

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 9 December 2016

Date of decision: 11 February 2016

Hearing Panel: Hon Sir John Hansen (Chair), Mr John Illingsworth, Ms Jane Huria, Mr Stephen Daysh

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**DECISION 14**

**Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal — Stage 3**

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**Outcomes:** Proposals changed as per Schedule 1

## COUNSEL APPEARANCES

Mr P McNamara	Christchurch City Council
Mr D Allen and Ms J White	Crown
Ms M Mehlhopt	Canterbury Regional Council
Ms J Appleyard and Mr A Brent	Waste Management NZ Limited
	Burwood Resource Recovery Park Limited

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## INTRODUCTION

[1] This decision is one of a series of the Independent Hearings Panel ('Hearings Panel'/'Panel') under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('OIC').<sup>1</sup> It concerns a proposal for the formulation of the Christchurch Replacement District Plan ('CRDP') — Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal (Stage 3). It comprises the provisions of Chapter 21.12 and relevant definitions. The land subject to the proposal was originally notified as Open Space Natural in Stage 2 (which remains alive). It was re-notified through Stage 3 as a Special Purpose Zone based on information that the earthquake recovery related activities will not be completed within currently consented timeframes.<sup>2</sup>

[2] The proposal was notified by the Christchurch City Council ('CCC'/'Council'). We refer to this notified proposal as the 'Notified Version'. This decision follows our hearing of submissions and evidence on the Notified Version, in accordance with the OIC.<sup>3</sup> In its closing submissions, the Council recommended several changes to the Notified Version as an updated red-line version ('Revised Version').

[3] Schedule 1 ('Decision Version') sets out the provisions (including changes to the Revised Version) that will become operative upon release of this decision and the expiry of the appeal period.

### Effect of decision and rights of appeal

[4] The procedures that will now apply for implementation of this decision as part of the Christchurch Replacement District Plan ('CRDP') are as set out in our earlier decisions.<sup>4</sup>

[5] Under the OIC,<sup>5</sup> any person who made a submission (and/or further submission) on the Notified Version, the Council and the Ministers<sup>6</sup> may appeal our decision to the High Court

<sup>1</sup> Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

<sup>2</sup> Evidence in chief of Kimberley Rolton on behalf of the Council.

<sup>3</sup> Further background on the review process, pursuant to the OIC, is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes (and relevant definitions), 26 February 2015 ('Strategic Directions decision').

<sup>4</sup> Strategic Directions decision at [5]–[9].

<sup>5</sup> Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, cl 19.

<sup>6</sup> The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

(within the 20 working day time limit specified in the Order), but only on questions of law (and, for a submitter, only in relation to matters raised in the submission).

### Identification of parts of Existing Plan to be replaced

[6] The OIC requires that our decision also identifies the parts of the Christchurch City District Plan and Banks Peninsula District Plan (together ‘Existing Plan’) that are to be replaced by the Decision Version. We return to this later.

### Conflicts of interest

[7] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>7</sup> No submitter raised any issue in relation to this.

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## REASONS

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### Statutory framework

[8] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.<sup>8</sup>

[9] It sets out what we must and may consider in making that decision.<sup>9</sup> It qualifies how the Resource Management Act 1991 (‘RMA’) is to apply and modifies some of the RMA’s provisions, both as to our decision-making criteria and processes.<sup>10</sup> It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 (‘CER Act’).<sup>11</sup> The OIC also specifies additional matters for our consideration.

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<sup>7</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz). In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel. In some cases, that was through previous business associations. In other cases, it was through current or former personal associations. Those matters were recorded in the transcript, which was again available daily on the Hearings Panel’s website. No issue was taken by any submitter.

<sup>8</sup> OIC, cl 12(1).

<sup>9</sup> OIC, cl 14(1).

<sup>10</sup> OIC, cl 5.

<sup>11</sup> Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website.

[10] Our Strategic Directions decision, which was not appealed, summarised the statutory framework for that decision. As it is materially the same for this decision, we apply the analysis we gave of that framework in that decision as we address various issues in this decision.<sup>12</sup> On the requirements of ss 32 and 32AA, RMA, we endorse and adopt [48]–[54] of our Natural Hazards decision.<sup>13</sup>

### Issues raised by submissions

[11] In reaching our decision, we have considered all submissions and further submissions made on the Notified Version. As the issues raised generally concern the substance of the Notified Version and/or how it applies or ought to apply to particular land or other submitter interests, we deal with these issues in the context of our s 32AA evaluation, later in this decision. Schedule 2 lists witnesses who gave evidence for the Council, the Crown and Burwood Landfill Limited.<sup>14</sup> Schedule 3 lists all those who submitted on the Notified Version. The only other submitter who sought to be heard at the hearing was Mr Patrick Brandon (submitter 3719). However, shortly before the hearing, via the CCC, he filed a submission which had annexed to it a petition opposing the extension of the operating life of the facility past the original closing date of late 2017. He did not attend the hearing, apparently because of other commitments. The relevant officials at the Council forwarded the submission and the petition to us. We will return to the submission and petition in due course.

