
In the matter of

An application to the
Canterbury Regional Council
(CRC154046) by Envirowaste
Services Limited to discharge
dust and odour to air from a
waste transfer facility at 481
Colombo St, Sydenham.

**DECISION OF HEARING COMMISSIONERS
JOHN ISELI & YVETTE COUCH-LEWIS**

Hearing: 28th April 2015, Wigram Base

Site: 481 Colombo Street, access from Cass Street, Sydenham.

Zoning: Special Purpose (Rail) in the Operative Christchurch City Plan.

Activity Status: Discretionary.

Decision: The consent sought is granted for a term of 10 years,
subject to conditions.

1. APPOINTMENT

- 1.1 We have been jointly appointed and empowered by the Canterbury Regional Council (Environment Canterbury) to determine the consent application by Envirowaste Services Ltd (Envirowaste) to discharge contaminants to air from a proposed waste transfer facility at 481 Colombo Street, Christchurch.
- 1.2 We both viewed the site and surrounding area prior to the hearing. In addition we visited the site and the neighbouring area, including submitters' properties, on the day following the hearing.
- 1.3 The hearing was conducted over a full day and we have had the benefit of detailed application documentation and evidence, an assessment by the council reporting officer, and critiques by submitters in opposition. These documents contain a large amount of information and are publicly available from the records of the council. We have therefore not attempted to set out all the information and evidence in this decision; rather we have focussed on the central facts and key evidence relating to the aspects of the proposed development in contention, and the aspects where we consider there is potential for adverse environmental effects.

2. THE PROPOSAL

- 2.1 The applicant proposes to establish a waste transfer facility in an existing building at the Sydenham site. The facility will handle construction and demolition waste and waste collected from commercial and domestic sources. Commercial vehicles will deliver waste by truck via the Cass St entrance for sorting, compaction and transportation to landfill.
- 2.2 The plant will receive and process a maximum of 50,000 tonnes of waste material per year, and have no more than 200 tonnes of waste onsite at any time. All putrescible wastes will be received and sorted within the building.
- 2.3 Envirowaste proposes to utilise outside storage only for construction and demolition waste with a particle diameter of more than 40mm. At the hearing it was also proposed to limit the amount of material stored outside at any time to 50 tonnes and contain this material in three-sided bunkers.
- 2.4 The application states that wastes will be processed and removed from site within 72 hours of receipt at all times. This time frame is proposed to account for holiday periods such as Christmas and Easter. During normal

operation on week days it is anticipated that waste will be removed within 24 hours of receipt.

- 2.5 Up to six truck and trailer units will leave the site per day to transport waste to landfill. These trucks will travel over a section of gravelled land controlled by Allied Concrete (the adjacent tenant occupying the shed) before leaving via the sealed Cass St exit. Envirowaste proposes that all other vehicle movements will occur on sealed surfaces.
- 2.6 The applicant proposes to handle all potentially odorous wastes inside the building. A mobile deodorant and water spray system will be used to assist with dust and odour control.
- 2.7 A consent duration of 15 years is sought by Envirowaste.

3. NOTIFICATION AND SUBMISSIONS

- 3.1 The application was publicly notified on 21 February 2015 as follows:

“CRC154046 - A discharge consent to discharge odour and dust to air from an enclosed waste transfer facility at 481 Colombo St, Sydenham, Christchurch (entrance off Cass St). Wastes will include construction and demolition waste and commercial and domestic waste. Wastes will be trucked in via the Cass St entrance to the site, sorted, compacted, and transported to landfill. Hard fill materials may be stored outside temporarily. All potentially odorous wastes will be handled and compacted into bins within the waste transfer building. The applicant will use methods to avoid discharges of odour and dust beyond the boundary of the site.

A consent duration of 15 years is sought.”

- 3.2 A total of 10 submissions were received, with six requesting to be heard. All submitters were opposed to the proposal.
- 3.3 The relevant issues of concern raised by the submitters include:
 - Effects of dust, including impact on printing operations;
 - Effects of odour on local amenity and on a food production business;
 - Visual impact and effects on amenity values;
 - Unsuitability of the site given the proximity of retail businesses;
 - Alternative locations should be considered;

- The duration of consent sought;
 - Cumulative effects, in combination with other local discharges;
 - Potential adverse health effects; and
 - Reliance on good site management for adequate emissions control.
- 3.4 Several matters were raised by submitters that are outside the issues we are authorised to take into account when determining this discharge permit application. Those issues include the effects of noise and the impact of increased traffic on local roads.
- 3.5 We have read all the written submissions and taken these into account in reaching our decision. Three submitters provided verbal presentations at the hearing and their comments are summarised later in this decision.

