

COMMENTS ON LAND USE RECOVERY PLAN REVIEW

To: Land Use Recovery Plan Review
Environment Canterbury
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Contact details

1. These comments to the review of the Land Use Recovery Plan (LURP) are made by **Burwood Resource Recovery Park Limited (BRRP)**.
2. BRRP's contact details are:

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BRRP

4. BRRP was established following the Canterbury earthquake events of 2010-2011 to manage the receipt and resource recovery processing of mixed material resulting from the demolition of commercial and residential buildings. BRRP manages the recovery park facility located adjacent to Burwood Landfill, Christchurch, as well as the disposal of residual waste from the recovery park facility to Burwood Landfill.
5. BRRP is 100% owned by Transwaste Canterbury Limited (Transwaste). Transwaste is a joint venture between Waste Management NZ Limited (Waste Management) and five Canterbury territorial authorities (Christchurch, Ashburton, Selwyn, Waimakariri and Hurunui). Transwaste also owns the Kate Valley Regional Landfill which takes all municipal solid waste (MSW) and high density contaminated earthquake waste from the five Council areas.
6. The entity was initially developed by Waste Management working in partnership with the Christchurch City Council (CCC) and the Canterbury Earthquake Recovery Authority (CERA).

Soon after the operation was established, ownership moved to BRRP so that the Canterbury Councils could participate in the recycling and recovery of materials coming from their communities, and so that management of the large waste flows arising from the earthquakes could be coordinated across the territorial authority areas and with Kate Valley Regional Landfill to ensure the best environmental outcomes.

Purpose of these comments

7. Based on BRRP's current projections the recovery park and landfill operations will need to continue until at least September 2021, which is 4 years beyond the expiry of existing resource consents held under the Resource Management Act 1991. Further resource consents will therefore need to be obtained.
8. In that regard, and in recognition of the ongoing critical importance of the recovery park and landfill operations to the earthquake recovery, BRRP seeks to:
 - a. Ensure that any resource consent applications for the continuation of existing activities will be subject to a streamlined process, consistent with the planning and regulatory environment which existed when the original resource consents were granted, and
 - b. Have the option of applying for resource consent to use the existing recovery park and earthquake waste stockpile site (known as Site B) for the permanent disposal of processed earthquake waste, subject to the same streamlined process in (a).
9. In support of these objectives, these comments include the following information:
 - a. Background and history to the existing activities,
 - b. Details of the current situation, including projected waste estimates,
 - c. Discussion on the benefits to be derived from implementing the objectives,
 - d. Alternative options considered, and
 - e. Alignment of the objectives with the purpose of the Canterbury Earthquake Recovery Act 2011.

Background

Establishment of recovery park and landfill activities

10. The Canterbury earthquake events have resulted in the need to demolish approximately 1,500 commercial buildings and well over 10,000 residential dwellings in Christchurch City. A site adjacent to Burwood Landfill, which was Christchurch's MSW landfill in the period 1984-2005, was chosen to stockpile demolition waste and to establish the recovery park. The site provided an immediate and low risk solution that addressed the enormous scale of the project, as well as deliver best value from safety, economic, environmental and cultural perspectives.
11. In recognition of the critical and urgent need for the facility, the *Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011* (OIC) was

gazetted in July 2011 under the Canterbury Earthquake Recovery Act 2011 (CER Act). A copy of the OIC is included as **Attachment A** to these comments. The OIC provided for resource consent applications for the recovery park to be considered on a controlled non-notified activity basis.

12. In November 2011, the operative Christchurch City District Plan (City Plan) and Natural Resources Regional Plan (NRRP) were amended, under Section 27(1)(a) of the CER Act, to provide for the disposal of residual waste from the recovery park operations into the adjacent Burwood Landfill as a controlled non-notified activity. Changes to the City Plan included amendments to the provisions of the Special Purpose (Landfill) Zone, within which Burwood Landfill resides. A copy of the plan amendments (and related background) is included as **Attachment B** to these comments.
13. The overall effect of the OIC and plan change was to achieve the purpose of the CER Act and enable activities critical to Christchurch's recovery. The controlled non-notified process allowed for a streamlined process without a public hearing, and ensured any resource consents applied for would be granted.
14. Resource consent applications for the recovery park and landfill were concurrently lodged by BRRP and CCC (respectively) in July 2012. Consents were subsequently granted under the controlled non-notified process, subject to conditions, on 19 September 2012¹. Based on projections made in 2012, which included an expectation that waste generation from demolition activities was unlikely to exceed 750,000 tonnes, the consents expire 5 years after granting (i.e. 18 September 2017).

Summary of authorised activities

15. Authorised activities at the recovery park and landfill are summarised as follows (location of areas shown in Figure 1 overleaf):
 - **Site A** – area for disposal of residual waste stream from the recovery park facility.
 - **Site B** – existing demolition material stockpile and recovery park facility (screening and processing plant).
 - **Site D** – area for storage of demolition material from buildings where human lives were lost.
 - **Site F** – area for disposal of hardfill from repair of the city's infrastructure network.
 - **Site P** – otherwise known as the sludge ponds, this area is for disposal for liquid and solid waste material from the city's reticulated sewer and water network.
16. Vehicle access to all sites is via Landfill Avenue.

¹ CCC (Landfill) – RMA92020450, CRC130055, CRC130056, CRC130057, CRC130058
BRRP (Recovery Park) – RMA92020447, CRC130059, CRC130060, CRC130061