[12] A number of submitters reached agreements with the Council through processes of formal and informal mediation (in some cases, involving submitter representatives, counsel and/or experts). The Revised Version is agreed between the three planning witnesses who gave evidence for the Council, the Crown and Burwood Resource Recovery Park Limited ('BRRP'), and reflects specific wording changes agreed during a witness hot tubbing session convened as part of the hearing. In cases where we have accepted those agreements, in the Decision Version, we have done so on the basis of the evidence in chief and rebuttal evidence of Ms Rolton, where she provides evidence on agreements reached with submitters prior to the hearing commencing.<sup>15</sup>

<sup>12</sup> At [25]–[28] and [40]–[62].

<sup>13</sup> Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015, pages 20–21.

<sup>14</sup> Counsel appearances are recorded on page 2.

<sup>15</sup> Evidence in chief and rebuttal evidence of Kimberley Rolton.

## Statutory documents and our obligations in regard to them

[13] On the matter of the relevant statutory documents (‘Higher Order Documents’) and our statutory obligations in regard to them, we endorse and adopt [39]–[45] of our Strategic Directions decision.<sup>16</sup>

## Other issues raised in submissions

[14] We have had regard to the Council’s recommended acceptance or rejection of those submissions, as identified in its “Accept/Accept in Part/Reject Table”.<sup>17</sup> Except to the extent they have been modified, as agreed between the parties, and by this decision, we accept those recommendations for changes and amendments.

[15] We have not specifically referred to every submission (and any related evidence), and the OIC does not require us to do so. However, we have considered all submissions in coming to this decision.

## Definitions

[16] Except to the extent that this decision addresses specific definitions, we are to address all definitions in a subsequent hearing.

## Replacement of provisions

[17] Our decision is required to identify those parts of the Existing Plan that are to be replaced. The Council provided us with its recommendations on this in tables that accompanied the Notified Version. This decision is confined to Stage 3 provisions relating to the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone. Given this staged approach to our inquiry, it is not practical to carve out only those parts of the Existing Plan that are to be replaced by this decision on a provision by provision basis.

<sup>16</sup> We note that some updating of relevant Higher Order Documents has occurred since our Strategic Directions decision. Specifically, we refer to updates to the LURP, May 2015; CRPS, 12 June 2015 and 19 November 2015; and to the Lyttelton Port Recovery Plan, 19 November 2015.

<sup>17</sup> Attachment A to Evidence in chief of Kimberley Rolton.

[18] Therefore, we have determined that the only parts of the Existing Plan that are to be replaced by this decision are the zonings of those areas of land in the Existing Plan (as shown on the relevant planning Maps) that are to be zoned by this decision.

## Mediation

[19] Commissioner Mills conducted a mediation on 17 November 2015. The attendees were Ms McKernan, Mr Joyce (both of CCC) and Mr Murray (of AECOM) on behalf of the Burwood Resource Recovery Park ('BRRP') (submitter 3444); Ms Yozin and Ms Ritchie (the Crown) (3721, further submitter 5030); and Ms Rolton and Mr Matheson from the CCC (3723). The report notes that Mr Brandon, who sought the deletion of the proposal, did not attend mediation. The Burwood/Pegasus Community Board (3570), who sought a specific closure date, also did not attend.

[20] The final mediation report has been posted online.<sup>18</sup> It is clear from that report that the three parties attending reached agreement, that led to the Council's redline version filed with their opening submissions.

[21] The report noted that the Canterbury Regional Council ('CRC') (3629) did not attend, as it was understood they were satisfied with the updated redline version following conferences. Eventually that did not eventuate, as CRC raised issues in relation to potential inconsistency with the Canterbury Land and Water Regional Plan ('CLWRP'). This was addressed in a supplementary statement of evidence,<sup>19</sup> and further changes as a result were included in the Revised Version.

## Our evidential findings

[22] The Council called two witnesses, Ms Rolton, a planner, and Mr Camp, a noise expert. The Crown called evidence from Ms Yozin, who was an advisor (planning) at the Canterbury Earthquake Recovery Authority ('CERA'). BRRP called evidence from Mr James, the General Manager South Island for Waste Management New Zealand Limited ('WMNZ') and a director

<sup>18</sup> The mediation report is at <http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/08/Burwood-Mediation-Report-17-11-2015-FINAL.pdf>. A redline version of the proposal was attached to the report, and can be found at <http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/08/Attachment-to-Mediation-Report-Chapter-21-Specific-Purpose-Burwood-Landfill-and-Resource-Recovery-Park-redline-version-following-mediation.pdf>.

<sup>19</sup> First supplementary evidence of Kimberley Rolton on behalf of the Council.



of both Transwaste Canterbury Limited ('Transwaste Canterbury') and BRRP. It also called evidence from Mr Murray, a planner from AECOM.

[23] Transwaste Canterbury is a joint venture between WMNZ, CCC and the Waimakariri, Selwyn, Ashburton and Hurunui District Councils. It operates the Kate Valley landfill in North Canterbury. This was a landfill created after much discussion and consultation to provide for the regional needs for a landfill area. It has operated as the principal refuse facility for Christchurch since approximately May 2005, when the Burwood landfill area was closed.

