

TABLED AT HEARING

BEFORE THE CANTERBURY REGIONAL COUNCIL

Application: Canterbury

Landscape Supplies

Date: 12/3/2018

IN THE MATTER **Of the Resource Management Act 1991 ("the Act")**

AND

IN THE MATTER **Applications for the discharge to air of contaminants
(CRC175344) and discharge of contaminants to land that
may enter water (CRC175345)**

BETWEEN **CANTERBURY LANDSCAPES SUPPLIES LIMITED**

Appellant

**SYNOPSIS OF SUBMISSIONS ON BEHALF OF CANTERBURY LANDSCAPE SUPPLIES
LIMITED**

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1 INTRODUCTION

- 1.1 Canterbury Landscape Supplies (**CLS**) is the leading supplier of compost products in the South Island.
 - 1.2 CLS has operated from its premises at 1250 Main North Road, Kainga for in excess of 20 years and has been composting there from the outset. For a variety of reasons including uncertainty regarding its lease and also restrictions on growth of the business imposed by the size of the Kainga site, CLS requires additional premises.
 - 1.3 The applications before you are retrospective applications seeking to formalise the operation of CLS' composting process at 97 Diversion Road, Swannanoa (**the Site**).
 - 1.4 The Diversion Road operation commenced in September 2016, with the Applications being lodged in April 2017. The operation carried on without any adverse comment or complaint until late May 2017 i.e. for 9 months.
 - 1.5 Since becoming aware of complaints by local residents, CLS has worked assiduously to refine its composting process so as to minimise to the fullest extent possible the potential for adverse effects. The amendments made to its process are set out in detail in both Mr. Wylie's and Mr. Loe's evidence. Taken together, the amendments represent a significant overhaul of the operation.
 - 1.6 The operation is currently subject to an abatement notice issued in August 2017, which was subsequently appealed by CLS.
 - 1.7 In mediation discussions with local residents and Environment Canterbury held in November 2017¹, CLS entered into a non-confidential agreement to remove a number of compost rows from the lower lying north eastern corner of the Site. These rows had been affected by surface water ponding, had become anaerobic and were a source of chemical or sulphuric smelling odours.
 - 1.8 Measures have been taken to ensure that a repeat of the experience with the rows in the NE Corner does not reoccur. These measures include the use of sawdust beds to absorb moisture, a thrash pump to remove excess surface ponding water, and also a proposal to elevate the active composting rows on a bed of compacted gravel/aggregate.
 - 1.9 To resolve the appeal against the Abatement Notice all parties agreed to the relief sought by CLS in its appeal that:
 - (a) The Abatement Notice be worded such as to prevent the CLS operation causing offensive or objectionable odours beyond the boundary of the Site; and
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- (b) What is offensive or objectionable odour is to be assessed using the objective criteria incorporated into the Canterbury Air Plan (Air Plan).
- 1.10 A copy of the Consent Order dated 20 November 2017, as approved by the Environment Court, is attached.
- 1.11 CLS acknowledges that Environment Canterbury agreed not to enforce the amended Abatement Notice until the rows in the north eastern corner of the site were removed in mid-December 2016. Since that time, the operation has been monitored by ECan, the conclusion being that full compliance with the Abatement Notice is being achieved.
- 1.12 Accordingly, CLS has demonstrated that its Diversion Road operation, particularly with its amended processes, can be managed in such a way as to avoid offensive or objectionable odours.
- 1.13 Turning to the discharge to land application, the evidence is that potential discharges of leachate are effectively avoided by measures taken during the composting process. The experts also agree that regular testing and monitoring is appropriate to confirm this to be the case.

2 DEFERRAL UNDER S 91 OF THE ACT/LAND USE CONSENT APPLICATION – WAIMAKARIRI DISTRICT COUNCIL

- 2.1 In response to a request from a submitter (Jakeli Family Trust), a decision has been made not to defer the current hearing to await a decision by the Waimakariri District Council on the processing of a land use consent application lodged by CLS with that authority.
- 2.2 By way of update, the land use application was lodged on the basis of an opinion by the Council's legal advisors that the operation infringed the earthworks rules of the Waimakariri District Plan thereby requiring consent as a restricted discretionary activity.
- 2.3 The District Council subsequently changed its position and, on the basis of a second legal opinion received, advised that it classified the composting operation as a "solid waste transfer facility". This is an undefined term in the Waimakariri District Plan.
- 2.4 CLS remains in fundamental disagreement with this opinion. This is for a number of reasons including, but not limited to:
 - (a) the operation is completely distinct to a normal everyday understanding of what constitutes such a facility and to classify it as such would result in an absurd outcome; and
 - (b) the operation does not involve the sorting and transfer of waste to a landfill facility, this being one of the key features of a solid waste transfer facility.

- 2.5 Without resiling from the above position, CLS has recently finished preparing a response to a further information request from the District Council. This response includes an updated fire management plan prepared in conjunction with a specialist consultant and Fire & Emergency New Zealand, together with a rodent/pest management plan. Having provided this information, it is understood the land use consent application will shortly come off hold.

3 STATUTORY FRAMEWORK

- 3.1 The version of the Act in existence prior to the 2017 amendments is to be applied.
- 3.2 The Applicants agree with Ms Wadsworth's analysis of the various consent requirements under Rule 5.92 of the Land & Water Regional Plan (LWRP) and Rule 7.63 of the Canterbury Air Plan (Air Plan) and her conclusion that overall the both Applications discretionary.
- 3.3 As acknowledged above, the Applications are retrospective. The Environment Court has made it clear that applicants for retrospective consent should not be treated in a punitive manner when discretion is being exercised as to whether or not consent should be granted.² A punitive approach is only appropriate in the context of enforcement proceedings such as the settled Abatement Notice CLS is operating in accordance with.
- 3.4 As discretionary activities, the following s 104 RMA matters must be had regard to in your assessment:
- (a) Any actual and potential effects on the environment of allowing the activity – 104 (1)(a);
 - (b) Any relevant provisions of:
 - (i) New Zealand Policy Statement on Freshwater Management – S 104 (1) (b)(iii);
 - (ii) The Canterbury Regional Policy Statement – S 104(1) (b)(iv); and
 - (iii) The Land & Water Regional Plan and the Canterbury Air Regional Plan – 1 104 (1)(b)(v).
- 3.5 Section 104 (3)(ii) provides that you must not have regard to any effect on a person who has given written approval to the application. Putting aside the written approval from CLS's landlord as mentioned in the s 42A report, a further written approval was obtained from Russell Wix, the owner of 995 South Eyre Road. A copy of this written approval is attached.