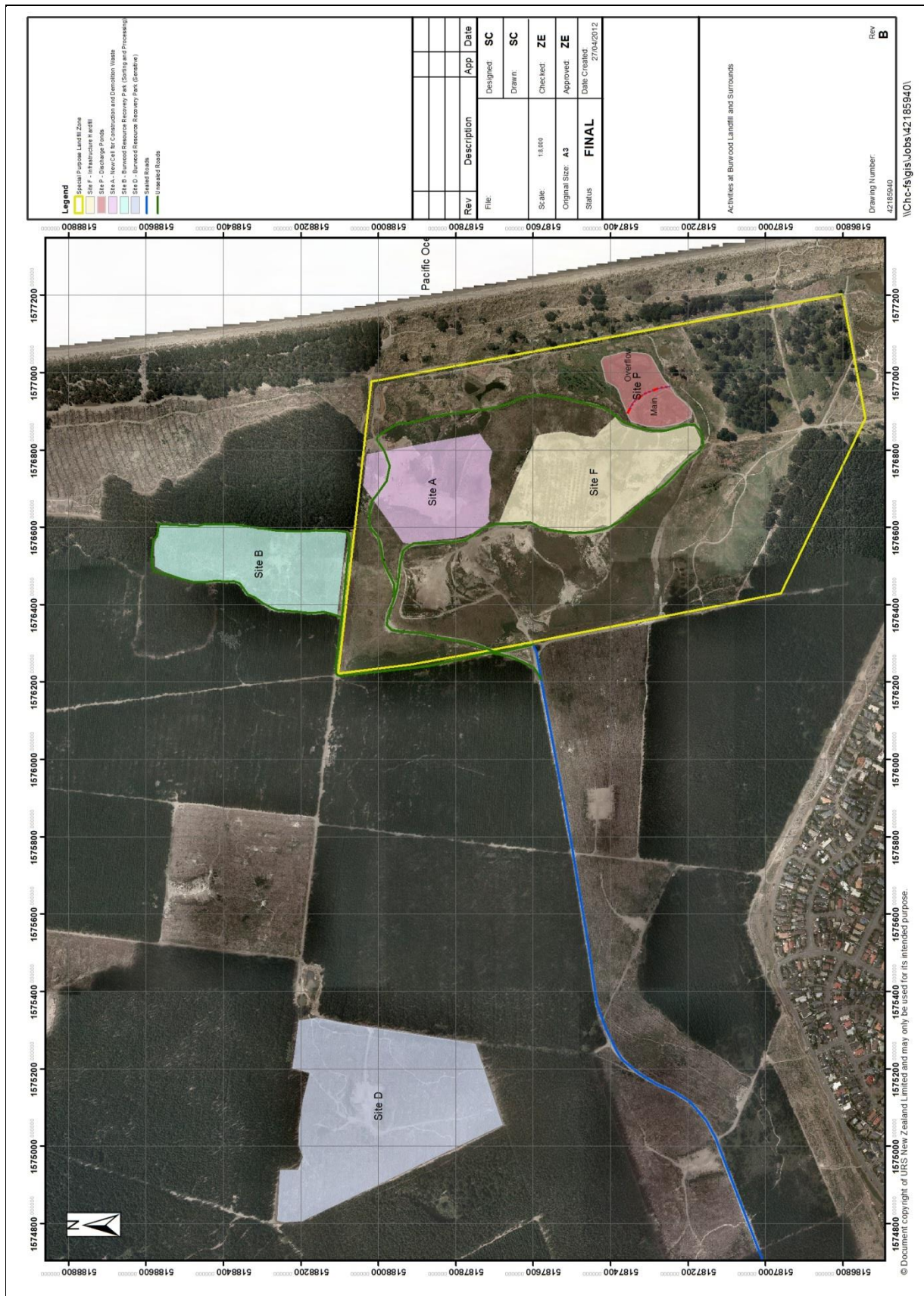


Figure 1: Location of activities

Current situation

Earthquake waste estimates

17. The 2012 projections, which underpin the scope and duration of the current resource consents, were made at a time when there was significant uncertainty around the expected earthquake waste volumes, the expected recovery rate during processing, and the overall timing of the recovery process itself. Those projections have now proven to be underestimated.
18. As of 5 August 2015, estimates of earthquake waste received and processed at the site are:
 - Total received at Site B – 683,000 tonnes
 - Currently stockpiled/unprocessed at Site B – 333,000 tonnes
 - Processed residual waste deposited at Site A – 334,000 tonnes
 - Anticipated future incoming earthquake waste – Up to 317,000 tonnes through to 2021.
19. In addition to the above, the following events have reduced the available airspace (consented capacity) for disposal at Site A:
 - a. Lower-than-expected rate of recovery of reusable material (approximately 8% instead of 10%),
 - b. Lower-than expected waste density in residual waste stream due in large part to high volumes of wood (approximately 0.6 tonnes/m³ instead of 0.8 tonnes/m³), and
 - c. The recent fire adjacent to Site A which has resulted in the urgent capping and closure of the waste cell (works currently in progress).
20. The consequence of the above is that BRRP will need to seek resource consents to continue existing activities beyond September 2017. Furthermore, with higher-than-expected waste volumes and the reduced capacity of Site A, additional waste cell(s) will be required for the disposal of the residual earthquake waste stream.

Planning and regulatory

21. Continuation of existing activities beyond September 2017, or commencement of new activities, will require consideration under the current planning and regulatory environment. In that regard, with respect to those statutory instruments which existed at the time the original consents were granted:
 - a. The OIC expires on the expiry of the Canterbury Earthquake Recovery Act 2011, which is 18 April 2016,
 - b. The NRRP has been superseded by the Proposed Land and Water Regional Plan (PLWRP), and

- c. The City Plan is in the process of being superseded by the Christchurch Replacement District Plan (Replacement Plan).
22. The overall effect of these changes is that there is now increased uncertainty around whether a streamlined consent process will apply to any future applications. In particular:
- a. Conceptual design, and detailed environmental assessment work, needs to be undertaken for all potential options to continue using the recovery park and landfill; the ability to have these completed, community and stakeholder consultation undertaken, applications lodged, and a decision made before expiry of the OIC, and potentially before the relevant rules in the Replacement Plan have legal effect (the scope and extent of which are uncertain – see below), is uncertain;
 - b. The PLWRP, until Action 46 of the LURP was recently gazetted (see **Attachment C**), did not carry-over any of the streamlined provisions from the NRRP; furthermore Action 46 has explicitly made the disposal of any earthquake waste outside the landfill footprint a prohibited activity, which forecloses the use of Site B (or for that matter any other site in the Christchurch West Melton sub-region) as a potential option²;
 - c. Stage 2 of the Replacement Plan, as notified on 2 May 2015, zoned the recovery park and landfill as 'Open Space Natural' and was completely silent on the existence of the facilities, resulting in any earthquake waste processing or disposal activity being a discretionary or non-complying activity; timing and form of the final provisions is uncertain (note: BRRP has made submissions to Stage 2),
 - d. In relation to Stage 3 of the Replacement Plan, as notified on 25 July 2015 (note: BRRP will make submissions on Stage 3 by the closing date of 4 September 2015):
 - i. looks to rectify many of the shortcomings of Stage 2 through inclusion of the *Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone*; however, much like Stage 2, the timing and form of the final provisions is uncertain,
 - ii. includes Sites B and D in the special purpose zone, but provides for permanent disposal in those areas a non-complying activity,
 - iii. contains some rules which have immediate legal effect; this includes a 'site of ecological significance' overlapping part of the landfill and which may hinder options to extend Site A or develop a new cell at Site P.
23. Overall, the current planning and regulatory environment potentially jeopardises a streamlined consent process for the important recovery activities managed by BRRP.

² The prohibited activity status appears to be incongruous with rules elsewhere in the PLWRP, which would provide for the disposal of municipal solid waste or hazardous waste (i.e. material which is more contaminated than earthquake waste) at the site as a discretionary activity (Rule 5.89).

The case for controlled non-notified activity status

24. The 2010-2011 process leading to the enactment of the OIC (for the recovery park) and the changes to the regional and city plans (for the landfill) satisfied the required statutory tests under the CER Act. By way of summary, the conclusions reached at that time were:
- a. There are no other reasonably practical and appropriate sites for the activity on the scale proposed for the recovery park,
 - b. A single facility for the receipt and processing of earthquake waste is most likely to support the recycling of waste,
 - c. The landfill provides for the economic disposal of residual demolition waste remaining after sorting has occurred, as well as disposal of other types of earthquake wastes (infrastructure hardfill and wastes from the sewer and water network),
 - d. The nature of the existing environment at the recovery park and landfill is conducive to avoiding and mitigating many adverse effects; in particular the sites:
 - i. have an appropriate buffer to residential areas,
 - ii. do not overlie or impact on groundwater used for drinking water supply,
 - iii. have advantageous hydro-geological characteristics which minimise the potential for contamination of groundwater and coastal water.
 - e. Transport of earthquake waste to Kate Valley is uneconomic, would introduce traffic related effects over a larger area, and would reduce the life of the regional landfill,
 - f. An expedited consent process is consistent with the purposes of the CER Act, namely the facilities assist with:
 - i. Provision of appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes,
 - ii. Enabling of a focused, timely and expedited recovery,
 - iii. Facilitation, co-ordination and directing of the planning and rebuilding of recovery of affected communities, including the repair and rebuilding of land, infrastructure and other property, and
 - iv. Restoring the social, economic, cultural and environmental well-being of greater Christchurch communities.
25. BRRP is of the view that these conclusions remain unchanged for the current situation.
26. BRRP therefore seek that the Land Use Recovery Plan provide appropriate direction to underlying plans, policies and programmes to ensure that a streamlined consent process (controlled non-notified activity status) continues to apply to the continuation of all existing activities until such time that the recovery activity is complete.

The case for use of Site B for permanent disposal of earthquake waste

27. As noted above, the consented capacity of Site A has now been consumed as a result of disposal to date, and due to the requirement to cap the site following the recent fire. As such, further disposal options are required. To that end BRRP has undertaken a high-level technical, financial and environmental assessment of options³. Having undertaken this assessment BRRP is of the view that while none of the presented options should be foreclosed, Site B in particular provides an opportunity to dispose of earthquake waste in a practicable, cost-effective, and environmentally acceptable manner. Further details are below.

