significant volumes of earthquake waste from the Christchurch CBD and surrounding residential areas and will avoid needing to put it all directly into landfill. This is a sustainable use of resources and will assist with the recovery of Christchurch City without compromising the amenity values or quality of the coastal environment, nor the surrounding settlements.

I note that significant consultation has been undertaken with residents and local community groups and stakeholders, and their comments and concerns have been taken on board by the applicant and addressed in the recommended conditions of consent.

Overall I am satisfied that the proposal achieves in an overall sense the purpose and principles outlined in Part II of the Resource Management Act 1991.

### **Recommendation**

- A. That the application be processed on a **non-notified** basis in accordance with **Clause 8** of the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011.
- B. That for the above reasons the application by Burwood Resource Recovery Park Limited for land use consent for a controlled activity pursuant to the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011 *to authorise the processing and mechanical sorting of demolition materials from the 22 February 2011 earthquake over an expected period through to 2017 and to allow for the recovery of re-usable materials from the demolition materials, thereby reducing the amount of waste that must go to landfill* **be granted** pursuant to Sections 104, 104A, and 108 of the Resource Management Act 1991, subject to the following conditions:

### **Conditions specific to Sites B and D**

- (1) The development shall proceed in accordance with the information and plans submitted with the application, except where amended by the following conditions. The approved Consent documentation has been entered into Council records as RMA92020447 (205 pages) and includes the stamped approved plans RMA92020447 pages 1 to 5.
- (2) Sites B and D shall be located within the boundaries shown on the stamped approved plan RMA92020447/page 2.
- (3) Material received, stored, processed and recycled at Sites B and D shall meet the definition of 'earthquake waste' in the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011, which:
- (a) means—
    - (i) solid waste resulting from the Canterbury earthquakes, including liquefaction silt; and
    - (ii) solid waste resulting from any construction work (within the meaning of section 6 of the Construction Contracts Act 2002) undertaken as a result of the Canterbury earthquakes (within the meaning of section 4 of the Canterbury Earthquake Recovery Act 2011); but
  - (b) does not include any of the following unless it is not reasonably practicable to separate it from the waste specified in paragraph (a):
    - (i) general domestic refuse; or
    - (ii) human waste; or
    - (iii) building insulation and building materials containing asbestos; or
    - (iv) hazardous waste; or
    - (v) waste material from an industrial process or trade process.
- (4) Notwithstanding that the Canterbury Earthquake (Resource Management Act – Burwood Resource Recovery Park) Order 2011 provides that earthquake waste may contain asbestos that is not reasonably

practicable to separate from the waste stream, any wastes which contain visibly identifiable asbestos materials shall not be routinely accepted at Sites B and D. Should such materials be detected in the incoming waste stream, they shall be separated and managed in accordance with the requirements of the Health and Safety in Employment (Asbestos) Regulations 1998, and removed for disposal at the Kate Valley Landfill as soon as is practicable.

- (5) The hours of operation shall be limited to Monday through Saturday 5 am to 9 pm. The sites shall not operate on Sundays or public holidays. Heavy vehicles entering the site with demolition material and leaving with sorted materials (recovered materials) shall be limited to Monday through Saturday 6 am to 6 pm.
- (6) An appropriately equipped and maintained Oil Spill Kit shall be held on Site B, and all staff shall be made familiar with its location and operation.
- (7) The rehabilitation of Sites B and D shall be completed by the end of the period of the operation. This shall include the removal of all plant facilities infrastructure and materials related to the activities described in this consent, with the exception of access roads.
- (8) In addition to the general surveillance and supervision of the incoming waste stream for the presence of unacceptable wastes, random visual inspections for the presence of unacceptable wastes, of a minimum of two incoming loads to Sites B or D per day, shall be undertaken.
- (9) Should unacceptable wastes be encountered at any time in incoming loads or in any stage of the resource recovery process, the type and quantity of the wastes shall be recorded in a log book together with any information that could identify the source or transporter of the waste, and details of the fate of the material. This log book shall be provided to the Canterbury Regional Council and the Christchurch City Council upon request.
- (10) The Canterbury Regional Council and Christchurch City Council shall be immediately notified if any vehicles are turned away from Sites B or D due to unacceptable wastes; this notification shall include the vehicle registration number and source of the waste (if known).
- (11) This resource consent shall expire 5 years from the date of granting of the consent for Site B and D.