² See for example, *Hinsen v Queenstown Lakes District Council*

- 3.6 Because both applications are for discharge permits, regard must also be had to the following s 105 matters:
- (a) The nature of the discharge(s) and the sensitivity of the receiving environment to adverse effects – s 105 (1)(a);
 - (b) The applicants reasons for the proposed choice – s 105 (1)(b); and
 - (c) Any possible alternative methods of discharge, including discharge into any other receiving environment – s 105 (1)(c).

ACTUAL AND POTENTIAL EFFECTS ON THEN ENVIRONMENT

Positive Effects

- 3.7 Invariably the focus of consent hearings is on the adverse effects of activities with positive effects either ignored or relegated to a side note.
- 3.8 Positive effects must however be given their due consideration. In the present case, they include not only the ability for CLS to grow its business and to secure its future and the employment opportunities generated, but also the benefits of composting as a means of reducing waste streams. These matters are addressed in full detail by both Mr. Wylie and Mr. Loe.
- 3.9 Mr. Loe highlights the high level of consistency between the compost operation and higher order documents dealing with waste including both the New Zealand Waste Management Strategy and the objectives and policies of Chapter 19 of the RPS.
- 3.10 In addition, there are the multiple beneficial uses to which the end products of the CLS operation can be put. These include its use as a soil conditioning medium by a number of local farmers and the consequent reduction in the use of chemical fertilisers. This is a matter expanded on by Mr. Wylie.

Actual or Potential Adverse Effects

- 3.11 In the introduction above, I referred to the significant amendments made to the composting process as well as a proposal to establish a compost pad to avoid further potential site drainage issues. Your evaluation of actual and potential effects must of course have regard to this suite of amendments.
- 3.12 From the outset it should be also stressed that the RMA is not a "no effects" statute. Similarly, having regard to potential odour effects associated with the operation, neither the Regional Policy Statement nor the Air Plan takes the approach that all odour beyond the boundary of the site must be avoided. Rather, it is made clear that discharges of odour should not be "offensive or objectionable".
- 3.13 Respectfully, this distinction between odour and offensive or objectionable odour does not appear to be clear in the minds of all submitters. For example, the

statement lodged by the Oxford-Ohoka Community Board prior to the hearing contains the following:

the detection of an odour beyond the boundaries of the site results in an effect that is offensive and objectionable. The volume of complaints received by the Regional Council since operations at the site commenced is a strong indication that odour is at times objectionable and offensive.

3.14 Clearly, the first part of the above statement is incorrect. To hold otherwise would be to accept that detection of even the mildest odour, regardless of intensity or hedonic tone, would be offensive or objectionable.

3.15 Secondly, reference to the volume of complaints as an indicator of offensive or objectionable effects is unreliable. As pointed out in the Ministry for the Environment's Good Practice Guide (GPG):

Responding to odour complaints and/or evaluating complaints records are methods of directly assessing the adverse effects of odour emissions. It has a number of shortcomings however, including that:

- *some people may be reluctant to complain, or simply not know who to complain to*
- *sometimes complaints are vexatious*
- *sometimes complaints are made by people who are sensitised or have vested interests.*

These factors can reduce the overall usefulness of the complaint records because they may skew the complaint frequency data compared to other evidence of adverse effects

- *people may stop complaining about a continuing problem if they feel no action is being taken*
- *people's tolerance or intolerance to odours can vary considerably with individual perception*
- *it can sometimes be difficult to identify the cause of specific odour problems, so that one activity may be wrongly blamed for the actions of another*
- *sometimes there is a lower complaint rate than would otherwise be expected because the population exposed to the odour is reduced when people are away from their homes while the odour effects are occurring. For example, they may be at work*

- *chronic odour effects may need to be validated over a number of occasions to characterise the frequency and duration.*

Nevertheless, odour complaint data can be a good indicator of the perceived effect of an odour discharge, particularly where there is a relatively dense population.

Complaints that have been validated during an inspection by a council officer and/or crosschecked against wind direction are extremely useful, regardless of population density or other odour sources....

- 3.16 While the above recognises that complaints can be an indicator of a perceived effect, it also acknowledges that there are shortcomings, including the fact that sometimes complaints are made by people who are sensitised or have vested interests. In terms of opposing submissions received, it should be noted that the residents appear to simply not want the CLS operation in their backyard. In other words, they clearly have a motive in using the complaint process as a means of furthering their opposition by seeking to paint as bleak a picture of the operation as possible.
- 3.17 Respectfully, there is also ample evidence to suggest that complainants and submitters' subjective assessment of the intensity and character (hedonic tone) of odours they attribute to the CLS operation is far removed from objective assessments of the same odour, as experienced by Beca and Environment Canterbury staff. A number of the submitters have expressed their opinion of odours they have experienced in extremely emotive language such as "vomit inducing", "vile" and "toxic". Odours that would correspond with such descriptions would be at the very acute end of the offensive or objectionable spectrum. However, the simple fact is that the objective assessments undertaken provide a fundamentally different description of detected odours.
- 3.18 Ms Dyer has undertaken numerous objective investigations of the CLS operation using best practice guidance recommended in the GPG. Ms Dyer does not say that she has never experienced any odours associated with CLS beyond the boundary of the site. However, she is clear in her opinion that the odours are not offensive or objectionable. She is also clear in her opinion that the characteristics of the odours she has experienced off site are not inconsistent with odours that may be experienced in the rural environment.
- 3.19 Ultimately, the Courts have been clear that the *..assessment as to whether an odour is offensive or objectionable must be done in an objective manner*³.
- 3.20 It is submitted that the objectively compiled evidence will satisfy you that the CLS operation is currently, and can continue to be, managed in such a way as to avoid offensive or offensive odours.