4. THE HEARING

The Case for the Applicant

- 4.1 Mr Kit Littlejohn presented opening legal submissions on behalf of Envirowaste. He introduced the application, placing importance on the appropriateness of the proposed location for the waste transfer facility. When questioned regarding other sites considered by the applicant, Mr Littlejohn replied that the proposed Sydenham location was the only site considered because it met the required considerations for a transfer station, being within an appropriate zone and classified as a permitted activity under the Operative Christchurch City Plan. Traffic management into and within the site had been considered and would not result in local nuisance effects. He submitted that the site is appropriate for the proposed activity and is well separated from sensitive land use.
- 4.2 With regard to the potential effects of the discharge, Mr Littlejohn submitted that Envirowaste is an experienced waste transfer facility operator and has developed comprehensive management practices and operating procedures to ensure effects are sufficiently internalised. He noted that the applicant has a good track record with the operation of transfer stations in comparably sensitive locations in other parts of the country.
- 4.3 Mr Laurence Dolan is the Environmental Manager at Envirowaste, based in Auckland. He spoke of his experience with the applicant company and its standing in the waste transfer business environment. He considered that the proposed activity will be compatible with the other activities and effects

anticipated for the neighbouring business zones. In particular, he noted that the transfer station will be in an enclosed environment thereby reducing the potential to emit dust and odour.

- 4.4 Mr Dolan stated that Envirowaste stands by its reputation as an operator with strong management practices and good environmental outcomes. He noted that the company's environmental management systems are audited to ensure compliance with certification standards.
- 4.5 Mr Jacob Stapleton, Operations Manager at Envirowaste, elaborated on the operating procedures for the proposed transfer station. He stated that all truck drivers delivering waste to the site will be trained by Envirowaste. All loads will be inspected at delivery and where the load does not meet the acceptance criteria it will be turned away.
- 4.6 Mr Stapleton stated that approximately 80% of the waste handled on site would be derived from Envirowaste collection work. The facility will accommodate storage of up to 1,100 tonnes per week of putrescible waste. He explained that this waste will be compacted for transfer to landfill with priority and is usually removed from the site within 24 hours, and within a maximum of 72 hours.
- 4.7 Traffic will primarily manoeuvre on sealed surfaces to reduce dust emissions. Mr Stapleton explained that dusty loads will be watered down by a monsoon spray system before unloading within the building. Demolition loads stored outside will be stored in three sided bins and be restricted to material with a particle size of greater than 40mm. He stated that Envirowaste relies on its comprehensive management and mitigation processes being implemented by trained staff to minimise adverse off-site effects.
- 4.8 Mr Andrew Curtis, a Principal Engineer at AECOM Consulting NZ Ltd, presented evidence regarding effects on air quality. He described the meteorological conditions that could have the potential to cause odour and dust nuisance effects at neighbouring properties. Mr Curtis noted that in this instance, apart from clean fill stored on the northwest side of the building, all activities will be contained inside the building. He was in agreement that the use of bins (concrete storage bunkers) would be beneficial in containing dust emissions from outside storage of cleanfill.
- 4.9 Mr Curtis discussed Christchurch wind data that are relevant to the application site. He explained that north-easterly winds predominate with lesser influences from the southwest and south, noting that approximately 55% of air flow through the transfer station is likely to be through the northern doors and out the southern doors. With regard to dust emissions Mr Curtis stated that wind speeds greater than 5 metres per second (m/s) have the potential to carry dust and litter off-site, whereas potential odour impacts tend to be associated with low wind speeds (less than 3m/s) where dispersion is poor.

- 4.10 Envirowaste proposes to control dust emission caused by the transfer and handling of refuse by restricting vehicle speeds, sealing the majority of surfaces subject to traffic movement and using a mobile water spray system to dampen potentially dusty loads and stockpiles. In response to questions, the applicant stated that the only unsealed surfaces subject to vehicle traffic would be a section of the truck exit that is controlled by Allied Concrete, the leaseholder occupying the north-eastern section of the building. Up to six trucks would pass over this area each day while transporting waste to landfill. The area will be surfaced with gravel to reduce dust emissions. Taking into account the mitigation measures proposed, Mr Curtis considered that dust discharges from the waste transfer operation are unlikely to cause any significant adverse effects at neighbouring properties.
- 4.11 Mr Curtis observed that the proposed waste acceptance criteria mean that the site should not receive highly odorous material. Nevertheless odour emissions will occur to a degree as a result of dumping, disturbance, compaction and storage of waste processed on site. He considered that it is important that contingency procedures as described in the management plan be employed and material is covered and disposed of off-site within the specified time limits.
- 4.12 Given that the operation will occur inside the building, Mr Curtis considered that the potential for generation of both odour and dust emissions is significantly reduced. He concluded that odour and dust emissions are unlikely to cause nuisance effects to the surrounding business community provided the proposed mitigation and management procedures are implemented. Taking into account the separation distance to submitters' properties and his experience of other similar waste transfer stations, Mr Curtis predicted that any effects on these parties would be minor. He considered that Envirowaste could comply with a condition requiring no offensive or objectionable odour or dust beyond the site boundary.