[24] BRRP is a wholly-owned subsidiary of Transwaste Canterbury. It was established with great urgency, following a request from Civil Defence, after the February 2011 earthquake to manage the receipt and resource recovery processing of mixed demolition material arising from the earthquake. Permission was granted by CCC for specific areas of the Burwood landfill site to be reopened and used by BRRP for the recovery and recycling operation. CCC entered into a contract with BRRP for the management of all earthquake waste-related operation on this site.

[25] Mixed earthquake debris is received, sorted and stockpiled. This has been going on since 13 days after the earthquake of February 2011. Resource consents for this operation were granted in 2012, after consultation with the local community and relevant stakeholders. The operation included the development of a state-of-the-art construction and demolition waste resource, which is one of the largest facilities of its type in the southern hemisphere.

[26] Initially the site operated under Orders in Council, but it currently operates under two resource consents: one to BRRP and one to CCC. They were granted in September 2012 on a controlled non-notified basis, with a duration of five years, giving an expiry date of September 2017. That timeframe was calculated on the basis that the site would be unlikely to receive more than 750,000 tonnes of demolition waste. This proved to be an optimistic assessment. A more accurate figure has been ascertained as one million tonnes.

[27] BRRP at Burwood maximises the recovery and reuse of valuable and necessary materials; reduces the volume of residual earthquake waste to landfill; avoids using valuable air space in the highly-engineered municipal waste landfill at Kate Valley for relatively inert

residual waste from demolition and construction; and minimises costs for all involved in the Canterbury recovery.

[28] The purpose of the Burwood landfill is to allow for the rapid removal of earthquake waste from the city and as the staging area for the initial stockpiling of mixed demolition and construction material, and then resource recovery operations. It accepts mixed earthquake waste for resource recovery processing. It disposes of residual earthquake waste with no reuse potential in a special landfill developed for the purpose adjacent to the Burwood landfill.

[29] All of the above is taken from the evidence of Mr James, which was unchallenged, and we accept.<sup>20</sup>

[30] Mr James also gave evidence that the design of the Kate Valley landfill meant it was not suitable for the functions carried out at Burwood as it is essentially fully occupied with trucks and would take around 6.5 years to relocate the estimated 640,000 tonnes still required to be land filled.<sup>21</sup> Furthermore, it would involve significantly increased costs in the order of an additional \$80 tonne over and above the \$120 per tonne disposal cost at Burwood.<sup>22</sup> Our view is that, given the potential volumes involved, disposal at Kate Valley landfill is not a viable alternative due to operational constraints at that site, and the prohibitive additional costs.

[31] Mr James also gave evidence relating to matters of traffic, dust and noise, and said there was an operational management plan in place to deal with these. He said there had been initial difficulties, particularly over traffic, but these had been addressed. Notwithstanding the petition attached to the submission Mr Brandon sent to the Council, he did not think that noise, dust or smell were problems, and he considered that traffic was now appropriately managed.

[32] Turning to the planning evidence, Ms Rolton, on behalf of the Council, stated that the operative city plan had no specific objectives and policies for the Special Purpose (Landfill) zone, only a zone description and purpose. There was also no policy framework in relation to BRRP, which was zoned rural in the operative city plan. The proposal provided an objective and policy framework to recognise the role of BRRP and the Burwood landfill to the recovery of Christchurch and its essential role in that.

<sup>20</sup> Evidence in chief of Gareth James on behalf of BRRP.

<sup>21</sup> Evidence in chief of Gareth James at para 60.

<sup>22</sup> Transcript, page 19, lines 20–37.

[33] She stated that the provisions created the ability to continue earthquake waste processing and disposal activities. They will remove unnecessary regulatory controls for earthquake waste processing at BRRP once the Canterbury Earthquake (Resource Management Act — Burwood Resource Recovery Park) Order 2011 expires. Both the Notified and Revised Versions have permitted activities subject to compliance with activity-specific standards. But there are also consent notification requirements further to those in the operative plan and the OIC. This is a result of the reference to other relevant chapters of the CRDP, the provisions of which have different activity status and notification requirements.

[34] She accepted that the submissions of both CERA and BRRP focused on ensuring the continued efficient operation of facilities and a streamlined consent framework that would provide certainty for the operator. This recognised their significance in the earthquake recovery of Christchurch. In the main, agreement had been reached through direct discussions. The exception related to the reference to other relevant plan chapters and the application of certain provisions, which may result in activity status and consent process which is not controlled, non-notified as provided for under the OIC and operative city plan provisions.

[35] She accepted submitters seeking specification of a closure date or deletion of the zone have unresolved matters, as the proposal does not provide for the relief. But she considered that a specific purpose zoning is appropriate to provide a planning framework that both recognised the landfill and recovery park operations and the important role they continue to play in the recovery of Christchurch. She did not support the specification of a closure date as there was no certainty when recovery and disposal activities will complete.

[36] We accept the evidence from Ms Rolton in that regard.