³ *Waikato Environmental Protection Society Inc v Waikato Regional Council* W060/2007 at p.12

- 3.21 No part of the above submissions should be interpreted as meaning that CLS is dismissive of local residents' concerns about the potential for odours associated with its operation.
- 3.22 On the contrary, CLS can point to the significant range of measures it has adopted since becoming aware of these concerns. These include fundamental amendments to ensure that site drainage issues are resolved and the composting process is undertaken in such a manner that anaerobic conditions in the windrows are avoided. In addition, day-to-day management includes a range of measures it has developed ensure that those aspects of its operation that create the highest potential for fugitive odours (in particular the turning of rows) do not occur in unfavourable weather conditions. Furthermore, CLS on-site staff can and do respond extremely quickly to any changes in weather conditions and cease any "riskier" activities such as turning and cover up exposed rows until wind conditions become more favourable. This agile day to day management of the operation is described in more detail by Mr. Wylie.
- 3.23 For completeness, the CLS operation will of course be undertaken in accordance with a range of conditions, which include a strict management and monitoring regime, as well as a complaints handling protocol and a community liaison group condition. Collectively, these conditions will ensure that the operation is appropriately managed and will assist in the CLS operation becoming even more responsive to residents' concerns.

Discharges to Ground

- 3.24 As noted above, the position now reached between the experts is that any leachate effect associated with the CLS operation can be appropriately managed using the range techniques adopted and refined by CLS. In addition, at the time of writing these submissions, the relevant experts had essentially reached full agreement as to appropriate wording of conditions for testing of the absorption capacity of its sawdust beds and also monitoring of potential discharges.

4 OBJECTIVES AND POLICIES OF THE REGIONAL PLANNING DOCUMENTS

- 4.1 It is trite to say that all relevant objectives and policies should be considered as a whole under s 104 of the Act. Despite this, in its memorandum of 23 February 2018 the Jakeli Family Trust has stated, apparently on the basis of professional advice, that consent should not be granted as to do so would be contrary to a single objective and associated policy in Chapter 6 of the Regional Policy Statement (RPS).
- 4.2 As a preliminary point it is submitted that in the context of s 104 of the Act you are required to "have regard to" and not "give effect to" the provisions of the RPS. You are not, for example, evaluating a plan change that seeks to rezone rural land for urban uses beyond the "urban limit" of Greater Christchurch. Clearly, to do so would not give effect to the RPS.

- 4.3 That aside, the logic applied by the Jakeli Family Trust is that the composting operation is an industrial activity, is urban and accordingly falls foul of Objective 6.2.1 and Policy 6.3.1 of the RPS:

6.2.1 Recovery Framework

Recovery, rebuilding and development are enabled within Greater Christchurch through and land use and infrastructure framework that:

...

(3) avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;

6.3.1 Development within the Greater Christchurch Area

In relation to recovery and rebuilding for Greater Christchurch

4. Ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS.

- 4.4 Chapter 6 of the RPS is essentially driven by a strategic need to provide a certain framework for rebuilding and recovery after the Canterbury earthquakes. This is best encapsulated in Issue 1 of Chapter 6:

6.1 ISSUES

6.1.1 ENABLING RECOVERY, REBUILDING AND DEVELOPMENT

How to provide certainty to the community and businesses around how Greater Christchurch will accommodate expected population and household relocation and growth, housing needs and economic activity during the recovery period in an efficient and environmentally sustainable manner. This includes providing for a diverse community with a range of incomes, needs and business types.

Explanation

While the needs for Greater Christchurch in the long term are important, recovery and rebuilding in the short term are critical. The community requires certainty around where recovery development will take place during the recovery period to enable planning for delivery of infrastructure and protection of key resources such as strategic transport networks, water supply, and other significant natural and physical resources. In particular, it is important that resources are directed to specific geographic areas, to enable efficient and effective public investment in strategic, network and social infrastructure. Without certainty and forward planning, recovery for

the Central City, Key Activity Centres and neighbourhood centres will be slower, and will result in inefficient investment decisions being made by infrastructure providers and developers, and incur unnecessary additional costs for local authorities.

- 4.5 To provide the certainty required, Chapter 6 of the RPS includes a spatial planning framework of identified existing urban areas and new greenfield priority areas where urban growth (residential and industrial/commercial) is to occur. Infrastructure is also to be prioritised by public agencies so as to support development within these areas.
- 4.6 It is submitted that there can be no suggestion that CLS's composting operation in any way undermines the strategic framework contemplated. It will not impede the outcomes sought by this framework, nor will it require the diversion of public funds to provide supporting infrastructure. At a high level, the operation cannot therefore be said to be inconsistent with or contrary to the planned approach to rebuilding and recovery enshrined in Chapter 6 of the RPS.
- 4.7 The Jakeli memorandum goes on to set out the definition of "Rural Activities" in the RPS and asserts that the composting operation does not fit within this definition:

Rural Activities

Means activities of a size, function, intensity or character typical of those in rural areas and includes

- *Rural land use activities such as agriculture, aquaculture, horticulture and forestry.*
- *Businesses that support rural land uses.*

...

- 4.8 CLS's composting operation provides a significant degree of support to rural land uses in the sense that it accommodates waste streams from rural based and rural related industries. These include key components such as dewatered paunch grass from ANZSCO meat processing plant in Pendarves, Ashburton and sawdust and bark from Daiken sawmill in Ashley, both of which are located in rural areas. The Jakeli Trust assert that these are not rural activities, simply because they are industrial. Respectfully, this has to be wrong as to state the obvious industries such as sawmills and meat processing plants can clearly be considered rural industries.
- 4.9 In addition, and as partially acknowledged by the Jakeli Family Trust, the operation provides support to rural land uses in the form of, for example, compost being used as a substitute for chemical fertilisers. CLS is also a commercial supplier to a wide range of rural horticultural and nursery business including in the Waimakariri District alone, Riverside Horticultural, T & M Nurseries, Goughs Nurseries, Fernside

Trees and The Gorge Nursery. Finally, CLS is a year round supplier of animal bedding for horse stables, chicken farms, piggeries and dairy/beef farms.