### **General conditions [applying to Sites A, B, D, F and P]**

*Note: While it is understood that all sites will ultimately be managed as one entity, there are a number of issues with attempting to prescribe general conditions for all sites. These stem from there being two consent applicants and three land use consents (BRRP for Sites B and D, CCC for Site A, and CCC for Sites F and P) and the issues this generates in terms of future review of conditions (Section 128 of the RMA) and any potential changes sought to conditions (Section 127 of the RMA), i.e. we don't want changes to one consent to necessarily affect all consents.*

*For this reason we have drafted the below conditions so that they do not refer to specific sites. Ultimately they will need to be duplicated across all three land use consents, and if necessary, updated to refer to the specific site/consent in question.*

### **Signage**

- (1) A notice shall be clearly positioned at the entrance to the site(s) and the kiosk to identify the wastes which are acceptable and unacceptable at the site(s).
- (2) "No truck stopping" signs shall be displayed at all times outside dwellings adjacent to the entrance to the new alignment of Landfill Avenue. These signs shall be located along both sides of Prestons Road as far west as the property at 24 John Morel Place; along both sides of Burwood Road as far south as the property at 51 Limes Avenue; and north along Waitikiri Drive as far as the property at 15 Waitikiri Drive.

- (3) Signs clearly displaying the speed limits identified in the diagram below shall be displayed at the site entrance and the kiosk. In addition, speed limit signs shall be erected along the new alignment of Landfill Avenue noting the posted 20km/hr speed limit for this section of road.



### **Site Access**

- (4) The existing alignment of Landfill Avenue from the formal entrance at its intersection with Burwood/Prestons Road shall only be used for the period of the next 6 months and 1 week following the date of granting of this consent.
- (5) Within 2 months following the date of granting of this consent a detailed design and layout plan is to be submitted to the Resource Consents Manager, Christchurch City Council showing the new alignment of Landfill Avenue generally in accordance with the indicative road layout plan entered into Council records as approved plan RMA92020447/page 1 and RMA92020450/page 1. Christchurch City Council must then accept the plan within 1 week of lodgement.
- (6) Within 4 months following the acceptance of the road layout and design, the new alignment of Landfill Avenue must be constructed and fully operational in accordance with the conditions of this consent. Access to the site(s) shall then only be from the new alignment of Landfill Avenue. The existing Landfill Avenue access shall be closed to all vehicles.

### **Traffic management**

- (7) The speed of all vehicles accessing the site(s) shall at all times comply with the speed limits identified in the speed limit diagram at Condition 3 above.
- (8) A speed camera shall be permanently positioned along the new alignment of Landfill Avenue to record speeds of vehicles along this stretch of road to ensure they do not exceed 20km/hr.
- (9) Compliance with the speed limits in Condition 3 shall be monitored using speed cameras or other equivalent methods. At least one speed camera shall operate on site roads (the camera may be mobile or hand held) within one month of the granting of this consent, and shall be operational for the duration of the consent. The camera shall operate at random times. The camera shall be capable of recording vehicle speed, registration plate details, and the time of offending.
- (10) Any breaches of these speed restrictions in Condition 3 shall be notified to the offender and their employer or manager. If a vehicle exceeds the speed restrictions on three occasions that vehicle and the driver shall be prohibited from accessing the site(s).

- (11) With respect to earthquake waste transported to the site(s), the consent holders shall provide information to truck drivers to encourage them, where possible, to use routes that have been identified by CCC and CERA as the most appropriate.

### **Noise Management**

- (12) In conjunction with the road realignment design required under Condition 5, within 2 months following the date of granting of this consent a detailed design and layout plan is to be submitted to the Resource Consents Manager, Christchurch City Council showing the acoustic barriers generally in accordance with the indicative road layout plan entered into Council records as approved plan RMA92020447/page 1 and RMA92020450/page 1. Christchurch City Council must then accept the plan within 1 week of lodgement.
- (13) The final location and design of the acoustic barriers in the detailed design and layout plan shall be prepared by a suitably qualified engineer to achieve, to the extent practicable, a design sound level of 45 dB LAeq(1h) between 7 pm and 6 am on any day. The design sound level shall be determined using a representative number of truck movements for the 6am to 7am period based on actual counts at the landfill weighbridge over the busiest 3 months in 2012.
- (14) The acoustic barriers shall be constructed and maintained to a minimum height of 4 metres above the finished surface of the road, and with a surface mass of not less than 10 kg/m<sup>2</sup>, and with no gaps in their structure or at ground level.
- (15) The acoustic barriers shall be constructed within the timeframe for the construction of the new road as required by condition 6 above.
- (16) Roads within the site(s), including Landfill Avenue, shall be well maintained to reduce vehicle noise. This may include but not be limited to:
- a. Repairing potholes; and
  - b. Removing roughness and bumps from surfaces.
- (17) The consent holder shall implement procedures to ensure vehicles within the boundaries of the site(s), and along Landfill Avenue, shall:
- a. Avoid the use of engine brakes;
  - b. Secure and adjust loose truck and trailer gates;
  - c. Maintain muffler systems;
  - d. Exercise throttle control to minimise noise; and
  - e. Comply with the speed limits identified in Condition 9.
- (18) Noise from construction work shall be managed in accordance with NZS 6803:1999 Acoustics Construction noise.