Options in the landfill footprint

28. The assessment has found that disposal options in the existing landfill footprint are possible, but otherwise have a number of limitations and constraints, the most significant of which is available airspace due to the presence of the former MSW landfill. This confines consideration to just two options on the eastern (coastal) side of the landfill: (1) in the area to the east of Site A, and; (2) at Site P.
29. Preliminary calculations have shown that combined airspace at both Site A and Site P is likely to be sufficient for all residual processed waste, i.e. from the current stockpile and all future incoming. However, post-fire the capacity for a Site A extension is now limited and therefore Site P will likely take the majority. Consequently a cell at Site P is likely to be large and will encroach into the existing sludge pond operations and potentially into the site of ecological significance. The sludge pond operation, itself an important component of the recovery activity, will also need to be relocated (also potentially into the site of ecological significance). The development of Site P will require all existing contaminated material at the base of the ponds to be removed and a large quantity of new material imported to form the base. The rough order cost to establish the Site P cell, depending on its final extent, is estimated at \$13-18 million.
30. Both Site A and Site P overlie the leachate plume from the existing MSW landfill. Mitigation of any adverse effects on coastal water quality from the leachate plume relies on dilution from rainfall infiltration. While the earthquake waste itself is relatively inert and not expected to have significant adverse effects on water quality (in isolation), placement of waste in these locations has the potential to reduce infiltration and increase overall leachate loading, and therefore negatively impact on groundwater and coastal water quality and the ability for the CCC to comply with their existing consents for the MSW landfill. That is not to say this issue can also not be mitigated, but it will likely require installation of leachate interception trenches, extraction systems, and long-term pumping of leachate to the Bromley treatment plant, all of which add to the project cost. Additionally, the installation cost of such systems increases significantly the further the cell needs to extend to the east (due to the increasing depth necessary to intercept the leachate plume).
31. Placement of material on top of the existing municipal landfill, and the infilling of minor voids, has also been investigated. These options have to date been discounted for a number of reasons, including:
- a. Such activity would fall outside the scope of the existing streamlined provisions, which do not provide for modification of the existing MSW landfill,

³ More detailed assessment is required to confirm a number of conclusions.

- b. Would increase the height of the landfill beyond the critical standard identified in the City Plan,
 - c. Would likely result in water quality issues and compliance problems for the existing MSW landfill, and may in effect amount to needing to re-litigate and re-consent the discharges from the entire MSW landfill operation,
 - d. If existing cover over the MSW landfill is removed there will be a significant odour issue to manage; if cover is kept there is a significant performance issue to be managed to prevent earthquake waste leachate ponding above the MSW landfill,
 - e. Likely to be inefficient in terms of capping cost versus waste depth; cost efficiencies would only improve with a significant increase in height (5 m or more),
 - f. Height can only be raised in areas where gas production from the MSW landfill gas has ceased and there is unlikely to be a need for further gas wells.
32. Notwithstanding the issues noted above, the potential constraints on airspace means that BRRP cannot rule out the need to proceed with any of the above-identified options. Ultimately what BRRP seek is flexibility to carry out a combination of options.

Option to take earthquake waste to Kate Valley

33. The rough order cost to remove the current stockpile to Kate Valley, and to send all future incoming waste to Kate Valley, has been estimated by BRRP at \$142 million. This figure is based on current 'gate prices', and assumes that all material will firstly need to be transported to Waste Management's facility at Parkhouse Road for compaction, before being taken to Kate Valley. Relative to other options, this cost is extremely high and therefore uneconomic.
34. Furthermore, both the Parkhouse Road and Kate Valley facilities are currently constrained by the volumes they can process and receive under existing resource consents, being approximately 5,000 and 8,400 tonnes per month respectively. In that regard it could take up to 10 years to complete the activities and therefore increase the overall duration of the activities.
35. The use of Kate Valley would also result in the introduction of a number of adverse effects to the wider community. Transport of the current stockpile (333,000 tonnes) to Parkhouse Road for compaction would introduce approximately 33,000 additional truck movements to the Burwood community and wider city. Following compaction, transport of that material, plus future waste (up to 317,000 tonnes), would introduce approximately 34,000 truck and trailer movements between Parkhouse Road and Kate Valley. This would result in traffic, noise and road deterioration effects in those areas.
36. Lastly, Kate Valley is a highly engineered landfill designed to cater for the region's putrescible waste and contaminated material disposal needs. Introduction of up to 647,000 tonnes of earthquake waste (which in relative terms is largely inert) could reduce the life of the Kate Valley facility by up to three years. In BRRP's view this would be an inefficient use of a valuable resource.

Site B attributes

37. There are a number of financial, practical, environmental, and advantages to using Site B as a permanent disposal site.
38. Sorting and processing of the stockpile (and future incoming waste) insitu, followed by removal of residual waste to the rear of the site, would provide an efficient, cost-effective, and practicable operation. Only minor works would be required to prepare the base, and future capping would be similar to that already used at Site A. The time taken to complete the sorting and processing operation would also be reduced due to the shorter haulage required.
39. Site B is likely to be largely removed from the influence of the MSW leachate plume of the landfill. Therefore, in relative terms, any effects on groundwater and coastal water quality, and the costs of related mitigation, will be significantly reduced. Site B is also located at a greater distance from residential areas than Sites A and P, and therefore is more preferred in terms of potential noise and air quality effects. Site B also avoids the site of ecological significance.
40. Once the sorting and placement process is complete, and final capping and rehabilitation has been undertaken, the landform has the potential to be used as an additional recreational feature for mountain-bikers and walkers. The site would be contiguous with the rehabilitated Burwood Landfill, whose long-terms plans also include the same attributes.

Assessment under the CER Act

41. BRRP consider that for the foregoing reasons the proposed use of Site B for permanent disposal meets the purposes of the CER Act, namely:
 - a. It provides appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes,
 - b. Subject to a controlled non-notified resource consent process, enables focussed, timely and expedited recovery,
 - c. Facilitates the planning and rebuilding of recovery of affected communities, including the repair and rebuilding of land, infrastructure and other property, and
 - d. Assists in restoring the social, economic, cultural and environmental well-being of greater Christchurch communities.
42. BRRP therefore seek that the Land Use Recovery Plan provide appropriate direction to underlying plans, policies and programmes to ensure that a streamlined consent process (controlled non-notified activity status) applies to the use of Site B for the permanent disposal of earthquake waste.

Summary

43. BRRP requires certainty that the current and future planning and regulatory environment does not foreclose reasonable, practicable and environmentally acceptable solutions for the processing and disposal of earthquake waste, which is a critical component of the recovery.

At the current time, this certainty is threatened by the current district plan replacement process, and by the prohibited activity status applying to the disposal of earthquake waste outside the Burwood Landfill footprint.

44. BRRP therefore seeks that the Land Use Recovery Plan provide appropriate direction to underlying plans, policies and programmes to ensure that a streamlined consent process (controlled non-notified activity status) applies to:
 - a. the continuation of all existing activities until such time that the recovery activity is complete, and
 - b. the use of Site B for the permanent disposal of earthquake waste.
45. BRRP also seeks that the relevant statutory documents continue to recognise the value of the Burwood recovery park and landfill facilities, and that options for dealing with unforeseen future events are not foreclosed by planning instruments such as prohibited activity status.

Signed on behalf of

Burwood Resource Recovery Park Limited



Gareth James

Director, Burwood Resource Recovery Park Limited

27 August 2015

Attachment A: Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011



Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of July 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister following the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

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	Land comprising Burwood Resource Recovery Park	

Order

- 1 Title**
 This order is the Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011.
- 2 Commencement**
 This order comes into force on the day after the date of its notification in the *Gazette*.
- 3 Expiry**
 This order expires on the expiry of the Canterbury Earthquake Recovery Act 2011.
- 4 Interpretation**
 (1) In this order, unless the context otherwise requires,—
Act means the Resource Management Act 1991
applicant means any of the following:
 - (a) the Burwood Resource Recovery Park Limited;
 - (b) the Canterbury Regional Council;
 - (c) the Christchurch City Council;
 - (d) the Crown;
 - (e) a department within the meaning of the State Sector Act 1988

Burwood Resource Recovery Park means the land described in the Schedule

consent authority means the Christchurch City Council or the Canterbury Regional Council, or both, as the case may require

earthquake waste—

- (a) means—
 - (i) solid waste resulting from the Canterbury earthquakes, including liquefaction silt; and
 - (ii) solid waste resulting from any construction work (within the meaning of section 6 of the Construction Contracts Act 2002) undertaken as a result of the Canterbury earthquakes (within the meaning of section 4 of the Canterbury Earthquake Recovery Act 2011); but
- (b) does not include any of the following unless it is not reasonably practicable to separate it from the waste specified in paragraph (a):
 - (i) general domestic refuse; or
 - (ii) human waste; or
 - (iii) building insulation and building materials containing asbestos; or
 - (iv) hazardous waste; or
 - (v) waste material from an industrial process or trade process

earthquake waste processing activities—

- (a) means—
 - (i) the storage, sorting, and processing (including recycling) of earthquake waste; and
 - (ii) any ancillary activities for the purpose of the activities specified in subparagraph (i), including the discharge of contaminants, water take activities, and transportation; and
 - (iii) any remediation work required as a result of the effects of the activities specified in subparagraphs (i) and (ii); but
 - (b) does not include the permanent storage or permanent disposal of earthquake waste.
- (2) Terms used but not defined in this order, but defined in the Act, have the same meaning as in the Act.