- 4.10 The Trust however seem to think that there is a requirement that **all** of CLS's end products must be consumed by rural land uses before the definition of rural activity is met. The Trust is however unable to point to anything in Chapter 6 of the RPS which would support its contention.
- 4.11 The Jakeli Trust also seems to be under the mistaken impression that the Kainga and Diversion Road operations are identical. This is not the case, as the former incorporates the base of the CLS operations and also provides for the packaging and direct retail of finished compost product to the public. The Diversion Road facility does not, as the Trust asserts, package the product and sell it back to people. It is not a retail operation.
- 4.12 It is acknowledged that some composting operations (Living Earth & part of the Kainga Site) are located within urban areas. Equally however, a number of such operations have either established or been approved to locate in rural areas – see, for example, Intelligro in Templeton, TWT in Oxford and Tarbotton Contracting in Frasers Road, Tinwald. It is accepted of course that the latter two are outside the Greater Christchurch area and therefore not subject to the same policy considerations. The point being however is that composting operations can *typically* (if not exclusively) be found in rural areas.
- 4.13 Furthermore, it is noted that the Jakeli Trust does not comment on the status of the applications before you, both of which are discretionary. One would expect that if the discharges for which consent are sought had a clear potential to fall foul of the "avoidance" policy approach in Chapter 6, the consent status would inevitably be non-complying.
- 4.14 Likewise, the restricted discretionary status of the land use consent application for earthworks under the Waimakariri District Plan indicates that the grant of consent under that plan would not be contrary to Chapter 6.
- 4.15 In my overall submission, the clear link or relationship between the composting operation and rural land uses is such that the operation can be properly considered as a rural activity and, accordingly, the Objective and Policy relied upon by the Jakeli Trust is not in any way infringed.

Other Relevant Provisions of the CRPS

- 4.16 Mr. Loe in his evidence discusses at some length other relevant chapters of the RPS, including Chapter 7 (*Fresh Water*), Chapter 14 (*Air Quality*) and Chapter 19 (*Waste Management and Minimisation*). He reaches the clear conclusion that approval of the Applications is consistent with all of the relevant provisions of these chapters.

- 4.17 There can be no debate that these plans do not give effect to the RPS, or to the higher order National Policy Statement for Freshwater Management. Certainly, it is not an issue raised in any of the submissions, or in the S 42A Report of Ms. Wadworth.
- 4.18 Rather, it can be said that the provisions of these subordinate planning documents provide greater detail or flesh out the objectives and policies of the higher order RPS and NPS.
- 4.19 In terms of the Regional Air Plan, the expert evidence is that localised air discharges can be appropriately managed and offensive or objectionable odours avoided by the proposed compost management plan. On that basis, it is Mr. Loe's planning assessment that the operation is appropriately located and is consistent with the objectives and policies of the Regional Air Plan.
- 4.20 Similarly in terms of the LWRP, Mr. Loe notes that CLS is already undertaking its activities on site using best practice methods to avoid actual or potential effects on groundwater quality. This leads him to the conclusion that the operation is consistent with the objectives and policies of the LWRP.

5 SECTION 105 MATTERS

- 5.1 The site and the surrounding environment is It is unambiguously rural in character and, as such, cannot be considered a pristine environment free of typical rural effects such as noise and odour. It is a working environment characterised by farming operations, including a dairy farm to the immediate west and leased pastoral land to the east owned by the Regional Council.
- 5.2 There are a number of 4 hectare rural blocks to the north west and north east along South Eyre Road and Harris Road, these being the source of the majority of opposing submissions. Such rural dwellings are considered by the Ministry for the Environment's GPG as having a moderate-high sensitivity to odours.
- 5.3 There is no indication that the surrounding environment will ever be developed for more intensive rural-residential development. This is particularly so given the restrictions within the Waimakariri District Plan on the creation of rural allotments below 4 hectares.
- 5.4 The site is approximately 3.5km from the nearest "sensitive activity" as that term is defined in the Canterbury Air Regional Plan (the Air Plan)⁴, this being the rural-residential community at Mandeville.

⁴ means an activity undertaken in: a. the area within 20m of the façade of an occupied dwelling; or b. a residential area or zone as defined in a district plan; or c. a public amenity area, including those parts of any building and associated outdoor areas normally available for use by the general public, excluding any areas used for services or access areas; or d. a place, outside of the Coastal Marine Area, of public assembly for recreation, education, worship, culture or deliberation purposes.

- 5.5 In terms of discharge to land, there is a degree of sensitivity associated with the site given its location within the Ashley–Waimakariri Nutrient Allocation Zone. As noted by Mr. Loe in his evidence, this does not mean that further discharges are to be prohibited. Rather, specific water quality limits in the LWRP for groundwater for this Zone are currently being met and, on the basis of Ms. Mongillo's analysis will not be compromised by the proposed operation. Mr. Etheridge now agrees and, as such, the sensitivity of the environment should not be considered a bar to granting the discharge to land consent.
- 5.6 Mr. Wylie has referred to CLS's rationale behind choosing the Diversion Road site. Submitters may suggest that the CLS operation be located elsewhere, but it is not part of the hearing to decide on other locations that may/may not be more suitable. Further, in terms of alternatives, Mr. Wylie discusses the alternative suggested by a majority of submitters which is to have a fully enclosed composting system. For a whole host of reasons, Mr. Wylie concludes that this option is simply not appropriate or practicable for its Diversion Road operation.
- 5.7 Overall, in my submission therefore, the current operation (as amended) is the best practicable option for CLS.

6 DISTRICT COUNCIL/IRRELEVANT MATTERS

- 6.1 As correctly assessed by Ms. Wadsworth at her paragraph 29, many of the matters raised in submissions (fire risk, noise, traffic, road wear and tear and potential pest issues) are matters controlled by the District Council land use consent process.
- 6.2 In respect of alleged effects on property values, the Courts have consistently held that potential (and perceived) effects on property values are not a relevant consideration under the RMA.

7 PART II MATTERS

- 7.1 At the present point in time, case law dictates that you do not have to revert back to any Part II matters unless there one of the *King Salmon* criteria apply i.e. there is *"...invalidity, incomplete coverage or uncertainty of meaning within the planning documents"*
- 7.2 In the present case, there is no argument that any of the King Salmon criteria are relevant. Rather, all relevant Part II considerations (ss 5-8) are encapsulated in the Regional Planning documents discussed above. Accordingly, recourse to Part II of the Act is not required in the present circumstances.

8 CONCLUSION

- 8.1 The various Regional planning documents discussed by the witnesses set out a range of expectations for the management of discharges to air and land. Viewed

through this lens, it is submitted that both Applications can be granted subject to the revised conditions attached.