### **Dust and Odour Management**

- (19) The discharge of dust or odour beyond the boundary of the site(s) shall not be noxious, dangerous, offensive or objectionable to such an extent that it has an adverse effect on the environment. This includes dust and odour generated by vehicles using Landfill Avenue.
- (20) Roads within the site(s), including Landfill Avenue, shall be maintained to minimise dust generation. This may include but not be limited to:
- a. Repairing potholes;
  - b. Removing bumps from paved surfaces;
  - c. Using a vacuum truck to clean the paved road between the entrance and the kiosk at least once weekly;
  - d. Using a sweeper on other roads within the site at least once fortnightly;
  - e. Wetting gravel/metal roads in conditions conducive to generating dust.
- (21) Vehicles within the site(s), and using Landfill Avenue, shall be maintained and operated to minimise dust generation. Methods to achieve this shall include the installation and use of a wheel washing facility, and may also include a facility for damping, covering and securing of loads.

- (22) Vehicles carrying dusty material are required to cover their loads to minimise dust nuisance.
- (23) Active working areas within the site(s), such as stockpiles, processing areas or other operational areas, shall be managed so as to minimise the generation of dust.
- (24) The consent holder shall adopt all practicable measures to minimise the emissions of odour.

#### ***Hazardous Substances***

- (25) Stocks of Hazardous Substances shall be held within secure containment which prevents the accidental escape of the substances into the environment.
- (26) Any refuelling of equipment shall be undertaken in a manner which avoids spills or overflows.

#### ***Litter, and spillage of transported materials***

- (27) Roads and areas in the vicinity of residential properties near the site entrance shall be inspected and cleared of litter at least once weekly.
- (28) Spillage of materials on roads within the site and in the vicinity of the site entrance shall be removed and the road surfaces shall be cleaned, as soon as is practicable after the event.

#### ***Management Plan***

- (29) A management plan shall be submitted to the Christchurch City Council and the Canterbury Regional Council no later than two months after consent has been granted. For the avoidance of doubt, it is acceptable for a single management plan to be prepared covering all consented earthquake waste related activities at the Burwood Landfill and Burwood Resource Recovery Park.
- (30) The management plan shall be generally based on the format and structure of the Landfill Management Plan provided in Appendix E of the Assessment of Effects on the Environment for Site A.
- (31) At minimum, the Management Plan shall:
  - i. Define the key staff positions and responsibilities for the management of the site(s);
  - j. Identify waste acceptance criteria and keeping of records for each site(s);
  - k. Identify the methods by which compliance with other conditions of this resource consent will be achieved
  - l. Identify the management methods and monitoring procedures for the effective avoidance and mitigation of environmental effects relating to:
    - i. Stormwater discharges;
    - ii. Air contaminant discharges;
    - iii. Noise emissions;
    - iv. Dust emissions;
    - v. Light emissions;
    - vi. Litter;
    - vii. Spillage of materials being transported;
    - viii. Vermin;
    - ix. Fire and landfill gas hazards;
    - x. Hazardous substances storage and management;
    - xi. Detection, handling, storage and disposal of unacceptable wastes
    - xii. Security and fencing
    - xiii. Any other method to ensure compliance with other conditions on this resource consent, and other related consents.
  - m. Identify emergency procedures;
  - n. Identify reinstatement and rehabilitation procedures;
  - o. Where not listed above, address any other relevant matter in Appendix 3 of the Landfill Guidelines (2000) published by Centre for Advanced Engineering, University of Canterbury.