5 Applications

- (1) This order applies only to applications lodged by an applicant with—
 - (a) the Christchurch City Council;
 - (b) the Canterbury Regional Council.
- (2) The applications to which this order applies are applications made under—
 - (a) section 88 of the Act for resource consents to undertake earthquake waste processing activities at the Burwood Resource Recovery Park; or
 - (b) section 127 of the Act to change or cancel any conditions of a resource consent referred to in paragraph (a).

6 Power to extend time limits

A consent authority must not extend a time period under section 37(1)(a) of the Act in relation to an application unless the applicant agrees to the extension.

7 Classification of earthquake waste processing activities under the Act

- (1) Earthquake waste processing activities for which an application is made under clause 5(2)(a) are controlled activities within the meaning of section 87A(2) of the Act.
- (2) Earthquake waste processing activities for which an application is made under clause 5(2)(b) are discretionary activities within the meaning of section 87A(4) of the Act.
- (3) Any conditions imposed on a resource consent granted under this order may be imposed only in respect of the following matters:
 - (a) site management, including hours of operation;
 - (b) noise and vibration;
 - (c) visual effects;
 - (d) lighting, safety, and security;
 - (e) cultural effects;
 - (f) effects on recreational users;
 - (g) traffic and access;
 - (h) earthworks;
 - (i) landscaping;
 - (j) air discharge (including dust, contaminants, and odour):

- (k) hazardous substances:
- (l) stormwater:
- (m) groundwater (including quality and quantity):
- (n) aquifer stability:
- (o) surface water depletion (including quality and quantity):
- (p) effects on the coastal environment, including the coastal marine area:
- (q) biodiversity effects:
- (r) remediation:
- (s) record keeping and reporting:
- (t) monitoring (including data management):
- (u) duration of the consent:
- (v) review of conditions:
- (w) bond:
- (x) community liaison-complaints process and reporting:
- (y) health effects:
- (z) receipt and management of waste.

8 Applications to be determined on non-notified basis

- (1) Applications lodged under clause 5—
 - (a) must not be publicly notified or given limited notification; but
 - (b) must be determined in accordance with Part 6 of the Act, unless otherwise specified by this order.
- (2) Subclause (1) applies instead of sections 95 to 99A of the Act.

9 Consent authority must notify certain persons and organisations and invite comments

- (1) As soon as practicable after an application is lodged with a consent authority under clause 5, the consent authority must—
 - (a) advise the persons and organisations specified in subclause (2) that an application has been lodged; and
 - (b) invite written comments from those persons and organisations.
- (2) The persons and organisations are—
 - (a) Te Rūnanga o Ngāi Tahu and any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu; and
 - (b) the Canterbury District Health Board; and

- (c) the Burwood–Pegasus Community Board; and
 - (d) the Parklands Residents Association Incorporated; and
 - (e) the Queenspark Residents Association; and
 - (f) the Selwyn Plantation Board Limited; and
 - (g) owners and occupiers of land adjacent to the Burwood Resource Recovery Park; and
 - (h) any other person or organisation that the consent authority considers would be adversely affected if the application were granted.
- (3) For the purposes of subclause (1)(b), the consent authority must—
- (a) invite each person and organisation referred to in subclause (2) to make written comments on the application; and
 - (b) give those persons and organisations not less than 10 working days from receiving an invitation within which to make their comments to the consent authority; and
 - (c) specify in the invitation the date by which written comments are to be received by the consent authority.
- (4) An invitation under this clause is to be treated as a document to be served for the purposes of the Act and section 352 of the Act applies accordingly.
- (5) A person or organisation invited to make written comments under this clause on an application—
- (a) may not appeal against the consent authority’s decision on the application; and
 - (b) may not object under Part 14 of the Act against the consent authority’s decision on the application.
- (6) To avoid doubt, a person who makes written comments to a consent authority under this clause is not to be treated, under the Act, as a person making a submission on the application.

10 Summary of responses

- (1) Before a consent authority makes a decision on an application, a summary of the written comments made under clause 9 must be prepared and considered by the consent authority.
- (2) The summary prepared under subclause (1), together with the consent authority’s response to the issues raised in the written

comments, must be included in the notification of the decision under the Act.

11 Period for making written comments excluded from time limits for notification

For the purposes of section 115 of the Act, the period during which comments are sought under clause 9 is excluded from the time limits in that section.

12 Enforcement proceedings

- (1) For the purposes of activities undertaken under a resource consent granted in reliance on this order, only the persons specified in subclause (2) may take enforcement proceedings (including declaratory proceedings) under Part 12 of the Act, including in any case where it is alleged that the consent holder has breached section 16 or 17 of the Act.
- (2) For the purposes of subclause (1), the persons are—
 - (a) the Canterbury Regional Council:
 - (b) the Christchurch City Council:
 - (c) the Hurunui District Council:
 - (d) a Minister of the Crown:
 - (e) the Selwyn District Council:
 - (f) the Waimakariri District Council.

Schedule
Land comprising Burwood Resource
Recovery Park

cl 4

Reserve 2636, Reserve 2637, and Reserve 2638, being 208.8709 ha, more or less, comprised in the Computer Freehold Register CB128/66.

Rural Section 21893, Rural Section 22018, Rural Section 22055, Rural Section 22056, Rural Section 26529, Rural Section 30307, Rural Section 30308, and Rural Section 31685, being 180.0851 ha, more or less, comprised in the Computer Freehold Register CB348/274.

Reserve 2340, Reserve 2341, and Reserve 2361, being 181.6583 ha, more or less, comprised in the Computer Freehold Register CB128/68.

Lot 2 Deposited Plan 50725, being 64.9850 ha, more or less, comprised in the Computer Freehold Register CB29F/1296.

Rural Section 35491, being 3.2375 ha, more or less, comprised in the Computer Freehold Register CB7B/1022.

Rural Section 35473, being 2.0234 ha, more or less, comprised in the Computer Freehold Register CB3A/1208.

Sections 2–3 Survey Office Plan 10486, being 14.8593 ha, more or less, comprised in the Computer Freehold Register 287702.

Lots 1–65 Deposited Plan 918.

Part Rural Section 35372 Survey Office Plan 9504, being 0.004 ha, more or less.

Lots 1–32 and Part Rural Section 35474 and 35475 on Deposited Plan 810.

Section 3 Survey Office Plan 10486.

Rural Section 35472, being 4.0469 ha, more or less, comprised in the Computer Freehold Register CB119/168.

Reserve 2342 and Reserve 2343, being 149.5086 ha, more or less, comprised in the Computer Freehold Register CB128/69.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

The purpose of this order is to permit the storage, sorting, and processing (including recycling) of Canterbury earthquake waste at the Burwood Resource Recovery Park to proceed without being unduly impeded by certain processes of the Resource Management Act 1991. The order comes into force on the day after the date of its notification

in the *Gazette*, and expires on the expiry of the Canterbury Earthquake Recovery Act 2011.

Clause 4 defines certain terms used in the order.

Clause 5 limits the scope of the order to certain applications lodged with the Christchurch City Council or the Canterbury Regional Council. The applications are applications for resource consents to undertake earthquake waste processing activities at the Burwood Resource Recovery Park and applications to change or cancel any conditions of a resource consent granted for that purpose.