[37] We do not propose to go into the evidence of Ms Yozin and Mr Murray, but given it was unchallenged by cross-examination, having heard it, we are satisfied that it is correct, and we accept it. It supports Ms Rolton's view, and it also stresses the importance of the Burwood landfill to the Christchurch recovery. It deals with a number of technical matters, and historical matters that led to the Revised Version, and again we accept and confirm that evidence.

[38] Mr Camp gave evidence on behalf of the city in relation to noise. It was to the effect that during normal operations the activities anticipated in the zone complied with residential noise

standards. He also recommended that those noise standards be applied, which would provide assurance to residents. We accept and adopt that evidence, and such a provision is included in the Revised Version.

[39] We turn to the submission lodged by Mr Brandon, and the Burwood/Pegasus Community Board ('the Community Board').

[40] Mr Brandon, in his submission, sought that the current Special Purpose zone not be extended beyond the date of late 2017. He submitted that from that date no more earthquake-related material should be accepted, and the process of restoration and rehabilitation suitable for a recreation park should begin. He submitted alternative sites outside the city boundaries are identified and set up so that there is a smooth transition.

[41] The Community Board is made up of seven representatives elected from an area extending from Bottle Lake in the north, inland to Marshland Road, and along the coast to South Shore. It takes in Burwood, Parklands, Shirley, Dallington, Avondale, Aranui, Bexley, New Brighton, Waitikiri, Tumara Park, Travis County, North Shore, North New Brighton, New Brighton, South Brighton, South Shore and Wainoni. It contains the largest proportion of flat "red zone", and includes considerable coastal and estuarine environment. Under s 52 of the Local Government Act 2002, the Community Board has a statutory role to represent, and act as an advocate for, the interests of its community.

[42] Essentially, it sought that the facility should have a limited lifespan. It sought an amendment to Rule 21.12.1.1.a, with the addition of the words "with a closure date of no later than 2020".

[43] As noted earlier, neither Mr Brandon nor the Community Board took the opportunity to appear in front of us and address their submission. Neither did they call any evidence, lay or expert, to support their submissions. The expert evidence, and the evidence of Mr James we heard on behalf of the Council, the Crown and BRRP, was unchallenged in cross-examination by the submitters. Questions were put by the Panel, but none of this led to any serious challenge as to the essential need for the Burwood Landfill to continue operating to assist in progressing the recovery of Christchurch.

[44] It is sufficient to refer further to the evidence of Mr James to support that view.

[45] First, Mr James's estimate is that at least one million tonnes will be required to be processed from earthquake waste, rather than the earlier estimate of 750,000 tonnes. He said there is 340,000 tonnes still sitting in the current stockpile awaiting processing, and with the additional amounts now expected, they are likely to have around 640,000 tonnes remaining to be processed, and the bulk of that disposed on site.

[46] He accepted the figures were estimates, and could not be exact, but they have discussed matters with demolition contractors, who say they have full order books for some distance ahead. It is Mr James's opinion that the processing work to get through that 640,000 tonnes would take to around mid-2020.

[47] We accept that is the best evidence we have. But we also accept Mr James's assurance that they are looking to accelerate the sorting process to try to remove material faster. He also advised that because of a recent fire on site, covered timber will no longer be stockpiled.

[48] As to cost, he said that if the material was carted to Kate Valley, or some similar new landfill, the cost would be around \$200 per tonne compared to the \$120 per tonne to cart to Burwood. But importantly, he made the other point that it would take six or seven years to take it all to Kate Valley, because that site is already essentially fully occupied with trucks carting waste from all around the region. It was his estimate that it could only handle another 20 truck and trailer units a day, and it would require fresh resource consents. But looking at the matter overall, he considered it would be something like 60 to 70 thousand truck and trailer trips from Burwood to Kate Valley.<sup>23</sup> He also confirmed that his costing did not involve double-handling of materials, and there would be an additional cost for that.<sup>24</sup>

[49] In relation to questions from the Panel regarding the petition and complaints of odour, noise, dust and traffic, Mr James said that there was a detailed management plan under the consents they operate to. He said there needs to be reports on that, and it has to be updated annually. It also requires monitoring. He said for Burwood, the monitoring is predominantly focused on dust. There was a dust monitor at the entrance gate, but there was also a monitor

<sup>23</sup> Transcript, page 19, lines 24–37.

<sup>24</sup> Transcript, page 20, line 16.

for traffic speeds, the nature of the material it was receiving, and other matters. He said there was a lot of other monitoring on site which related to the Council consent for the old landfill, so they assist with that. This would include ground water monitoring and surface water monitoring.

[50] In further answer to the Panel, he said that in the early days there were a number of complaints and they related mainly to the entrance road, dust, noise and traffic volume. It was for this reason that the Council moved to relocate the entrance road, and since that relocation his understanding was that there were no complaints. He was certainly not aware of any complaints over the last two years. He also pointed out that there was a community liaison group which has representatives of the company, CCC and a voting process within the community to identify their own appointments.

[51] He further said that the dust monitoring is also needed for their own health and safety reasons, rather than just consent requirements. He said they needed to monitor their own staff for dust intake for safety reasons.