The Submitters

- 4.13 Ms Mary Noonan spoke to her concerns for the community of Sydenham and the effects a waste transfer station could have on the amenity values of the community, including a reduction of rateable value in the area. It is her opinion that the type of waste being processed daily will cause adverse health effects for the people in the surrounding vicinity of the site. She submitted that the discharge of odour and dust will reduce the possibility of new investments and development coming into Sydenham. Ms Noonan also expressed concern regarding the negative impact caused by the increase of heavy traffic associated with the proposal.
- 4.14 Mr Mark Errington is the owner of Triflag Ltd at 40 Cass Street. He stated that Triflag is the closest business to the entry gates of the proposed waste transfer facility. Mr Errington's submission focused on how the business and

- residential community have tolerated the unpleasant effects associate with the earthquake and are now recovering; a noisy, odorous, dusty activity should not be permitted to operate in this improving area in the long term. While the proposed activity is located within a Special Purpose Zone for railway purposes, Mr Errington contended that the activity has nothing to do with rail operations. He considered that the location in this zone, immediately adjacent to established business and commercial activities, is inappropriate.
- 4.15 Mr Gerard Cleary presented legal submissions on behalf of Lahmajou Co Ltd. He outlined the submitter's concern that its ongoing bakery operation could be exposed to risk of contamination from discharges associated with the waste transfer facility. He submitted that the application is not based on proper assessment techniques and this leads to uncertainty regarding the degree of potential effects at the Lahmajou site. Mr Cleary considered that an acceptable level of internalisation of effects would not be achieved and that the separation distance from sensitive neighbours is inadequate.
- 4.16 Mr Colin Prebble, a senior executive with Lahmajou, expressed concern regarding the sensitive nature of his product should it be exposed to external pollutants at any stage of the manufacturing, packaging and despatch process. He explained that Lahmajou is a large specialist manufacturer of flat breads with very high food safety requirements. He considered that odour discharged from the waste transfer station could be absorbed into the breads once it has entered Lahmajou's building via air vents. Mr Prebble stated that there is a risk that any odour present could be contained within the modified air packaging that is used to preserve breads for up to four weeks.
- 4.17 Mr Rod Finch, a Food Safety Consultant, gave evidence on the food safety and quality standards that Lahmajou is required to meet. Failure to meet these standards would have an impact on Lahmajou's domestic and international markets. Mr Finch stated that the breads produced contain fats and oils that have the potential to uptake odorous compounds. He observed that monthly air quality verification is undertaken and to date no contamination has been identified. He submitted that if consent is granted Lahmajou would need to take action to ensure safety of the food product, including increased verification procedures.
- 4.18 Mr Barry Loe, a Resource Management Consultant with experience in the assessment of effects of contaminant discharges, considered that the proposed activity is very likely to result in significant adverse effects on the receiving environment that cannot be avoided or mitigated. He observed

that the sensitivity of the receiving environment is high, with the closest retail premises being approximately 40m from the Envirowaste site boundary.

- 4.19 Mr Loe submitted that a proper odour assessment had not been undertaken and that experience of the effects of existing transfer stations should be used as an appropriate assessment tool. In this regard, he noted that the proposed facility is nearly 50% larger than the former Sydenham Recycling operation at 350 Wilsons Road, Christchurch, based on weekly waste handled and that the level of mitigation (such as allowing doors to remain open during the day) is less than at the Wilsons Road site. He drew attention to the complaints record relating to discharges to air from the formerly consented Wilsons Road facility. Based on this information he considered that the buffer distance to sensitive activities is inadequate.
- 4.20 Mr Loe identified odour as the primary issue for Lahmajou. His opinion was that while putrescible wastes will be held indoors, the doors will be open during working hours and thereby allow odour to escape from the building. He considered that such odours can travel further than dust and affect the amenity values of the area, having an adverse impact on businesses and customers.
- 4.21 With regard to the suggested conditions of consent, Mr Loe considered that these conditions are not sufficiently certain and do not meet good practice. He recommended several specific changes to consent conditions, if consent is granted. In particular he recommended that conditions require all doors to be automatically closing and that building vents be sealed. He also stated that all material stored outside should have a particle size of more than 40mm and be stored in 3-sided bunkers to minimise dust discharges.
- 4.22 Mr Loe concluded that a waste transfer station at another site may be appropriate, but at the proposed sensitive location it has the potential for people and business to be subjected to unpredictable and unacceptable adverse effects. Turning to the duration of any consent granted, Mr Loe argued that a precautionary approach should be taken. Given the sensitivity of the receiving environment and the uncertainty associated with the assessment of effects, he considered that a two year term of consent would be appropriate.

The Officer's Report

- 4.23 Ms Margaret Winter, a Consents Planner at Environment Canterbury, undertook a review of the application under Section 42A of the Resource Management Act 1991 (the Act). She provided a detailed report which was pre-circulated to the applicant, the submitters and the commissioners prior to the hearing. Her report discussed the relevant provisions of the Regional

Policy Statement, the Natural Resources Regional Plan and the Proposed Canterbury Air Regional Plan. She provided additional comments in relation to matters raised during the hearing concerning the discharges to air.

- 4.24 Ms Winter recommended that the application be granted subject to a suite of conditions. She considered that in this case there is strong emphasis on good mitigation and site management. Previous consents for similar activities have been granted on that basis. She noted that improvements to conditions suggested by the applicant at the hearing are appropriate, including requiring that any material stored outside be contained within three-sided bunkers.