Clause 6 prevents a consent authority from granting an extension of time unless an applicant agrees.

Clause 7 provides that earthquake processing activities for which an application for a resource consent is made are controlled activities, and provides that those activities for which an application is to change or cancel a condition of such a resource consent are discretionary activities. The clause also specifies the matters in respect of which conditions may be imposed in a resource consent granted under the order.

Clause 8 provides that the applications lodged under the order must not be publicly notified or given limited notification, but must be determined under Part 6 of the Resource Management Act 1991.

Clause 9 requires a consent authority to notify certain persons and organisations that an application has been lodged and to invite written comments from those persons and organisations.

Clause 10 requires a summary of written comments to be prepared and considered before a consent authority makes a decision on an application. This clause also requires the summary of written comments and the consent authority's response to the issues raised in them to be included in the notification of the consent authority's decision.

Clause 11 provides that the period during which comments are sought under *clause 9* is excluded from the time limits specified in section 115 of the Resource Management Act 1991 for notifying a decision on an application for a resource consent.

Clause 12 limits who may take enforcement proceedings in relation to a resource consent granted under the order to certain local authorities and Ministers of the Crown.

This Order in Council is made under the Canterbury Earthquake Recovery Act 2011 and its effect is temporary.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 July 2011.
This order is administered by the Ministry for the Environment.

Attachment B: Amendments to the City Plan and Natural Resources Regional Plan

**AMENDMENTS TO THE NRRP AND THE CHRISTCHURCH CITY
PLAN
RELATING TO THE BURWOOD LANDFILL SITE
AND USE OF SECTION 27(1)(a) OF THE
CANTERBURY EARTHQUAKE RECOVERY ACT 2011**

PURPOSE

1. The purpose of the councils' request that the Minister use section 27(1)(a) of the Canterbury Earthquake Recovery Act 2011 ("CER Act") is to change the Natural Resources Regional Plan ("NRRP") Chapter 4 to create a new rule, and to change the City Plan, to streamline resource consent processes for the disposal of earthquake related demolition waste, liquefaction silt and infrastructure waste. The proposed changes will enable resource consent applications to be processed as a non-notified controlled activity i.e. the consent must be granted if the activity complies with the conditions specified under the new rule, and there will be no submission process. The plan change amendments require a pre-application consultation process.
2. There are consequential amendments arising from creating the new rule in the NRRP and from the Christchurch City Plan changes.
3. Any consent application for the controlled activity must be granted and the resource consent will have conditions attached based on the matters for control specified under the new rule.

OBJECTIVE

4. To facilitate the economic disposal of: residual demolition waste remaining after sorting has occurred; liquefaction silt; and infrastructure waste.
5. To dispose of the material in a way that minimises, as far as possible, any adverse effects on the environment.

NECESSITY FOR PLAN CHANGE

Practical reasons

6. Demolition waste arising from the earthquake events is to be sorted and processed before disposal can occur in any landfill. .
7. There will also be significant quantities of infrastructure waste and silt that must be permanently disposed.
8. While a large amount of material will be recycled at the Burwood Resource Recovery Park and other sites, there will be huge volumes of residual waste to be

disposed of. A large part of that waste may contain hazardous materials such as treated timber.

9. If the waste is taken to Kate Valley, which is the current landfill, the lifetime of the Kate Valley facility will be substantially shortened. The cost of finding a new waste disposal site for local authorities would also be brought forward.
10. Further, the cost of transporting the waste to Kate Valley located near Amberley will add to the transport costs of the operation.
11. There are also traffic effects generated by moving the material from Burwood to Kate Valley which would be avoided by disposing of the material at Burwood.
12. Therefore it would be more efficient and avoid adverse effects in a number of ways if the sorting and disposal was undertaken close to the source of the waste stream.

Planning reasons

13. Burwood Landfill is located over the coastal confined gravel aquifer system, which supplies drinking water for Christchurch. This very high quality water does not require treatment.
14. Cleanfills may be located in areas where groundwater is vulnerable to contamination because cleanfill material, once it is placed in the ground, does not undergo any physical, chemical, or biological transformations that will cause adverse environmental effects or health effects.
15. Kate Valley Landfill opened in 2006. Since that date the Burwood Landfill has not been authorised to receive waste, until a Variation of consent due to the September 2010 earthquake. The establishment of Kate Valley landfill created the opportunity to avoid prolonging the risk to Christchurch drinking water supply from such facilities and of leachate getting into the coastal environment.
16. NRRP policies and rules were put in place to prohibit the establishment of new landfills over the coastal confined gravel aquifer system.
17. There is now an issue arising because the NRRP Rule WQL 45 prohibits the disposal of hazardous waste at the Burwood Landfill site.
18. For the NRRP, the most practical solution is to create a new rule, Rule WQL45A that specifically deals with the discharge of earthquake related residual demolition waste, liquefaction silt and infrastructure waste at the Burwood landfill site. This leaves the existing rule WQL45 intact and applying to all other parts of Canterbury.

STATUTORY BASIS FOR THE METHOD OF CHANGE TO THE NRRP AND CITY PLAN

19. Section 27(1)(a) of the Canterbury Earthquake Recovery Act 2011 enables the Minister for Canterbury Earthquake Recovery to amend the plans. The amendments to be made to the plans are shown as underlining for additions or strike through for deletions.

THE NRRP AMENDMENTS

20. On Page 4-75 of Chapter 4, amend Policy WQN9(1)(b) as follows:

“Policy WQL9 Prevent the entry of hazardous contaminants to groundwater

- (1) Avoid the discharge of contaminants into groundwater from new solid or hazardous waste landfills by:

- (a) not locating new landfills, except for cleanfills, over unconfined or semi-confined aquifers; and
- (b) except for the Burwood Landfill Special Purpose Site as shown on Planning Map A – C06, prohibiting new landfills, except for cleanfills, in the Coastal Confined Gravel Aquifer System and in Community Drinking Water Supply Protection Zones.”

21. On Page 4-75 of Chapter 4, amend the second paragraph of the “Explanation and principal reasons” for Policy WQL9 as follows:

“Hazardous substances or liquid wastes in groundwater pose a significant risk to groundwater quality because they contain toxic, mobile and persistent substances.

The purpose of Policy WQL9(1) is to avoid locating new solid and hazardous waste landfills over aquifers where the groundwater would be vulnerable to contamination from persistent or toxic contaminants discharged over a long period. Although modern landfills can contain and collect leachate, the risk of a rupture or failure of a containment system could result in significant contamination of groundwater and would be extremely difficult to remedy. There are other areas in the region where landfills could be sited and the risk to groundwater is much lower, however, an exception is made for the existing Burwood Landfill site. Closed since 2005 when Kate Valley became the landfill receiving Christchurch’s residual municipal waste, the Burwood Landfill site has had to be re-opened to receive residual earthquake demolition waste, liquefaction silt and infrastructure waste. Because of the huge volume of residual demolition waste, i.e. waste from which recyclable materials have been removed, and liquefaction silt and infrastructure waste, it is not economic to transport it to Kate Valley, and to do so would substantially shorten the life of Kate Valley. This would accelerate the finding and funding of a new landfill for the Christchurch City Council, Selwyn District Council and Waimakariri District Council. While it is not desirable for demolition waste to be disposed of at Burwood because the site sits over the coastal confined gravel aquifer system which supplies Christchurch’s untreated drinking water, and is close to the coast, there are two key hydro-geological attributes that reduce the risk of groundwater contamination. First, there are more than 20 metres of confining material between the Burwood ground surface and the first aquifer, and second, there is an upwards hydraulic pressure that helps prevent the downward movement of contaminants. Further, the residual demolition waste should contain substantially less hazardous waste than what is stored in the previously closed part of the landfill. With respect to proximity to the coast, there is already a risk that leachate may reach the sea from the existing landfill. The additional waste should not significantly alter the level of risk as liquids collecting at the bottom of the disposal mound can be drawn off via wells, and disposed of in a suitable location elsewhere.

Cleanfills may be ...”