[52] It is clear on that evidence that there would be very substantial cost and logistical problems if the landfill was to cease operating at the end of 2017. Such an outcome would not accord with the higher level documents or our Strategic Directions chapter.

[53] We accept the unchallenged evidence of Mr James, and also of Ms Rolton, did not support a finite cut-off term.

[54] For the sake of completeness, we note that Mr James gave evidence that there was a long-term plan to landscape sites B and D, but recently there have been discussions with CCC offering to complete the landscape of the entire old Burwood landfill zone, which has currently not been landscaped. In other words, they are looking at a more comprehensive landscaping and an ability to undertake some of that progressively, given that large amounts of that area are not needed for the operations. This has come about from discussions with the community liaison group, and would create some progress visible to residents in a much shorter term. Mr James said the landscape plan that the community liaison group worked very hard on was actually going to happen.

[55] While we respect the submissions from Mr Brandon (and the petition) and the Community Board, the unchallenged expert evidence and that of Mr James is overwhelmingly in favour of giving effect to the Revised Version. Accordingly, we reject the submissions in opposition to the notified proposal.

### **The Council's s 32 report**

[56] We are satisfied that the Council's s 32 analysis is generally robust and well supported by the evidence.

### **Our s 32AA evaluation**

[57] In evaluating the written planning evidence provided by Ms Rolton, Ms Yozin and Mr Murray, the Panel had concerns with the specific wording of a limited number of objectives, policies and rules, and considered some changes should be made. During the hearing, these three planning witnesses were "hot tubbed", and together were asked their expert opinion to test these drafting matters, in order to ensure the Panel was satisfied that an appropriate further evaluation under s 32AA was undertaken and recorded.<sup>25</sup> The version of the proposal attached to Ms Rolton's supplementary evidence dated 8 December 2015 was used as the reference document for this process.<sup>26</sup>

[58] At the conclusion of the hot tub session the planners were requested to provide a final agreed version to the Panel, and this was filed by the Council, outlining the further amendments agreed and recorded during the hearing. This is the Revised Version dated 10 December, referred to in this decision.

[59] These changes made to the Notified Version are relatively minor, in our view, but in any event, those changes that we have endorsed in the Revised Version are again well supported by the evidence and fulfil the necessary criteria under the Resource Management Act 1991.

[60] We have made one minor drafting change to Activity specific standard m) relating to public access associated with Permitted Activity P1, as the standard as drafted was unclear and could potentially have led to an unintended restriction of access. This is the only substantive

<sup>25</sup> Transcript, pages 48-76.

<sup>26</sup> First supplementary evidence of Kimberley Rolton.

change made to the Revised Version in the Decision Version, but we note some formatting of the provisions has also been done to bring the chapter into line with other parts of the PRDP.

## Definitions

[61] The Council identified various definitions as being part of this proposal. These are also subject to the Stage 2 and 3 Definitions Hearing.<sup>2728</sup>

[62] With regards to the definitions identified, evidence was presented by Ms Rolton for the Council setting out that two of these definitions were agreed between parties. The two definitions are ‘earthquake waste’ and ‘earthquake waste processing activities’. These definitions are used only in regard to the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone.

[63] We are satisfied that all submitters on these definitions were party to the agreed position, and accept the evidence of Ms Rolton in this regard.<sup>29</sup> Consequently we confirm these two definitions as part of this decision and include them in the Decision Version. The remaining definitions identified by the Council have a wider application and will be considered as part of the Stage 2/3 Definitions Hearing.

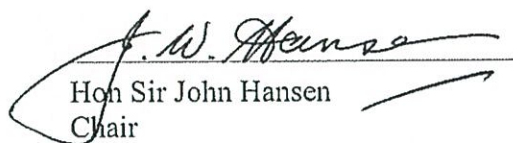
<sup>27</sup> Updated Statement of Issues for Stage 3 Specific Purpose Zones – 1 November 2015.

<sup>28</sup> Memorandum of Counsel for Christchurch City Council filed in advance of Pre-hearing meeting for Definitions (Stage 2 and 3 Combined), 21 October 2015.


<sup>29</sup> Evidence in chief of Kimberley Rolton, pages 33 and 34.



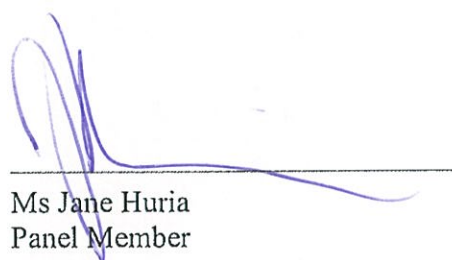
For the Hearings Panel:




Hon Sir John Hansen  
Chair



Mr John Illingsworth  
Panel Member



Ms Jane Huria  
Panel Member



Mr Stephen Daysh  
Panel Member

**SCHEDULE 1**

**Amend the definitions in Chapter 2 Definitions as follows:****Earthquake waste**

- a. means –
  - i. solid waste resulting from the Canterbury earthquakes, including liquefaction silt;
  - 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);
  - iii. hardfill from the district’s sewer, water and road network; and
  - iv. Liquid waste extracted from the district’s infrastructure network; 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;
  - ii. human waste;
  - iii. building insulation and building materials containing asbestos; or
  - iv. hazardous substances and waste; or
  - v. waste material from an industrial process or trade process

**Earthquake waste processing activities**

means:

- a. the storage, stockpiling, sorting and processing (including recycling) of earthquake waste; and
- b. any ancillary activities (including ancillary buildings) for the purpose of the activities specified in a., including transportation; and
- c. any remediation work required as a result of the effects of the activities specified in a. and b.