The Applicant's Reply

- 4.25 Mr Littlejohn addressed the concerns of the submitters and acknowledged the post-earthquake development that has occurred in the Sydenham business district. He emphasised that the site is appropriately zoned for the proposed activity. He stated that Envirowaste is a national operator with a reputation to protect and has a direct interest in maintaining optimal environmental performance at all its sites.
- 4.26 With regard to Lahmajou, Mr Littlejohn submitted that the stringent environmental standards pursued by the submitter significantly exceed those standards required by the Resource Management Act 1991 (the Act). He noted that there are existing discharges of contaminants to air, including odour from spray painting, that are located closer to Lahmajou than the proposed waste transfer facility. These discharges do not appear to be causing food contamination effects at Lahmajou.
- 4.27 Mr Littlejohn also discussed the 350 Wilsons Road site that was not operated by Envirowaste. However he noted that Mr Stapleton had been involved with that operation for a time and proposes improved mitigation for the Colombo Street site based on that experience. These improvements include use of the monsoon sprayer with deodorant, sealing of heavily trafficked yard areas and better supply chain security.
- 4.28 In conclusion Mr Littlejohn submitted that the commissioners' determination regarding effects on air quality should weigh the evidence of Mr Curtis and Mr Loe. He observed that Mr Curtis has substantial experience in the assessment of air quality impacts of refuse transfer facilities. He was engaged by Envirowaste to provide a comprehensive assessment of dust and odour effects that supports the application which is based on the company's experience with effective site management procedures for transfer stations. Mr Littlejohn proposed some amendments to Ms Winter's suggested conditions, including limiting the tonnage of waste stored outside in bunkers and handling of street sweepings inside the building.

5. STATUTORY ASSESSMENT

Status of the application and key sections of the Resource Management Act 1991

5.1 The applicant and reporting officer agree that the application has full discretionary status. This was not disputed by any submitter.

5.2 Section 104(1) of the Act requires that the consent authority must, subject to Part 2 of the Act, have regard to:

“a) any actual and potential effects on the environment of allowing the activity; and

b) any relevant provisions of -

(i) a national environmental standard;

(ii) other regulations;

(iii) a national policy statement;

(iv) a New Zealand coastal policy statement;

(v) a regional policy statement or proposed regional policy statement;

(vi) a plan or proposed plan; and

c) any other matter the consent authority considers relevant or reasonably necessary to determine the application.”

5.3 Section 104(2) states: *“When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”* This is commonly referred to as the “permitted baseline” assessment.

5.4 Section 104B of the Act states that:

“After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority-

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

5.5 Section 105(1) of the RMA states that:

“If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—

(a) the nature of the discharge and the sensitivity of the receiving

- environment to adverse effects; and*
- (b) *the applicant's reasons for the proposed choice; and*
- (c) *any possible alternative methods of discharge, including discharge into any other receiving environment.”*

National Environmental Standards

- 5.6 Because PM₁₀ will be emitted to a small degree as part of this activity and the site is within Christchurch which is a polluted airshed, Regulation 17 of the National Environmental Standard (NES) for air quality needs to be considered. Regulation 17(1) states that if the discharge is likely to increase the concentration of PM₁₀ by more than 2.5µg/m³ (24 hour average) in a polluted airshed, then the consent authority must decline the application for resource consent.
- 5.7 Particulate matter can be discharged from the handling of wastes received at the site. Given the mitigation proposed including the sealing of large areas of the site and dampening of dusty loads, we find that PM₁₀ is unlikely to be increased by more than the limit under Regulation 17. From the evidence we determine that Regulation 17 is not triggered by this activity and the regional council is not directed to decline this application.

Regional Policy Statement, the Natural Resources Regional Plan and the Proposed Canterbury Air Regional Plan

- 5.8 Analyses of the relevant provisions of the RPS, the NRRP and the PCARP have been provided in the section 42A report of Ms Winters.
- 5.9 We accept the analysis of Ms Winters that the proposal is generally consistent with the relevant objectives and policies of the RPS, the NRRP and the PCARP. Having had regard to those provisions and having considered the conditions now put forward by the applicant, we are satisfied that the proposed activity is consistent with almost all the relevant objectives and policies. On balance we find that the proposal is generally consistent with the overall objective and policy framework.

6. PRINCIPAL ISSUES, EVALUATION, AND FINDINGS OF FACT

- 6.1 In summarising and evaluating the principal issues we have considered the application and the associated assessment of environmental effects, all submissions made in response to the application, the section 42A report and all the information provided at the hearing, including the amended consent conditions proposed by the applicant in closing.

6.2 The principal issues and actual or potential adverse effects were discussed in some detail in the section 42A report and in the evidence provided by the applicant and the submitters. The relevant issues can be summarised as:

- Effects of dust;
- Effects of odour;
- Adverse health effects;
- Cumulative effects;
- Effects on amenity values;
- Positive effects;
- Consideration of alternatives;
- Conditions;
- Consent duration.

Effects of Dust

6.3 Envirowaste has proposed several mitigation measures designed to control the discharge of dust from the waste transfer facility. These measures include sealing of most surfaces that are subject to truck movements, use of a mobile water spray and containment of most activities within the building. At the hearing additional controls were proposed to limit the quantity and particle size of material stored outside in three-sided bunkers.

6.4 Some dust will be generated by limited truck movements (up to six per day) over a section of unsealed yard controlled by Allied Concrete. We are satisfied that application of fresh gravel and use of water, as necessary, would be sufficient to ensure that dust emissions from this source are not significant.