22. On Page 4-78 Method WQL9(g) Regional Rules insert WQL45A after WQL45.
23. On Page 4-119 the left hand column of Table WQL8 Index of Rules specifies where each rule applies. Currently Rule WQL45 applies to the Burwood Landfill area and prohibits new disposal. It is therefore necessary to amend the area to which Rule 45 applies in Table WQL8 Index of Rules as follows.
- “Everywhere in the Canterbury region excluding where the discharge is onto or into land and is controlled by the Waimakariri River Regional Plan, or where the discharge is within the Burwood Landfill site.”
24. On Page 4-119 the left hand column of Table WQL8 Index of Rules specifies where each rule applies. Insert into Table WQL8 Index of Rules an addition which summarises Rule 45A as set out in the attached Appendix 1.
25. On Page 4-124 insert WQL45A after WQL45
26. On Page 4-200, Rule WQL45 applies to the Burwood Landfill area and prohibits new disposal of municipal solid waste refuse or treated hazardous waste to land. It is therefore necessary to amend the area to which Rule WQL45 applies as follows:
- “Where rule applies:
This rule applies everywhere in the Canterbury region excluding:
(a) the Coastal marine area; and
(b) where the discharge is into land and is controlled by the Waimakariri River Regional Plan; and
(c) the Burwood Landfill site as shown on Planning Map A – C06.”
27. On Page 4-201 insert after Rule WQL45, a new rule which is headed “Rule WQL45A Discharge of earthquake related residual demolition waste, liquefaction silt and infrastructure waste” which applies only to the Burwood Landfill site. The rule creates a controlled activity provided the discharge meets the conditions of the rule, and creates a prohibited activity for any other type of discharge. This precludes the discharge of municipal solid waste or treated hazardous waste, and contaminants from these wastes into land at the Burwood Landfill. The exact form of Rule WQL45A and associated explanation and principal reasons for the rule methods are set out in the attached Appendix 2.
28. On Page 4-212, at the end of Chapter 4, 4.7 “*Information to be provided with resource consent applications*”, insert a new paragraph relating to information requirements for Rule WQL45A as follows:

“4.7.5.4 Additional information requirements for applications under Rule WQL45A

In addition to the general information requirements outlined in Chapter 1.3.4, and any other requirements of Chapter 4.7, an application for resource consent under Rule WQL45A must provide written comments on the application, or evidence of 10 working days having been provided for receipt of those comments, from the following parties: Te Runanga O Ngai Tahu or papitipu runanga identified by them; Christchurch District Health Board; Burwood–Pegasus Community Board; Parklands Residents Association Incorporated; Queenspark Residents Association; and owners and occupiers of land adjacent to the Burwood Landfill.”

29. On Page 4-245 in the part entitled “Explanation and principle reasons for methods” which commences at Page 4-213 insert a new paragraph as follows:

“Rule WQL45A Discharge of earthquake related residual demolition waste, liquefaction silt and infrastructure waste to the Burwood Landfill

Because of the exceptional circumstances associated with the need to dispose of earthquake related waste this rules provides for the Burwood Landfill site to accept residual demolition waste, liquefaction silt and infrastructure waste. The waste may contain hazardous substances, but because there are more than 20 metres of fine sediment separating the land fill from the first confined aquifer, and an upwards hydraulic pressure gradient, the risk of contamination of groundwater is considered to be very low. No other waste, including municipal waste, is allowed.

If residual demolition waste had to be taken to Kate Valley, that site would have a much shortened life, and significantly bring forward the need to find and fund a new site for disposing of municipal waste.”

30. Planning maps: An amendment is required to the NRRP Planning maps to show the exact location of the Burwood Landfill site. The land parcels that comprise the Burwood Landfill are shown on the NRRP Map Volume, Part 1, Planning Maps, Map A-C06 as set out in the attached Appendix 3. The map is referenced in the new Rule WQL45A.

Appendix 1 to the NRRP Changes

Table WQL8 Index to Rules

Where the rule applies	Rule No.	Activity type	Description	Activity Status	Page No.
<u>Burwood Landfill</u>	<u>WQL45A</u>	<u>Discharge</u>	<u>Discharge of earthquake related residual demolition waste, liquefaction silt and infrastructure waste to land at the Burwood landfill</u>	<u>Controlled</u>	Page []

Appendix 2 to the NRRP Changes

Rule WQL45A Discharge of earthquake related residual demolition waste, liquefaction silt and infrastructure waste to land at the Burwood landfill

Activity	Conditions
<p>The discharge of earthquake related residual demolition waste, liquefaction silt, and infrastructure waste to land at the Burwood landfill as shown on Planning Map A-C06, is –</p> <p>1. a controlled activity if it complies with all conditions</p> <p>2. a prohibited activity if the discharge does not comply with all conditions of this of this rule.</p>	<p>1. A management plan for the landfill shall be prepared and submitted with an application for a discharge permit. The plan shall address all the matters in Appendix 3 of the <i>Land fill Guidelines</i> (2000) published by Centre for Advanced Engineering, University of Canterbury.</p> <p>2. The discharge is for earthquake related residual demolition waste, liquefaction silt and infrastructure waste to land and occurs within the area of the Burwood landfill as shown on Planning Map A-C06.</p>
<p>Notification</p> <p>An application for consent under this rule shall not be notified</p>	<p>Matters for control</p> <p>Where the activity is classified as a controlled activity, Environment Canterbury has reserved control over the following matters in imposing any conditions:</p> <p>1. cultural effects</p> <p>2. effects on recreational users</p> <p>3. earthworks</p> <p>4. landscaping</p> <p>5. air discharge (including dust, contaminants, and odour)</p> <p>6. health effects</p> <p>7. hazardous substances</p> <p>8. storm water</p> <p>9. groundwater quality</p> <p>10. effects on the coastal environment, including the coastal marine area</p> <p>11. biodiversity effects</p> <p>12. remediation</p> <p>13. record keeping and reporting</p> <p>14. monitoring (including data management)</p> <p>15. duration of the consent</p> <p>16. review of conditions</p> <p>17. bond</p> <p>18. community liaison-complaints process and reporting, and</p> <p>19. receipt and management of waste.</p>
<p>Where Rule Applies:</p> <p>This rule applies only to the Burwood landfill as shown on Planning Map A- C06</p>	
<p>Information to be provided</p> <p>An application for a resource consent under this rule must meet the information requirements set out in Section 1.3.4 and Section 4.7.</p>	
<p>Cross reference: This rule contributes to the implementation of Policy WQL9</p>	

**Appendix 3 to the NRRP Changes:
NRRP Map Volume, Part 1, Planning Maps, Map A-C06**

THE CHRISTCHURCH CITY PLAN AMENDMENTS

Volume 1 Chapter 3 The Issues for Christchurch

27. Amend Part 3.16.4 as follows:

3.16.4 Solid wastes

Updated 14 November 2005

The present system of refuse disposal in Christchurch, consists of three refuse transfer stations at Sockburn, Redwood and Bromley, and single landfill sites at Burwood and Kate Valley in North Canterbury.

Each transfer station operates a resource recovery centre which collects newspaper, glass, bottles, aluminium cans, metals, selected plastics, waste oil and clean, sorted household goods. Two of the stations are located within industrial areas and one on the northern edge of the urban area.

Access to the landfill sites at Burwood and Kate Valley is restricted so that all refuse, except that which is classed as hazardous or difficult to handle, must go to the transfer stations.

The Burwood landfill was established in 1984, in an area of 96 hectares, the principal refuse facility for Christchurch from July 1984 until its closure in May 2005, after which Kate Valley was established as the City's principal refuse facility. Its anticipated lifetime is limited by conditions of an Environment Court decision to the completion of Stage 2 or May 2002, whichever is the earlier. Any continuation of its operation beyond this date would be subject to a further resource consent. The Council has adopted a policy of waste minimisation and recycling. The implementation of this policy involves a change from the past philosophy of waste disposal to one of waste management. In November 2010, Environment Canterbury approved a consent variation to re-open Burwood Landfill for a limited period of time and allow for the disposal of building demolition material resulting from the Canterbury earthquake of 4 September 2010 and its subsequent aftershocks. The variation was strictly limited to building demolition material and as such would not allow for the disposal of silt and hardfill from the City's sewer and water network. The 2011 Order in Council for the Burwood Resource Recovery Park, including the Burwood Landfill site, allows for the storage, sorting, and processing (including recycling) of earthquake waste until the expiry of the Canterbury Earthquake Recovery Act 2011.