## Chapter 21.12 Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

### 21.12.2 Objectives and Policies

#### 21.12.2.1 Objective: Efficient operations

- a. The Burwood Resource Recovery Park and Burwood Landfill are operated efficiently, recognising their significance in supporting earthquake recovery in a way which minimises adverse effects on the environment.

##### 21.12.2.1.1 Policy: Facilitating recovery and disposal of earthquake waste

- a. Provide for the existing and ongoing need for earthquake waste processing and disposal activities as follows:
  - i. Encourage the reduction of earthquake waste by providing for earthquake waste processing activities and sorting of demolition waste from the Canterbury earthquakes at the Burwood Resource Recovery Park.
  - ii. Allow flexibility for permanent earthquake waste disposal sites within the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone.

##### 21.12.2.1.2 Policy: Management of adverse environmental effects

- a. Ensure that earthquake waste processing and disposal activities will be managed to minimise adverse effects on:
  - i. residential amenity and safety;
  - ii. recreational activities;
  - iii. character and quality of the coastal environment; and
  - iv. vehicular access and the road network.

#### 21.12.2.2 Objective: Progressive restoration of the Burwood Landfill

- a. Progressive restoration of the Burwood Resource Recovery Park and Burwood Landfill for open space purposes following the completion of earthquake waste processing and disposal activities.

##### 21.12.2.2.1 Policy: Rehabilitation

- a. Require the progressive rehabilitation of the Burwood Landfill and Burwood Resource Recovery Park following completion of earthquake waste processing and disposal activities.

### 21.12.3 Rules — Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

#### 21.12.3.1 How to use the rules

- a. The rules that apply to activities in the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone are contained in the activity status tables (including activity specific standards) in Rule 21.12.2.2.
- b. The activity status tables and standards in the following chapters also apply to activities in the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone (where relevant):
  - 6 General Rules and Procedures (where relevant below):
    - 6.1 Noise, to the extent that the residential standards apply at the residential boundary. Activities are exempt from the Open Space standards.
  - 9 Natural and Cultural Heritage
- c. For the avoidance of doubt, the activity status tables and standards of other chapters not listed in 21.12.2.1.b. do not apply to activities within the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone.

#### 21.12.3.2 Activity status tables – Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

##### 21.12.3.2.1 Permitted Activities

In the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone the activities listed below are permitted activities if they comply with the activity specific standards set out in this table.

Activities may also be controlled or non-complying as specified in Rules 21.12.2.2.2 and 21.12.2.2.5.

Activity		Activity specific standards
P1	Disposal of earthquake waste.	<ol style="list-style-type: none"> <li>a. Disposal of earthquake waste shall only occur within the area marked as “Burwood Landfill” and “Site B” in Appendix 21.12.3.1</li> <li>b. Material disposed shall only be:               <ol style="list-style-type: none"> <li>i. residual earthquake waste from the operations at the “Burwood Resource Recovery Park”; or</li> <li>ii. any other earthquake waste.</li> </ol> </li> <li>c. Earthquake waste permanently placed shall be :               <ol style="list-style-type: none"> <li>i. compacted using specialised compaction equipment; and</li> <li>ii. covered by sand or soil to a minimum depth of 150mm upon completion of filling in any given area.</li> </ol> </li> <li>d. Earthquake waste shall at no point be more than 25 metres above the level of the ground as measured at the intersection of Rothesay Road</li> </ol>