6.5 The applicant conceded that the building access doors would likely remain open for much of the working day to allow truck entry and exit. This has implications for the discharge of dust and odour from within the building, particularly when doors on both the northern and southern sides of the building are open simultaneously. In these circumstances winds flowing through the building have potential to disperse contaminants. We consider that such circumstances should be minimised to the greatest extent practicable and this matter is discussed further in relation to odour impacts.

6.6 Nevertheless our overall finding regarding dust effects is that the proposed mitigation is likely to be sufficient to prevent nuisance effects at neighbouring properties. We accept the evidence of Mr Curtis in this

respect, but note that good management practices will be required to achieve this outcome.

Effects of Odour

- 6.7 We consider that odour nuisance is the primary potential adverse effect in this case. For this type of activity good site management procedures are critical to the achievement of adequate odour control. The complaints record for the waste transfer facility at 350 Wilsons Road indicates the types of effects that could be experienced at nearby businesses if site management is poor. However we accept the assurances of Mr Littlejohn and Mr Dolan that Envirowaste is a nationwide company with a reputation to protect and substantial experience in operating waste transfer facilities.
- 6.8 A comprehensive suite of odour controls have been proposed. These measures include compaction of general wastes into sealed containers, holding of potentially odorous wastes inside the building or in sealed containers, restricting the time period that wastes can be held on site, and limitations on the types of wastes accepted. The applicant intends to incorporate these controls into a management plan that is based on similar procedures employed at other Envirowaste sites. Provided diligent site management occurs, we accept the evidence of Mr Curtis that adverse effects of odour are not likely to be significant.
- 6.9 As discussed at paragraph 6.5, we have concerns that the building access doors would likely remain open for much of the working day to allow truck entry and exit. A condition has been recommended by Ms Winters that would require that the doors into the building used for waste acceptance are open only to the extent required to enable the safe and efficient operation of the site while minimising the discharge of odour. We agree with Mr Loe that, if consent is granted, a condition providing greater certainty and direction to the consent holder would be appropriate given the close proximity of neighbouring businesses. In particular, we find that such a condition should specifically direct that the doors in the northern side of the building be automated and remain closed unless there is an immediate need for them to be opened to allow truck access.
- 6.10 In order to ensure that the proposed waste acceptance criteria are met, it is important that the waste handled at the site be delivered by trained commercial operators. Envirowaste has confirmed that the waste transfer facility will not be open to members of the public. Provided the commercial drivers are appropriately trained, we consider that this factor reduces the risk of excessive odour emissions from the site.

- 6.11 We have carefully considered the submissions of Lahmajou Co. Limited and its experts regarding the potential impact of odour emissions on the quality of the company's bread products. In addition we visited Lahmajou's premises and observed the air intakes and the bread production process. The separation distance between the southern doors of the proposed waste transfer facility and the Lahmajou building is approximately 120 metres. Taking into account the mitigation proposed and the additional controls we intend to require, we find that the proposed facility could be operated so that any effects of odour at the Lahmajou premises are minor.
- 6.12 We are mindful of Lahmajou's concerns regarding potential for contamination of bread products. However we find that the risk of such contamination is low. It is noted that there are other businesses discharging odorous contaminants to air in the immediate business zone surrounding Lahmajou, including a spray painting operation in close proximity to the northeast. The evidence from Mr Finch is that verification testing has not identified contamination to date, despite the presence of such emission sources. We agree with the submission of Mr Littlejohn that the very stringent food safety standards required by Lahmajou exceed the standard of no objectionable or offensive odour that should be applied to the discharge under the Act.
- 6.13 Adherence to the relatively strict conditions of consent proposed will require a diligent approach from Envirowaste, including a comprehensive management plan and good staff training practices. We are satisfied on the evidence that this can be achieved and require that a management plan be prepared prior to the exercise of consent. We have also decided that any consent should be subject to a comprehensive review condition, including a clause requiring the installation of automated closing doors in all doorways if objectionable or offensive odours are identified and verified beyond the property boundary.

Adverse Health Effects

- 6.14 The applicant has now proposed to undertake dewatering of roadside sweepings and cesspit sludge inside the building. Consequently the potential for significant dust emissions from these sources containing metals and hydrocarbons is small. Asbestos will be contained in sealed bags and we find that the risk of adverse effects of this contaminant beyond the site boundary is negligible.

- 6.15 The storage of material outside is limited to cleanfill with large particle size, stored in three-sided bunkers. The discharge of free silica and other potentially hazardous contaminants from this source is predicted to be minor. We accept the conclusions of Mr Curtis that the discharge is not predicted to cause adverse health effects.

Cumulative Effects

- 6.16 Other activities in the immediate Sydenham area contribute to dust emissions, including the neighbouring Metalman and Allied Concrete businesses. Processes including spray painting and fuel combustion also contribute to odour experienced in the local area. Having regard to the mitigation measures proposed we find that the contribution caused by the proposed discharge to local cumulative effects is not likely to be significant.