9 WITNESSES

9.1 Witnesses appearing on behalf of the Applicant are as follows:

- (a) Mr. Phil Wylie, a director of CLS. Mr Wylie has substantial experience in the composting industry and will describe some key features of the operation including amendments to the process.
- (b) Helen Mongillo, a hydrogeologist with over 30 years' experience specialising in groundwater studies.
- (c) Pru Harwood, an air quality specialist with Beca. Ms Harwood is recognised as one of New Zealand's leading experts in air quality assessments.
- (d) Michele Dyer, also an air quality specialist with Beca. Ms Dyer has undertaken multiple investigations of the CLS operation with respect to actual odour effects.
- (e) Barry Loe, a planning consultant with particular expertise in regional consenting matters.



Gerard Cleary

Solicitor for Canterbury Landscape Supplies.

05 March 2018

Site and Location Map



Yellow = Subcontractors

BLUE = Adjacent Landowners

Green = Written Approval

ATTACHMENTS

- 1 Site & Location Plan
- 2 Environment Court Consent Order - *Canterbury Landscape Supplies v Canterbury Regional Council*
- 3 Written Approval of Russell Wix
- 4 Updated Draft Conditions – 05 March 2018

BEFORE THE ENVIRONMENT COURT

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under section 325 of the Act
BETWEEN	CANTERBURY LANDSCAPE SUPPLIES LIMITED
	(ENV-2017-CHC-68)
	Appellant
AND	CANTERBURY REGIONAL COUNCIL
	Respondent

Environment Judge J J M Hassan – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 20 November 2017

Date of Issue: 20 November 2017

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that section 1 of the abatement notice issued by the Canterbury Regional Council, dated 14 August 2017, is amended to read:

1. Action Required

The Canterbury Regional Council give notice that you must cease and continue to cease the following:

The discharge of offensive or objectionable odour from the production of compost, stockpiling or storage of compost, or the stockpiling or storage of materials for the production of compost, beyond the boundary of the property named in this notice.

Assessment of whether or not odours associated with the production of compost on the property are offensive or objectionable is to be undertaken in accordance



with the "Criteria for assessing offensive or objectionable odour" contained within Schedule 2 to the Proposed Canterbury Air Regional Plan.

(2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal against an abatement notice issued in respect of a compost operation at 949 South Eyre Road, Swananoa.

[2] The court has now read and considered the consent memorandum of the parties dated 8 November 2017, which proposes to resolve the appeal.

Other relevant matters

[3] The following parties have given notice of an intention to become a party under section 274 of the Resource Management Act ("the RMA" or "the Act") and have signed the memorandum setting out the relief sought:¹

- (a) Waimakariri District Council;
- (b) Daniel & Michele Power;
- (c) Greg & Janine Greenwood;
- (d) Ray & Cheryl Briggs;
- (e) Jill & Wayne Randle;
- (f) Graham & Rosina Rouse;
- (g) Noel Fraser;
- (h) Eyre District Environmental Association Incorporated (formerly Eyreton Residents Association);
- (i) Sally Beale;
- (j) Simon & Louise Beswick;

¹ Parties (b)-(f) authorised Mr Fraser to sign the memorandum on their behalf.



- (k) Michael Brown;
- (l) Robert Famularo;
- (m) Alan Madeley;
- (n) Alistair Millar;
- (o) Sara Smith.

Agreement reached

[4] The parties have agreed that the abatement notice ought to be amended as follows (addition of paragraph underlined and shown in red):

1. Action Required

The Canterbury Regional Council give notice that you must cease and continue to cease the following:

The discharge of offensive or objectionable odour from the production of compost, stockpiling or storage of compost, or the stockpiling or storage of materials for the production of compost, beyond the boundary of the property named in this notice.

Assessment of whether or not odours associated with the production of compost on the property are offensive or objectionable is to be undertaken in accordance with the "Criteria for assessing offensive or objectionable odour" contained within Schedule 2 to the Proposed Canterbury Air Regional Plan.

Orders

[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



J J M Hassan
Environment Judge



Written approval for resource consent application giving approval

Please ensure that you have read and understood the following notes before deciding whether or not to sign this form.

- The person(s), organisation(s) and/or property listed below are those which the applicant considers could be adversely affected by the proposed activity described above. The applicant may seek approval before lodging the application, but it is the Council which must decide which persons, organisations or properties may be adversely affected.
- You may wish to seek legal advice before you sign this form.
- If there is a hearing, you may withdraw your written approval before the date of the hearing (s104(4) RMA).
- If there is no hearing, you may withdraw your written approval any time before the consent is decided (s104(4) RMA).
- Conditional written approvals cannot be accepted.
- There is no obligation to sign this form, and no reasons need to be given.
- If this form is not signed, the application may be notified with an opportunity for submissions if Council deems there are affected persons, organisations or properties.
- If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.
- Contact Environment Canterbury Customer Services on 0800 324 636 if you have any questions or concerns.

The following is to be completed by person(s) or organisation(s) giving approval.

Surname:

Wix

First names:

Russell Bruce

Phone:

027 2456783

Email address:

russpaula.wix@xtra.co.nz

Property address:

995 South Eyre Rd. RD6 Rangiora 7476

CRC or bore number likely to be affected:

My interest in the above property is as:

☒ Owner

☐ Occupier

I have authority to sign on behalf of all other owner(s)/occupier(s) of the above property:

☒ Yes

☐ No

This is written approval for a resource consent application for the following activity:

Composting of organic wastes
Processing and storage of bulk materials being recycled.

I have read the full application for resource consent, the Assessment of Environmental Effects and have viewed any site plans (please list all document names and dates below):

☒ Yes ☐ No

In signing this written approval, I understand that the Council must then decide that I am no longer an affected person, and the Council must not have regard to any adverse effects on me.