Activity	Activity specific standards
	<p>and Bower Avenue, and shall merge with the natural ground level of the terrain at the outer edge of the landfill.</p> <p>e. As long as earthquake waste activities are occurring within the area marked as "Burwood Landfill" in Appendix 21.12.3.1, screen planting in the form of at least three parallel rows of trees, capable of meeting 8m in height, shall be maintained from the southern boundary of this area.</p> <p><i>General</i></p> <p>f. Movement of vehicles within the "Burwood Landfill" shall take place between 0500 and 2100 hours Monday through to Saturday, unless exceptional circumstances apply.</p> <p>g. Delivery of earthquake waste shall occur only between 0530 and 1830 hours Monday through to Saturday.</p> <p>h. The site shall not operate on Sundays and public holidays.</p> <p>i. Mesh fences and screens shall be maintained around working areas to contain windblown waste, and any material blown beyond this containment area shall be collected on a weekly basis, or more frequently if required.</p> <p>j. Dust arising from activities, roads or unconsolidated sand, soil or earth is to be suppressed in windy conditions.</p> <p>k. Birds and vermin shall be controlled to avoid nuisance within and adjacent the site.</p> <p>l. Access shall be provided for fire appliances through boundary planting areas and a water supply shall be available to assist with fire fighting both within the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone and in the adjoining Bottle Lake Forest Open Space Natural Zone.</p> <p>m. Public access to the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone shall be confined to:</p> <ol style="list-style-type: none"> <li>vehicles owned by or under contract to the Christchurch City Council;</li> <li>vehicles of any other local authority approved by the Christchurch City Council;</li> <li>vehicles carrying compacted waste;</li> <li>vehicles carrying hardfill or other materials unsuited to compaction;</li> <li>vehicles carrying cover material; and</li> <li>recreational use as provided for by Rule 21.12.2.2.1 P5.</li> </ol> <p>n. All earthquake waste shall be transported in a container or covered, except where because of the nature of the load and/or method of securing it, no problem of litter or dust can arise.</p> <p><i>Transport</i></p> <p>o. For the duration of the operation of the Burwood Resource Recovery Park and Burwood Landfill:</p> <ol style="list-style-type: none"> <li>the only access shall be as shown in Appendix 21.12.3.1; and</li> <li>the noise bund and acoustic fence shall be maintained, as shown in Appendix 21.12.3.2.</li> </ol>

Activity	Activity specific standards
	<p>p. Vehicle movements shall not exceed more than 50 vehicle trips per peak hour or 250 heavy vehicle trips per day (whichever is met first). 'Peak hour' are those hours between 3 pm and 7 pm on a weekday.</p> <p><i>Rehabilitation</i></p> <p>q. A rehabilitation / closure plan for the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone shall be provided to the Council which includes:</p> <ul style="list-style-type: none"> <li>i. the final capping details, likely contouring and landscaping of the site;</li> <li>ii. any on-going aftercare and maintenance activities, including maintenance of capping and site fencing;</li> <li>iii. timeframes for progressive rehabilitation of areas within the zone once disposal of waste is completed in any area;</li> <li>iv. suitable and unsuitable future use, including any relevant health and safety matters; and</li> <li>v. responsibility for on-going aftercare.</li> </ul> <p><i>Flood Management Areas</i></p> <p>r. Disposal of earthquake waste shall not take place within a Flood Management Area.</p>
<b>P2</b> Earthquake waste processing activities.	<p>a. The activity specific standards (g) to (q) outlined under P1 also apply to this activity.</p> <p>b. Following completion of activities the site shall be cleared of all machinery and plant used for earthquake waste processing activities and reinstated.</p>
<b>P3</b> Erection of buildings	<p>a. Any erection of buildings:</p> <ul style="list-style-type: none"> <li>i. shall be ancillary to Burwood Resource Recovery Park or Burwood Landfill operations;</li> <li>ii. shall not exceed a total of 200 m<sup>2</sup> gross floor area; and</li> <li>iii. shall be removable/ relocatable at completion of operations.</li> </ul>
<b>P4</b> Stockpiling and use of fill material for the purpose of rehabilitation of the disposal areas	<p>a. Any contaminated fill material shall meet the recreational standards for contaminants in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</p>
<b>P5</b> Recreation activity, conservation activity, park management activity and plantation forestry activity	<p>a. Activities shall only take place in areas where rehabilitation has been completed and appropriate measures are in place to prevent public access to operational areas.</p>

### 21.12.3.2.2 Controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved, as set out in the following table.

Activity	The matters over which Council reserves its control:
<p><b>C1</b> Activities P1-P3 involving earthquake waste, in Rule 21.12.2.2.1, that do not comply with any one or more of the activity specific standards.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p> <p>An application for resource consent arising from this rule must include written comments on the proposal, or evidence of 10 working days having been provided for those comments to be made, from the following parties:</p> <ul style="list-style-type: none"> <li>a. Te Rūnanga o Ngāi Tahu and any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu;</li> <li>b. Canterbury District Health Board;</li> <li>c. Burwood-Pegasus Community Board;</li> <li>d. Parklands Residents Association;</li> <li>e. Queenspark Residents Association;</li> <li>f. Owners and occupiers of land adjacent to the Burwood Landfill and Burwood Resource Recovery Park.</li> </ul>	<ul style="list-style-type: none"> <li>a. Effects on the amenity of residences along the designated access route.</li> <li>b. Effects in terms of traffic, dust and noise, also taking account of the hours of operation.</li> <li>c. Effects on the coastal environment.</li> <li>d. The extent to which the proposed rehabilitation addresses the matters in P1 (q) (i)-(v).</li> <li>e. Mitigation of effects as they impact flooding, surface drainage and flood storage capacity, including any compensatory storage.</li> </ul>

### 21.12.3.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

There are no restricted discretionary activities.

### 21.12.3.2.4 Discretionary activities

The activities listed below are discretionary activities.

There are no discretionary activities.

### 21.12.3.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
<b>NC1</b>	Any activity not listed in Rule 21.12.2.2.1.
<b>NC2</b>	Activities P4 in Rule 21.12.2.2.1 that do not comply with any one or more of the activity specific standards in 21.12.2.2.1 P4.