Effects on Amenity Values

- 6.17 We heard from submitters that following the Canterbury Earthquake the Sydenham business community has grown and forged ahead with new development in the retail sector and new businesses have moved into the industrial and commercial area. This redevelopment has injected a sense of pride into the community. Submitters living and working in Sydenham spoke passionately of the characteristics of the area and the importance of supporting the local economic development of their community.
- 6.18 A predominant view expressed by submitters is that it is unacceptable to have a waste transfer facility on the boarder of the CBD and Sydenham, due to the potential to emit dust and odour to air in close proximity to local visitors and shoppers. Businesses within approximately 120 metres of the site, including Clarity Press, Triflag and Lahmajou, expressed concern that the dust and odour discharged will adversely affect their activities.
- 6.19 The effects on amenity values that we are authorised to consider are primarily a function of odour and dust impacts. The measures proposed to control odour and dust emissions will to some extent mitigate the impact of the facility on amenity values. The applicant intends to seal the site and undertake the majority of activities inside the existing building. The site is appropriately zoned and land use consent has been granted for the waste transfer facility. Overall we find that adverse effects on amenity values are acceptable provided good site management is employed, as required by conditions of consent.

Positive Effects

- 6.20 The purpose of the Act, set out in section 5, is to manage the “...*use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety...*” This enabling purpose is subject to provisos in section 5(2) about sustainability and avoiding, remedying or mitigating adverse effects on the environment.
- 6.21 The main resources at issue in this case are the resources required to construct and operate the waste transfer facility, the air to be used as the receiving environment for discharges, the roading network, and the “amenities” of the local area in proximity to the development.
- 6.22 Sorting and processing of wastes serves a valuable function in Christchurch’s waste management, especially for the rebuild of the city. The proposed transfer facility would create jobs and provide economic benefits. We accept that the operation at this central location is likely to be an efficient use of resources. The proposed facility is appropriately zoned and is well sited to take advantage of the local roading network. We conclude that there are significant positive effects to be taken into account.

Consideration of Alternatives

- 6.23 Envirowaste stated that alternative locations were not considered because the selected site is appropriately zoned and experience at other sites indicates that adverse effects at neighbouring businesses can be avoided. We have had regard to the comments of submitters that other sites could be found that have larger buffer distances to sensitive neighbours. However in this case we have determined on the evidence that controls can be put in place to prevent any significant adverse effects at neighbouring properties. Further consideration of alternatives is therefore not necessary.

Conditions

- 6.24 A comprehensive suite of consent conditions has been recommended by Ms Winters, based on conditions imposed on discharge permits for other similar waste transfer facilities. As discussed during the course of this decision, the applicant proposed additional mitigation at the hearing that we intend to include in conditions. In addition Mr Loe recommended several amendments to conditions in his evidence and we intend to adopt a number of those suggested changes to improve the certainty and effectiveness of conditions.

- 6.25 By way of summary the additions to Ms Winters' suggested conditions that we intend to impose include:
- A requirement that the doors in the northern side of the building be automated and remain closed unless there is an immediate need for them to be opened for truck access;
 - The management plan must be prepared prior to the exercise of consent;
 - A comprehensive review condition, including a clause requiring additional mitigation and the installation of automated closing doors on all doorways to the facility if objectionable or offensive odours are verified beyond the property boundary, as determined by an officer of the Regional Council;
 - Limitation of the quantity and particle size of material stored outside in three-sided bunkers;
 - Application of the objectionable and offensive criteria to both deposited and suspended particulate;
 - A requirement that the facility is not open to the general public and that waste can only be delivered by trained commercial operators;
 - Stipulation that no dewatering of wastes can occur outside the building; and
 - A requirement that all external apertures and vents in the building, excluding doorways, must be sealed.

Consent Duration

- 6.26 We have determined that a precautionary approach to consent duration is appropriate in this case. The sensitivity of the receiving environment is relatively high and has potential to increase further over time as the Sydenham business district develops. Our conclusions regarding effects of the discharge are dependent on a high standard of site management and diligent adherence to the conditions of consent.
- 6.27 We conclude that a consent term of 10 years is appropriate. This duration is sufficiently short to “focus the corporate mind” of the consent holder regarding ongoing compliance with conditions and maintaining the high standard of site management that is proposed. A focussed review condition should provide further comfort to submitters that prompt action can be taken if operation of the site does not achieve the outcomes predicted by Envirowaste. Nevertheless we find that the 10 year length of term is sufficient to enable the consent holder to invest in the proposal and in appropriate mitigation with confidence.

7. PART 2 MATTERS AND OVERALL FINDINGS

7.1 Consideration of applications under section 104 of the Act is “*subject to*” the purpose and principles of the Act set out in Part 2, sections 5 to 8. The Part 2 matters of particular relevance to this case are:

- the sustainable management of resources purpose of the Act set out in section 5;
- the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e));
- the efficient use and development of natural and physical resources (section 7(b));
- the maintenance and enhancement of amenity values (section 7(c)); and
- the maintenance and enhancement of the quality of the environment (section 7(f)).

7.2 We have had regard to all of these matters and the matters specified in sections 104(1), 104(2), 104B and 105(1) and we are satisfied that the proposal, subject to a comprehensive set of amended conditions, would on balance meet the purpose of the Act. We are satisfied that the mitigation measures required by the conditions of consent are sufficient to ensure that adverse effects are acceptable in terms of the purpose and principles of the Act. We accept the evidence that there would be positive effects, including social and economic benefits, associated with the proposed development.