☒ Yes ☐ No

Signature

RMB

Date

30/5/17

Full name of person signing - please print

Russell Bruce Wix

Recommended Conditions for Consent Application: CRC175344

Proposed Activity: Discharge to air of contaminants (odour and dust) from an industrial premise into air

	Limits
1	The discharge to air shall be only odour and particulate matter from an industrial premise for an organic waste composting operation, located at 97 Diversion Road, Swannanoa, labelled as "Site Location" on Plan CRC175344A, attached to and forming part of this consent.
2	The volume of compost on-site at any one time shall not exceed 40,000 cubic metres.
3	<p>There shall be no odour, suspended or particulate matter caused by discharges from the composting activity which are noxious, offensive or objectionable beyond the boundary of the property where the composting activity is located, identified as "Part RS 33406 and Lot 2 DP 25643" on Plan CRC175344B, attached to and forming part of this consent.</p> <p>Advice Note: Assessment of whether or not odours are noxious, offensive or objectionable shall be carried out in accordance with Schedule 2 to the Canterbury Air Regional Plan October 2017</p>
4	<p>The composting materials shall be only:</p> <ul style="list-style-type: none"> a. Sawdust and bark; b. Dewatered paunch grass; c. Scoured wool fragments; d. Egg shell; e. Compostable packaging with some residual food waste; f. Grease trap waste; g. Bio solids that meet Grade A or B of the <i>Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003</i> or any replacement; h. Paper from gib-board offcuts; i. Green waste; j. Leaf Litter.
5	The proportion of grease trap waste within the composting windrows shall be a maximum of one percent.
	Operation and Monitoring
6	<p>The activity at the site shall be operated in accordance with a Compost Management Plan (CMP). The CMP shall include, but not be limited to:</p> <ul style="list-style-type: none"> a. Procedures to be followed to ensure compliance with the conditions of this consent; b. Details of how the consent holder will train relevant staff so that the CMP composting operations are adhered to; c. The measures to be used to minimise odour and dust emissions caused by the composting activity; d. Practices that are in accordance with best practice guidelines for

	<p>commercial composting in New Zealand including Appendix K of NZS4454:2005 or any variation or replacement;</p> <p>e. A location and site plan, the latter to identify the following;</p> <ol style="list-style-type: none"> Areas where the storage of raw materials is to occur; Location of composting rows; Areas where composting will not occur including, but not necessarily limited to, the north-east corner of the site identified on Plan CRC175344C, attached to and forming part of this consent. <p>f. A list of on-site management and monitoring procedures, including but not limited to:</p> <ol style="list-style-type: none"> Minimum oxygen concentrations within composting rows; Maintenance of minimum temperature requirements within composting rows; Minimum turning frequencies of composting rows; Managing windrow turning when wind conditions may increase the potential for effects on sensitive receptors; Minimum and maximum moisture content within composting windrows; Maintenance of carbon to nitrogen ratios within active stage (1-12 weeks) composting windrows; Maximum height of composting windrows; Minimum separation distances between composting windrows. <p>g. A contingency plan in the event of breakdowns or malfunctions; and</p> <p>h. A procedure for recording and addressing odour complaints.</p>
7	<p>The CMP shall be prepared and submitted for certification to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, within 20 working days of exercise of this consent; and be displayed onsite at all times.</p>
8	<p>The CMP outlined in condition (6) may be amended at any time. Any amendments shall be:</p> <ol style="list-style-type: none"> Only for the purpose of improving the efficacy of the composting process and shall not result in an increase in the discharge of odour or particulate matter from the composting activities; Consistent with the conditions of this resource consent; and Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, at least five days prior to any amendment being implemented.
9	<p>The contact phone number of the site manager shall be displayed on a sign located at the entrance to the site off Diversion Road, and notified to submitters on the consent and to members of the Community Liaison Group as stated in Condition (23). Any complaint received by the site manager shall be investigated and necessary corrective action taken as</p>

	soon as practicable after receipt of the complaint.
10	<p>Corrective action referred to in Condition (9) shall include, but not be limited to:</p> <ol style="list-style-type: none"> Identifying the materials or activities that may be the source of odours; Ceasing any actions that are generating odours; Covering exposed odorous material with sawdust, bark fines, cured or mature compost; Not recommencing the activity until the wind is in the direction away from sensitive receptors or the material that is the source of the odour has been removed.
11	The composting activity shall follow best practice guidelines for the operation, as set out in Appendix K of NZS4454:2005 or any variation or replacement.
12	<p>Temperature, oxygen concentration and moisture content of the compost windrows shall be measured and recorded:</p> <ol style="list-style-type: none"> In accordance with procedures described in the CMP; Immediately before each time the compost windrows are turned; At least once in each seven-day period for the first three weeks following the initial windrow formation; and At least once each 14-day period until the composting is completed.
13	The carbon to nitrogen ratio of each compost windrow less than 20 weeks old shall be measured and recorded every four weeks within 7 days of formation.
14	<ol style="list-style-type: none"> Subject to Condition (8(d)) all new compost windrows that are less than 12 weeks old shall be placed on a bed of sawdust and/or bark fines, with a minimum depth of 500 millimetres at the time of formation; Material in composting windrows that are between 12 weeks and 20 weeks old shall be placed on a bed of sawdust and/or bark fines, with a minimum depth of 500 millimetres at the time of formation; Composted material that is more than 20 weeks old is mature and can be located on the ground surface; Within six months from the granting of this consent, all new composting windrows that are less than 12 weeks old shall be located on a composting pad constructed of compacted aggregate and filter fabric and placed on a bed of sawdust and/or bark fines with a minimum depth of 500 millimetres; and After each turning of the composting windrows the bed of sawdust and/or bark fines shall be reinstated to a depth of 500 millimetres.
15	Any runoff or ponding water onsite shall be managed to avoid standing water around the compost piles.
16	Organic materials listed in Condition (4)(b)-(h)) delivered to the site shall be either mixed in composting rows or covered with bark fines or sawdust on