	Activity
NC3	Activities P5 in Rule 21.12.2.2.1 that do not comply with any one or more of the activity specific standards in 21.12.2.2.1 P5.

#### 21.12.3.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

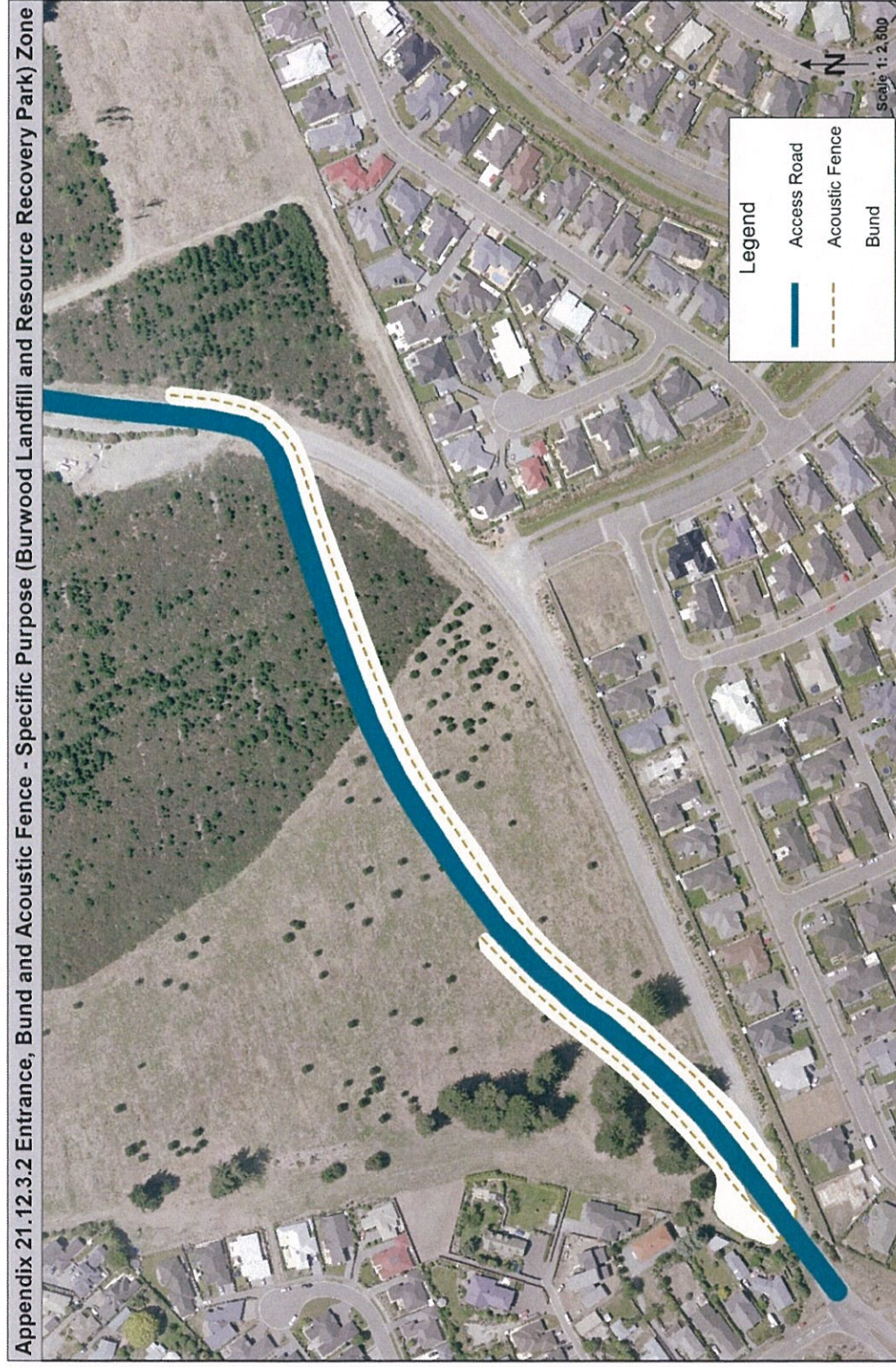
## 21.12.4 Appendices

### 21.12.4.1 Site layout – Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone





### 21.12.4.2 Noise bund and acoustic fencing



**SCHEDULE 2****Submitter appearances**

This list has been prepared from the index of appearances recorded in the Transcript.

Submitter Name	Nº	Appearance
Christchurch City Council	3723	Mr S Camp
		Ms K Rolton
Crown	3721, FS5030	Ms N Yozin
Burwood Resource Recovery Park Limited	3444	Mr G James
		Mr D Murray

**SCHEDULE 3****Table of submitters**

Submitter Name	No
Christchurch City Council	3723
Crown	3721, FS5030
Canterbury Regional Council	3629, FS5004
Burwood Resource Recovery Park Limited	3444
Canterbury District Health Board	3696, FS5063
Patrick Brandon	3719
Burwood/Pegasus Community Board	3570
Federated Farmers of New Zealand	FS5000