8. DECISIONS

For the reasons detailed in this report we grant the resource consent application, under sections 104, 104B, 105 and 108 of the Resource Management Act 1991, subject to the attached conditions.

A handwritten signature in black ink, appearing to read "John Iseli". The signature is fluid and cursive, with the first name "John" written in a larger, more prominent script than the last name "Iseli".

John Iseli
Hearing Commissioner (Chair)

A handwritten signature in blue ink, appearing to read "Yvette Couch-Lewis". The signature is highly stylized and cursive, with large loops and flourishes, particularly a large oval shape at the top right.

Yvette Couch-Lewis
Hearing Commissioner

19th May 2015

Resource consent CRC154046 is granted subject to the following conditions imposed under Section 108 of the Act.

Definitions

Cleanfill: means only uncontaminated soil, rock, gravel, sand, silt and clay; bricks; concrete; ceramics; weathered dry asphalt; tiles; quarried hardfill; incidental vegetative material comprising less than three percent of any load by volume; and metals such as reinforcing rods that cannot be reasonably separated from demolition materials listed above.

Deodorant: means any biodegradable deodorant chemicals.

General Waste: means putrescible and non-putrescible wastes from retail, commercial or industrial premises and households, street sweepings, roadside cesspit wastes, and recyclable materials.

Manager: means the Canterbury Regional Council, RMA Compliance and Enforcement Manager, or nominated Canterbury Regional Council staff acting on the Manager's behalf.

SMP: means Site Management Plan.

Limits

1. The discharges to air shall be only odour and dust from the sorting, processing and storage of general waste and cleanfill at 481 Colombo St, Sydenham, Christchurch, legal description Part Lot 1-3 DP 12348, Part Lot 1 DP 12683, Part RS 79, Part RS 38938, at or about map reference Topo50: BX24:7056-7898, labelled as 'Site' on Plan CRC154046 attached to and forming part of this consent.
2. The processing of wastes inside the transfer building shall include only the deposition, sorting, compaction and transfer of wastes into a sealed container.
3. All waste (with the exception of cleanfill that complies with Condition 4) shall be received and sorted within the transfer building.
4. Wastes stored outside the building that are not within a sealed container shall be only non-odorous and uncontaminated cleanfill material having a minimum particle size of 40 millimetres. This material shall be contained within three-sided bunkers located at the northern side of the building and shall not exceed 50 tonnes in total at any time.
5. All wastes received at the site shall be delivered by commercial waste collection operators that have been appropriately trained to achieve compliance with the conditions of this consent. Wastes shall not be accepted from the general public.
6. The discharge shall not cause odour or particulate material, which is noxious, offensive or objectionable beyond the boundary of the site.
7. The volume of waste received and sorted at the site shall not exceed:
 - (a) 200 tonnes at any one time; and
 - (b) 1,100 tonnes per week; and

(c) 50,000 tonnes per year.

Process Conditions

8. No wastes shall be received onsite until the water spray system, the compactor, and roller doors at the site are fully functional.
9. All deliveries of general waste shall be inspected prior to, or during unloading, in order to identify any highly odorous or dusty waste, or hazardous substances, and:
 - (a) If a load is discovered to be particularly odorous or dusty during unloading, the tipping of the load shall stop immediately and the load shall be rejected;
 - (b) Asbestos shall be accepted only if securely contained within a Hazi Bag, or similar secure containment bag. It shall be transferred for disposal without removing from or opening the secure bag;
 - (c) Materials that are not to be accepted onsite shall include, but not be limited to:
 - i. Volatile liquid wastes;
 - ii. Scrap motor cars;
 - iii. Medical wastes;
 - iv. Hazardous wastes including polychlorinated biphenyls;
 - v. Explosives and fireworks;
 - vi. Timber preservatives;
 - vii. Animal by-products such as offal;
 - viii. Grease interceptor trap residues;
 - ix. Residues from agriculture activities such as silage, piggery wastes, or poultry wastes;
 - x. Residues from chemical manufacturing processes containing esters, acrylates, solvents, and aliphatic hydrocarbons;
 - xi. Residues from tanneries;
 - xii. Herbicides or insecticides;
 - xiii. Commercially derived resins, oils, paints, and tars;
 - xiv. Particularly dusty loads such as coal ash or sawdust fines; and
 - xv. Particularly odorous loads.
 - (d) Signage at the site entrance shall state clearly all materials not accepted at the site;
 - (e) There shall be no shredding, mulching, composting or burning of green waste on site.