	the day of receipt.
17	Windrows and stockpiles shall be managed to avoid creating conditions that may lead to spontaneous combustion of the compost.
18	The consent holder shall install and maintain in good working order at a suitable location within the area shown on Plan CRC175433A instruments capable of continuously monitoring and recording wind speed, wind direction, rainfall and temperature.
19	Dust discharges from the composting operation shall be controlled with the use of water sprays, including but not limited to: <ul style="list-style-type: none"> a. On the surface of the any windrows or stockpiles; b. When any windrows or stockpiles are disturbed; c. When screening of compost occurs.
	Records
20	<p>The monitoring undertaken in accordance with Condition (12) and (13) shall be recorded and the records shall detail the:</p> <ul style="list-style-type: none"> a. Location of the compost being measured; b. Temperature of the compost sampled; c. Moisture content of the compost sampled; d. Oxygen concentration of the compost sampled; e. Carbon to nitrogen ratio of the compost sampled; f. Name of the operator undertaking the monitoring; and g. Date and time of the monitoring. <p>The records shall be retained for at least one year after the composted material is removed from the site. A copy of the recorded entries shall be submitted to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, within 20 working days of written request by the Canterbury Regional Council.</p>
21	The consent holder shall maintain records of the amount, source and conditions of all materials composted on-site. A copy of the records shall be provided to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, within 20 working days of written request by the Canterbury Regional Council.
22	<p>The consent holder shall maintain a record of any odour or dust complaints that have been received by the consent holder. The records shall include, but not be limited to:</p> <ul style="list-style-type: none"> a. The name and address of complainant, if supplied; b. The date and time that the contaminant was detected; c. The nature and duration of the reported effect; d. The location where the contaminant was detected; e. A general description of the weather conditions, including the wind speed, wind direction, cloud cover when the contaminant was detected; f. The most likely cause of the contaminant; and

	<p>g. Any corrective action undertaken by the consent holder to avoid or mitigate the contaminant detected by the complainant.</p> <p>These records shall be made available to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, within 20 working days of written request by the Canterbury Regional Council.</p>
	Community Group
23	<p>Within two months of the commencement of this consent, the consent holder shall offer to establish a Community Liaison Group. The consent holder's organisation of the Community Liaison Group shall include:</p> <ol style="list-style-type: none"> Being responsible for convening the meetings of the group and offering the opportunity for meeting at least twice annually during the term of the consent; Being responsible for the keeping and distribution of the group's minutes to all participants of the group; Providing an opportunity for the Community Liaison Group to receive and discuss the results of all monitoring and reports as required by the conditions of this consent; and As a minimum invite the following shall be invited to participate in this group: <ol style="list-style-type: none"> Two representatives of landowners within two kilometres of the site and who are also submitters to the consent application; and A representative of the Eyre District Environmental Protection Society. A representative of the Canterbury Regional Council in an observer capacity. <p>Advice Note:</p> <p>The objective of the Community Liaison Group is to facilitate information flow between the consent holder and the community and to be an ongoing point of contact between the consent holder and the community.</p> <p>The functions of the group may also include acting as a forum for relaying any community concerns about the operation of the composting facility and reviewing the implementation of measures to resolve and manage any community concerns regarding the effects of the facility.</p>
	Administration
24	<p>The Canterbury Regional Council may annually, on the last working day of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ol style="list-style-type: none"> Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which is appropriate to deal with at a later stage; or

	<p>b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.</p>
25	<p>If this consent is not exercised before 31 March 2023 then it shall lapse in accordance with Section 125 of the Resource Management Act 1991.</p> <p>Advice note: 'Exercised' is defined as implementing any requirements to operate this consent <u>and</u> undertaking the activity as described in these conditions and/or application documents.</p>

Recommended Conditions for Consent Application: CRC175345

Proposed Activity: Discharge permit for the discharge of contaminants to land that may enter water, as a result of composting and stockpiling of compost on land

	Limits
1	The discharge of contaminants to land that may enter water shall be only from composting and stockpiling of compost associated with a composting activity located at 97 Diversion Road, Swannanoa, at or about map reference NZTM2000 1560289 mE, 5192108 mN, as shown on Plan CRC175345A, attached to and forming this consent.
2	<p>The discharge from the material being stockpiled and composted shall only be from:</p> <ul style="list-style-type: none">a. Sawdust and bark;b. Gypsum powder;c. Dewatered paunch grass;d. Scoured wool fragments;e. Mussel shells (pre-crushed);f. Green waste;g. Egg shell;h. Compostable packaging with some residual food waste;i. Grease trap waste;j. Bio solids that meet Grade A or B of the <i>Guidelines for Safe Application of Biosolids to Land in New Zealand (2003)</i> or any variation or replacement; andk. Leaf Litter.
3	The volume of material for composting on-site shall not exceed a combined volume of 40,000 cubic metres at any time.
4	<p>The material to be composted and/or compost being stockpiled shall not be located:</p> <ul style="list-style-type: none">a. Within 250 metres of any property boundary;b. Within 20 metres of any surface water body;c. Within 20 metres of an existing bore.
5	The composting process shall not result in the ponding of liquid containing contaminants on the ground surface.
	Operation
6	All practicable measure shall be taken to prevent oil and fuel leaks from vehicles and machinery used on site.
7	All practicable measures shall be taken to avoid spills of fuel or any other hazardous substances within the site.

	<ul style="list-style-type: none"> a. In the event of a spill of fuel or any other hazardous substance, the spill shall be cleaned up as soon as practicable, the stormwater system shall be inspected and cleaned and measures taken to prevent a recurrence; b. The Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance, shall be informed within 24 hours of a spill event and the following information provided: <ul style="list-style-type: none"> i. The date, time, location and estimated volume of the spill; ii. The cause of the spill; iii. The type of hazardous substance(s) spilled; iv. Clean up procedures undertaken; v. Details of the steps taken to control and remediate the effects of the spill on the receiving environment; vi. An assessment of any potential effects of the spill; and vii. Measures to be undertaken to prevent a recurrence.
8	<ul style="list-style-type: none"> a. Subject to Condition (8(d)) all new compost windrows that are less than 12 weeks old shall be placed on a bed of sawdust and/or bark fines, with a minimum depth of 500 millimetres at the time of formation; b. Material in composting windrows that are between 12 weeks and 20 weeks old shall be placed on a bed of sawdust and/or bark fines, with a minimum depth of 500 millimetres at the time of formation; c. Composted material that is more than 20 weeks old is mature and can be located on the ground surface; d. Within six months from the granting of this consent, all new composting windrows that are less than 12 weeks old shall be located on a composting pad constructed of compacted aggregate and filter fabric and placed on a bed of sawdust and/or bark fines with a minimum depth of 500 millimetres; and e. After each turning of the composting windrows the bed of sawdust and/or bark fines shall be reinstated to a depth of 500 millimetres.
	Monitoring
9	<p>Within four months of the exercising of this consent a monitoring well system shall be installed. The monitoring system shall include:</p> <ul style="list-style-type: none"> a. Wells with a depth that intersects shallow groundwater; b. One upgradient well located within 20 metres of the site; c. Two wells located within 40 metres downgradient of the composting windrows. d. The wells shall be screened across the water table, with sufficient screen length to encompass the expected long term maximum and minimum seasonal water table elevations
10	Samples of up-gradient and down-gradient groundwater shall be taken every six months from the monitoring wells identified in condition (9).
11	<p>All samples taken in accordance with condition (10) shall be analysed as follows:</p> <ul style="list-style-type: none"> a. The analyses shall use the most appropriate method by a laboratory