Volume 3 Part 1 Definitions

28. Insert a new definition 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 City's sewer, water and road network; and
- (iv) liquid waste extracted from the City'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; or
 - (ii) human waste; or
 - (iii) building insulation and building materials containing asbestos; or
 - (iv) hazardous waste; or
 - (v) waste material from an industrial process or trade process

Volume 3 Part 8 Special Purpose Zones

29. Amend the Zone Description as follows:

1.7 Special Purpose (Landfill) Zone

Updated 14 November 2005

Zone description and purpose

The Landfill Zone originated as a designated facility which replaced a number of separate landfill sites around the city in the early 1980s. The zone provides for staged filling of land in the zone, with refuse derived primarily from three transfer stations in the city at Bromley, Parkhouse Road and Styx Mill Road. These latter facilities, but not the landfill, are available to the general public for disposal of refuse.

The landfill site holds a resource consent from Environment Canterbury to discharge solid and hazardous waste from domestic, commercial and industrial sources. The consent has an expiry date of 31 May 2037, with a condition requiring the disposal of solid waste to cease by 30 June 2005. By this time Kate Valley was established as the City's principal refuse facility. In November 2010, a variation to the consent was approved by Environment Canterbury to re-open the landfill for a limited period of time and allow for the disposal of building demolition material resulting from the Canterbury earthquake of 4 September 2010 and its subsequent aftershocks. However, the variation was strictly limited to building demolition material and as such would not allow for the disposal of silt and hardfill from the City's sewer, water and road network. The 2011 Order in Council for the Burwood Resource Recovery Park, including the Burwood Landfill site, allows for the storage, sorting, and processing (including recycling) of earthquake waste until the expiry of the Canterbury Earthquake Recovery Act 2011.

The landfill is located in the north-east of the city near the coast, and is bounded by the Conservation 1 Zone to the east and the Rural 1 Zone to the west. It covers an area of approximately 90 hectares.

Environmental results anticipated

The continued permanent disposal of refuse and/or earthquake waste in a progressively restored landfill site, in a manner which:

- (a) avoids groundwater contamination;
- (b) remains segregated from residential activities;
- (c) is progressively restored by resoiling and planting;
- (d) minimises visual, dust, smell and noise impacts on adjoining land.

30. Amend Part “7.1 Categories of activities” as follows:

7.1.1 All activities

Updated 14 November 2005

- (a) Any activity which complies with all of the critical standards under Clause 7.2 shall be a **permitted activity**.
- (b) Any activity, other than in relation to earthquake waste, which does not comply with any one or more of the critical standards under Clause 7.2, shall be a non-complying activity.
- (c) Any activity, in relation to earthquake waste, which does not comply with any one or more of the critical standards under Clause 7.2, shall be a non-notified controlled activity, with the Council’s control limited to:
 - effects on the amenity of residences and business areas along the designated access routes illustrated in Appendix 7;
 - effects in terms of traffic, dust and noise, also taking account of the hours of operation;
 - effects on the coastal environment
 - proposed method of site rehabilitation

An application for a resource consent for the permanent disposal of earthquake waste to the Special Purpose (Landfill) Zone must include written comments on the application, or evidence of 10 working days having been provided for those comments to be made, from the following parties:

- a) Te Rūnanga o Ngāi Tahu and any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu; and
- b) The Canterbury District Health Board; and
- c) The Burwood-Pegasus Community Board; and
- d) The Parklands Residents Association Incorporated; and
- e) The Queenspark Residents Association; and
- f) Owners and occupiers of land adjacent to the Burwood Landfill.

31. Amend Part :7.2 Critical standards” as follows:

7.2.1 Compaction and containment of refuse

Updated 14 November 2005

Refuse and/or earthquake waste permanently placed in the landfill shall be compacted using specialised compaction equipment, and shall be covered by sand or soil to a minimum depth of 150mm on a daily basis, except materials collected for composting. The working surface of each daily refuse cell shall not exceed an area of 500m². Mesh fences and screens shall be maintained around working areas to contain windblown refuse, and any material blown beyond this containment area shall be collected on a weekly basis, or more frequently if required.

7.2.2 Buildings

Updated 14 November 2005

Any buildings, shall be ancillary to landfill operations, and shall not exceed 200m² gross floor area.

7.2.3 Access to the zone

Updated 14 November 2005

- (a) All refuse and/or earthquake waste going to the landfill site, shall be transported in a container or covered except where because of the nature of the load and/or the method of securing it, no problem of litter or dust can arise.
- (b)
- (c) Vehicles carrying earthquake waste from various sources within the City and possibly from neighbouring Territorial Authorities to the landfill for permanent disposal shall adhere to the routes shown in Appendix 7 as soon as reasonably practicable.
- (d) ...
- (e) ...
- (f) ...
- (g) ...

7.2.4-7.2.6 [No Change]

7.2.7 Protection of groundwater

Updated 14 November 2005

Refuse and/or earthquake waste shall be placed above the highest anticipated ground water level, and any excavated or low areas below this level shall be backfilled to above this level with inert fill, and filling shall be undertaken in compliance with any conditions of resource consents granted by the Canterbury Regional Council for discharges.

7.2.8-7.2.9 [No Change]

7.2.10 Hours of operation and access to landfill

Updated 14 November 2005

Any delivery of refuse and/or earthquake waste for permanent disposal shall take place between 0530 and 1830 hours, unless exceptional circumstances apply. Public access to the landfill shall be confined to vehicles owned by or under contract to the Christchurch City Council, except:

- (a) vehicles of any other local authority approved by the Council;
- (b) vehicles carrying compacted refuse;
- (c) vehicles carrying hardfill or other materials unsuited to compaction; and
- (d) vehicles carrying cover material.

32. Amend Part "13.0 Reasons for rules" as follows:

13.6 Special Purpose (Landfill) Zone

Updated 30 April 2011

The zone and its attendant provisions replace those originally attached to the designation placed over the site. These were arrived at after a lengthy process including consideration by the Planning Tribunal.

Accordingly they have only been modified to a limited extent reflecting experience and developments since that time, and in recognition of consents for discharges granted by the Canterbury Regional Council.

The rules and their format differ somewhat from those in general purpose zones, given the highly specialised nature of zone activities and its management by one owner/operator.

The other rules have been made critical standards, in reflection of their importance to maintaining local amenities and avoiding contamination of water.

The rules relate primarily to on-site management and have been imposed to ensure that adverse effects are minimised in terms of seven main factors, these being:

- (a) groundwater management and the need to avoid contamination;
- (b) protection of the amenities of residents in the vicinity;
- (c) protection of the character and quality of the coastal environment;
- (d) protection of the functioning of the landfill itself for the remainder of the life of the landfill;
- (e) minimising the external visual impacts of the landfill zone;
- (f) avoiding incompatible development, including building within the zone.
- (g) ensuring restoration takes place as soon as possible after filling and is progressively completed.

The landfill option is the most environmentally acceptable way of disposing of the volume of refuse created by the South Island's largest urban area, although recycling efforts, particularly composting will be further developed to reduce the volume of the waste flow and make better use of waste products.

Significant damage to Christchurch City occurred as a result of the earthquake of 4 September 2010 and its subsequent aftershocks. A large number of buildings and infrastructure need to be demolished and/or repaired. This has generated a need to dispose of a substantial quantity of earthquake waste, including building and construction material, silt and infrastructure waste. The landfill option is considered to be the most environmentally acceptable way of permanently disposing residual earthquake waste.

In addition to these rules are a group of rules relating to vehicle access to the site.