- p. Develop and implement noise and dust monitoring programs in relation to the requirements of this consent.
- (32) The Management Plan shall be reviewed at least on an annual basis, and updated as necessary. Any revised Management Plan shall be submitted to the Canterbury Regional Council and Christchurch City Council.

***Community Liaison and Complaint Registers***

- (33) Prior to the commencement of operations under this consent, advertise, by way of a local mail out, and hold a public meeting to offer local residents the opportunity to establish a Community Liaison Group. For the avoidance of doubt, it is acceptable for a single Community Liaison Group to be formed to address all earthquake waste related activities at the Burwood Landfill and Burwood Resource Recovery Park.
- (34) Any such Community Liaison Group shall consist of representatives of Residents Associations in the Burwood area; two representatives of the property owners adjacent to Landfill Avenue; and one representative of each of the Consent Holders.
- (35) A representative from each of the consent authorities shall be invited to attend meetings in an observer capacity.
- (36) The members of the liaison group shall be offered the opportunity of a quarterly site inspection, a quarterly meeting opportunity, and provision of any information to which the Councils are entitled by virtue of these conditions regarding the development and operation of the site, at the Consent Holders expense.
- (37) The prime purpose of the quarterly meetings with the Community Liaison Group will be to:
- a. Explain the progress of the site(s) operations;
  - b. Listen to, and discuss as far as practicable any community and cultural concerns with the site(s) operations;
  - c. Develop additional mitigation measures where appropriate;
  - d. Present and discuss the complaints register and results of any monitoring and/or reporting as required by the conditions of regional and district council consents.
- (38) A complaints register shall be maintained and kept at the site office. The complaint register shall include:
- a. The location of the complaint detected by the complainant;
  - b. A description of the event leading to the complaint, including date, time, weather conditions;
  - c. The most likely cause of the event;
  - d. Any corrective action undertaken to avoid, remedy or mitigate the event and any similar future events.
- (39) The Canterbury Regional Council and the Christchurch City Council shall be advised as soon as practicable via email or phone following any complaint. The complaints register shall be made available to the consent authorities upon request.

***Review***

- (40) The Christchurch City Council may annually, on any of the last five working days of any month of each year, serve notice of its intention to review the conditions of this consent for the purposes of;
- a) ensuring that appropriate environmental monitoring and reporting is being undertaken;
  - b) dealing with any adverse effect on the environment which may arise from the exercise of this consent and which is appropriate to deal with at a later stage; or

- c) requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
- d) dealing with any matters identified or resulting from any reporting of investigations carried out at this site.

### **Advice Notes**

- Separate resource consents are also required from Environment Canterbury and are to be read in conjunction with the resource consent approvals from Christchurch City Council and adhered to on an on-going basis.
- The Council will require payment of its administrative charges in relation to monitoring, as authorised by the provisions of section 36 of the Resource Management Act 1991. At present the monitoring charges include:
  - A monitoring fee of \$141 to cover the cost of setting up a monitoring programme and carrying out two site inspections to ensure compliance with the conditions of this consent; and
  - Time charged at an hourly rate of \$113 (incl. GST) where additional monitoring is required.
- Under the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (the NES), further consent will be required if the volume of soil disturbed exceeds 25 m<sup>3</sup> per 5000 m<sup>2</sup> of the land area, or if soil taken away from the site exceeds 5 m<sup>3</sup> per 500 m<sup>2</sup> per year.
- Should any archaeological material or sites be discovered during the course of work on the site, work in that area of the site shall stop immediately and the appropriate agencies including the New Zealand Historic Places Trust and the Manawhenua shall be contacted immediately.
- Please note that a development contribution *may* be required under the Development Contributions Policy 2009-19 (DCP). The Council requires Development Contributions to be paid prior to the issue of the Code Compliance Certificate for a building consent, the commencement of a resource consent, the issue of a section 224 certificate for a subdivision consent, or authorisation of a service connection. The contributions are defined in the Council's **Development Contributions Policy 2009-19**, which has been established under the Local Government Act 2002, and is included in the Council's Long Term Plan (LTP). If you have any queries in relation to this matter, please contact our Development Contributions Assessors on ph. 941-8999.

**Reported and Recommended by:** Jesse Burgess, Senior Planner

**Date:** 18 September 2012

**Decision**

That the above recommendation is adopted for the reasons set out in the attached Addendum

**Commissioner:**

Name: Ken Lawn

Signature:   
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Date: 19 September 2012