10. No harmful or hazardous substances shall be handled onsite, with the exception of small quantities of potentially hazardous wastes that might reasonably be expected to be present in household waste. Should hazardous substances be inadvertently received and identified, they shall be disposed of within 12 hours to a facility that is authorised to receive them.
11. All practicable measures shall be used to minimise odour and dust effects beyond the site boundary, including but not limited to:
 - (a) Covering the load with other non-odorous or non-dusty waste;
 - (b) Compacting the waste as soon as practicable;
 - (c) Using a water spray system to dampen wastes as required;
 - (d) Applying deodorant inside the building as required and ensuring that deodorant is available onsite at all times;
 - (e) Sweeping or washing down the waste collection and handling area, as required to avoid build-up of dusty or odorous materials; and
 - (f) Cleaning up liquid spills immediately.
12. In the event of visible dust blowing beyond the site boundary, arising from activities under the control of the consent holder, site operations shall cease until appropriate mitigation measures are in place.
13.
 - (a) The doors into the southern side of the building used for waste acceptance shall be open only to the extent required to enable the safe and efficient operation of the site while minimising the discharge of odour. Doors shall be closed at the end of the working day and also at other times to the greatest extent practicable.
 - (b) The doors into the northern side of the building shall be automated and shall remain closed during the working day except when they are opened and subsequently closed to allow the immediate passage of a vehicle through the doorway.
 - (c) All external apertures and vents in the building containing the waste transfer facility, excluding doorways, shall be sealed to prevent the discharge of odour and dust.
14. General waste shall be compacted into enclosed sealed containers as soon as practicable after delivery to the site, and:
 - (a) Full containers shall be removed from the site as soon as practicable, and within 24 hours during weekdays and 72 hours during weekends;
 - (b) All general waste shall be compacted and placed into sealed containers if it is to be left on site overnight or during weekends.

15. All containers used to hold compacted waste shall be of a suitable design and condition to prevent the release of fugitive odours.
16. All site access and transfer surfaces under the control of the consent holder shall be sealed in order to minimise dust discharged from the site.
17. Vehicle speeds at the site shall not exceed 10 kilometres per hour.
18. All site supervisors and staff shall be adequately trained, and clear, concise, written instructions shall be displayed in a language which is clearly understandable to all staff with respect to:
 - (a) Acceptance and refusal criteria for waste delivered to the site;
 - (b) Odour, dust and litter mitigation; and
 - (c) Storage, handling and disposal procedures for all waste on site.

Site Management Plan

19. All site activities shall be carried out in accordance with a Site Management Plan (SMP) developed specifically for this site.
20. The SMP shall be:
 - (a) Consistent with the conditions of this consent; and
 - (b) Submitted to the Manager before this consent is exercised; and
 - (c) Provided to the Manager on request.
21. The SMP shall include, but not be limited to:
 - (a) Procedures for handling, storing and removing all types of wastes, including waste acceptance criteria;
 - (b) Procedures for dealing with any dusty, odorous or hazardous waste materials received at the site;
 - (c) Management and monitoring procedures for odour and dust discharges;
 - (d) Maintenance procedures for ensuring the good, clean condition of all trucks, containers and bins;
 - (e) Staff training details on the process requirements, use of emissions control equipment, and emergency response procedures;
 - (f) Identification of any contingency and precautionary measures to be put in place in unforeseen situations, such as equipment breakdowns and power outages;
 - (g) Maintenance procedures for ensuring the building doors are kept in good working order;

- (h) Procedures for ensuring that the integrity of the building envelope is maintained to minimise the potential for fugitive odour or dust emissions; and
 - (i) Complaints procedures.
22. The SMP may be updated or amended at any time. Any amendments shall be:
- (a) Only for the purpose of improving the efficacy of emission controls;
 - (b) Consistent with the conditions of this resource consent; and
 - (c) Submitted in writing to the Manager as soon as practicable.
23. An updated copy of the SMP shall be available onsite at all times.

Monitoring and Recording

24. A record shall be kept of the volume and nature of the material processed by the facility. This record shall include:
- (a) A description of the waste load;
 - (b) The time and date the load was received;
 - (c) The source of the material, or where a load comes from multiple sites, the nature of the source (for example: 'residential' or 'commercial');
 - (d) The weight of the load;
 - (e) Any dust or odour-reduction methods used, including the use of water spray, deodorant application, or if the waste was prioritised for transfer; and
 - (f) A description of any rejected load and the reason why the load was turned away.

The record shall be provided to the Manager on request.

25. A record of all complaints made to the consent holder relating to odour or dust shall be maintained.
26. The complaints record shall include the following where practicable:
- (a) The name and address of the complainant, if supplied;
 - (b) A description of the type of odour or dust detected;
 - (c) The location where the odour or dust was detected by the complainant;
 - (d) The date and time when the odour or dust was detected;
 - (e) A description of the wind speed and wind direction when odour or dust was detected by the complainant;
 - (f) The most likely cause or source of the odour or dust detected; and

- (g) Any corrective action undertaken to avoid, remedy or mitigate the odour or dust detected by the complainant.

27. All complaints relating to the exercise of this consent shall:

- (a) Be responded to as soon as practicable, with a record kept of this response and any further correspondence with the complainant following the event; and
- (b) Be notified to the Manager by the 30 September each year, or otherwise on request.

Administration

28. The lapsing date for the purposes of section 125 of the Resource Management Act shall be 19th May 2020.

29. The Canterbury Regional Council may annually, on the last five working days of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:

- (a) Dealing with any adverse effect on the environment which may arise from the exercise of this consent;
- (b) Ensuring compliance with any change to a contaminant limit in a National Environmental Standard; or
- (c) Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
- (d) Requiring further mitigation, including but not limited to installation of automatically opening doors on all doorways to the facility building, if verified complaints and/or any other relevant information indicate non-compliance with Condition 6, as determined by the Manager.

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Kilometres

Scale: 1:2,000 @A4

Map Created by Environment Canterbury on 6/04/2016 3:32:50 p.m.