The city landfill site, because of the nature of its activity, produces large numbers of heavy vehicle movements daily. To minimise the adverse effects of these heavy vehicle movements on the surrounding land uses specific routes have been identified between the landfill site and the transfer stations. The routes follow arterial roads which have been designed and constructed to carry heavy vehicles and where possible the routes avoid passing through residential areas where this is feasible. Vehicles carrying earthquake waste come from various sources around the City and possibly neighbouring Territorial Authorities. Certain parts of the designated access routes have been damaged by the earthquake of 4 September 2010 and its subsequent aftershocks. The current routes followed by vehicles transporting earthquake waste to the landfill site were established during the National State of Emergency and continue to be followed by the Canterbury Earthquake Recovery Authority. In order to address potential adverse effects on adjoining activities the shortest route of access, using where practicable collector or arterial roads, is required to reach the designated access routes to the landfill.

These rules ~~were originally established following long standing and follow~~ the results of Tribunal hearings which considered the landfill and its access in details but have been amended to accommodate the permanent disposal of earthquake waste.

The amenity of residential areas in the vicinity of the landfill site and access route is to be protected by a buffer zone or planting and mounding, which is also intended to protect long term security of access to the landfill.

Volume 3 Part 11 Health and Safety

33. Amend Rule 1.3 Noise Control by adding the following

1.3.4 Special exceptions to these rules

(e) Special Purpose (Landfill) Zone

Notwithstanding the provisions of Clause 1.3.3 and Table 1 the following exception shall apply:

Any activity, which does not comply with any one or more of the critical standards for Group 2 Zones under Clause 1.3.3, shall be a non-notified controlled activity, with the Council's control limited to noise effects on recreational and residential activities.

Volume 3 Part 13 Transport Development Standards

34. Amend Part 2.3 Development Standards by making the following changes to Rule 2.3.8 High traffic generators:

2.3.8 High traffic generators

Updated 26 October 2010

- (a) Any activity on a site which is not in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces (with the exception of the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Purchas Street which is subject to the development plan contained in Part 3, Appendix 14) shall be a discretionary activity with the Council's discretion limited as follows:

- retail activities in B3, B3B, B4, BRP, Central City Edge, and Special Purpose (Wigram) (Area B) zones: matters associated with any traffic effects of the activity.
- other activities and other zones: matters associated with vehicular access.

- (b) Any activity on a site in the Central City Zone which generates more than 250 vehicle trips per day and/or provides more than 25 parking spaces shall be a controlled activity with the exercise of the Council's discretion limited to vehicular access.

(c) Special Purpose (Landfill) Zone

Any activity which generates more than 250 vehicle trips per day shall be a non-notified controlled activity, with the exercise of the Council's control limited to vehicular access and any traffic effects:

- on the function and/or safety of the surrounding road network, and properties along designated access routes illustrated in Appendix 7 of Volume 3 Part 8 Special Purpose (Landfill) Zone;

- on the surrounding activities in terms of noise, vibration and fumes of vehicles using the access; and
- of extra traffic generated by the activity on the amenity and safety of surrounding residential streets.

Volume 3 Part 13 Transport

35. Amend Part 4.14 of the “Reasons for Rules” as follows:

4.14 High traffic generators

Updated 26 October 2010

This is a particularly important rule, which is fundamental to the planned effectiveness of roads within the roading hierarchy. High traffic generators (more than 250 vehicle movements per day or requiring the provision of 25 or more parking spaces) can have a major impact on arterial and inner city roads with the development of large retail and vehicle oriented land uses. The vehicle generation and potential associated adverse effects on the road network and surrounding land uses can be major if the siting is inappropriate or the access is not well located or designed. Therefore the roads in the city with the most important traffic functions (arterial roads) need to have the highest degree of protection. By requiring high traffic generators on these roads to be discretionary activities (or controlled within the Central City zone), each development can be considered in terms of its particular character, location, and levels of traffic effects and ways to mitigate these effects where possible, through the use of appropriate traffic management and design conditions. Most zones restrict the limit of discretion to matters associated with access. However, retail activities in the BRP, B3, B3B and B4 zones have retained a broader level of discretion, regarding any traffic effects. This acknowledges the dispersed location of these zones and the ability to undertake retail activity, which can generate potentially significant effects on the road network and surrounding land uses.

An exception from this rule has been provided for the land within the Living 3 and Business 1 zone bounded by Madras Street, Canon Street, Packe Street and Puchas Street which is subject to the development plan contained in Part 3, Appendix 14, as consideration of vehicular, cycle and pedestrian access matters is specifically provided for within the zone rules relating to development of this area.

Significant damage to Christchurch City occurred as a result of the earthquake of 4 September 2010 and its subsequent aftershocks. A large number of buildings and infrastructure need to be demolished and/or repaired. This has generated a need to dispose of a substantial quantity of earthquake waste, including building and construction material, silt and infrastructure waste. Since the landfill’s closure in 2005, the number of trucks travelling to the landfill site have increased from zero up to an estimated 1,500 vehicles each day. As a non-notified controlled activity, any activity can be considered in terms of its levels of traffic effects on the surrounding road network in terms of function and/or safety, on residential streets in terms of amenity and safety, on surrounding activities in terms of noise, vibration and fumes along designated access routes illustrated in Appendix 7 of Volume 3 Part 8 Special Purpose (Landfill) Zone, and ways to mitigate these effects where possible, through the use of appropriate traffic management and design conditions.

Attachment C: Action 46 of the Land Use Recovery Plan

LURP ACTION 46 - BURWOOD LANDFILL AMENDMENTS TO SECTION 9 (CHRISTCHURCH – WEST MELTON) OF THE PLWRP

Understanding the changes

The proposed deletions and additions are shown in bold strikethrough and underline.

Map 9.2, although not shown as underlined, is also to be inserted into Section 9.

Instructions to aid to the understanding of what is to be amended are included in a text box.

Insert the following policy in Section 9.4 of the pLWRP

9.4.10 Enable the discharge to land of earthquake related residual demolition waste, liquefaction silt and infrastructure waste within the Burwood Landfill Special Purpose Site, as shown on Map 9.2, provided the adverse effects on the environment are mitigated.

Insert the following two rules in Section 9.5 of the pLWRP

9.5.13 The discharge of earthquake related residual demolition waste, liquefaction silt, and infrastructure waste onto or into land in circumstances where contaminants may enter water, is a controlled activity provided the following conditions are met:

- 1. A management plan for the landfill has been prepared and is submitted with an application for a discharge permit. The plan shall address all the matters in Appendix 3 of the Landfill Guidelines (2000) published by the Centre for Advanced Engineering, University of Canterbury.**
- 2. A cultural impact assessment has been prepared and submitted with an application for a discharge permit.**
- 3. The discharge occurs within the area defined as the Burwood Landfill Special Purpose Site as shown on Map 9.2.**
- 4. Any application for resource consent provides written comments on the application, or evidence of 10 working days having been provided for receipt of those comments, from the following parties: Te Runanga O Ngai Tahu or papitipu runanga identified by them; Christchurch District Health Board; Burwood–Pegasus Community Board; Parklands Residents Association Incorporated; Queenspark Residents Association; and owners and occupiers of land adjacent to the Burwood Landfill.**

The CRC reserves control over the following matters:

- 1. Cultural effects; and**
- 2. Effects on recreational users; and**
- 3. Earthworks; and**
- 4. Landscaping; and**
- 5. Air discharge (including dust, contaminants, and odour); and**
- 6. Health effects; and**
- 7. Hazardous substances; and**
- 8. Stormwater; and**
- 9. Groundwater quality; and**
- 10. Effects on the coastal environment, including the coastal marine area; and**
- 11. Biodiversity effects; and**
- 12. Remediation; and**
- 13. Record keeping and reporting; and**
- 14. Monitoring (including data management); and**
- 15. Duration of the consent; and**
- 16. Review of conditions; and**
- 17. Bond; and**
- 18. Community liaison-complaints process and reporting, and**
- 19. Receipt and management of waste.**

Notification

Pursuant to sections 95A and 95B of the RMA an application for resource consent under this rule will be processed and considered without public or limited notification.

Note that limited notification to affected order holders in terms of section 95F of the RMA will be necessary , where relevant, under section 95B(3) of the RMA.

9.5.14 The discharge of earthquake related residual demolition waste, liquefaction silt, and infrastructure waste onto or into land in circumstances where contaminants may enter water, that does not meet one or more of the conditions of Rule 9.5.13 is a prohibited activity.

Insert the following map in Section 9 of the pLWRP

Map 9.2