	<p>that is certified for that method of analysis by an accreditation authority such as International Accreditation New Zealand (IANZ);</p> <p>b. Samples taken in accordance with Conditions (10) shall be analysed for the following contaminants:</p> <table border="1"> <tr> <td>Nitrate Nitrogen</td></tr> <tr> <td>Ammonia Nitrogen</td></tr> <tr> <td>pH</td></tr> <tr> <td>Electrical Conductivity</td></tr> </table> <p>c. The results of the analyses, the name of the person taking the samples and the date and time of sampling shall be provided to the Canterbury Regional Council, Attention Regional Leader – Monitoring and Compliance, within 10 working days of receipt of the analytical results from the laboratory.</p> <p>d. The weather conditions, including but not limited to rainfall information at the site for the seven days preceding the date the samples are taken under Condition (10) shall be provided to the Canterbury Regional Council, Attention Regional Leader – Monitoring and Compliance with the records provided as specified under Condition (11)(c).</p>	Nitrate Nitrogen	Ammonia Nitrogen	pH	Electrical Conductivity
Nitrate Nitrogen					
Ammonia Nitrogen					
pH					
Electrical Conductivity					
12	<p>Results from samples collected under Condition (10) shall be used to calculate a two-year rolling average to represent background conditions from the upgradient wells and to calculate a two-year rolling average from downgradient wells. The two-year rolling average in the downgradient wells for:</p> <p>a. Ammonia nitrogen should be no more than five percent or 0.05 milligrams per litre (mg/L) higher, whichever is greater, than the rolling two-year average ammonia concentration in the upgradient wells; and</p> <p>b. Nitrate nitrogen should be no more than five percent or 0.2 mg/L higher, whichever is greater, than the rolling two-year average nitrate nitrogen concentration in the upgradient wells.</p>				
13	<p>If the calculations under Condition (12) show that the concentration of ammonia nitrogen and nitrate nitrogen analysed in the downgradient location(s) exceeds the allowed increase, as specified in Condition (12(a) and (b)), above the two-year rolling average for the upgradient well, the consent holder shall:</p> <p>a. Prepare an Action Management Plan (AMP) which details measures to be taken to investigate and if necessary remediate, the cause of the increase in ammonia nitrogen and nitrate nitrogen above the allowed increases from the two-year rolling average for the upgradient well under Condition (12(a) and (b));</p> <p>b. The AMP shall be submitted to Canterbury Regional Council, Attention Regional Leader – Monitoring and Compliance within one month of the sample which exceeded the limits occurred;</p> <p>c. The AMP shall be reviewed and approved by Canterbury Regional Council, Attention Regional Leader – Monitoring and Compliance before implementing any of the measures identified in the AMP;</p>				

	<ul style="list-style-type: none"> d. Once the AMP is approved the consent holder shall implement the measures within the AMP within the timeframe defined in the AMP; e. Measures in the AMP to reduce the contaminants in the receiving environment may include, but are not limited to: <ul style="list-style-type: none"> i. Cessation of activities that may have caused the excessive increase in contaminants; ii. Installation of additional treatment methods; iii. Revision of compost management procedures; iv. Removal of contaminant source(s).
14	<p>Samples from the base of compost windrows shall be taken a minimum of four times per year from compost up to 12 weeks old, with at least two samples taken annually between June and August inclusive. The samples shall analysed as follows:</p> <ul style="list-style-type: none"> a) Be tested for moisture content only for the first 12 months of the consent duration; and b) Be tested for moisture content and moisture absorption capacity for the remaining duration of the consent; c) For the purpose of Condition (14)(e)) for the first 12 months of the consent duration the moisture absorption capacity is assumed to be 185 percent by mass; and d) For the purpose of Condition (14)(e)) for the remaining duration of the consent the moisture absorption capacity shall be the average of the four samples collected within the preceding 12-month period. e) If the moisture content exceeds 75 percent of the moisture absorption capacity in any sample, dry sawdust and/or bark fines or dryer compost shall be mixed with the compost to reduce the moisture content to below 60 percent. Additional samples shall be collected to verify that the moisture content has reduced to less than 60 percent.
15	<p>The activity at the site shall be operated in accordance with the Compost Management Plan (CMP). The CMP shall:</p> <ul style="list-style-type: none"> a. Set out the measures to be used to minimise the discharge of contaminants caused by the composting activity; b. Reflect best practice guidelines for commercial vegetative waste composting in New Zealand; c. Include but not be limited to; <ul style="list-style-type: none"> i. Areas where the storage of raw materials is to occur; ii. Location of composting rows; and iii. Areas where composting will not occur including, but not

	<p>necessarily limited to, the north-east corner of the site identified on Plan CRC175345B, attached to and forming part of this consent.</p> <p>d. A list of on-site management and monitoring procedures, including:</p> <ul style="list-style-type: none"> i. Minimum oxygen concentrations within composting rows ii. Maintenance of minimum temperature requirements within composting rows iii. Minimum turning frequencies of composting rows iv. Minimum moisture content within composting rows v. Maintenance of carbon to nitrogen ratios within active stage (1-12 weeks) composting rows vi. Maximum height of composting rows vii. Minimum separation distances between composting rows. <p>e. Be prepared and submitted for certification to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance, within 20 working days of exercise of this consent; and</p> <p>f. Be displayed on site at all times.</p>
16	<p>The CMP may be amended at any time. Any amendment shall be:</p> <ul style="list-style-type: none"> a. Only for the purpose of improving efficacy of the composting process and shall not result in a decrease in groundwater quality; b. Consistent with the conditions of this resource consent and any other consent relating to the composting activity at the site; and c. Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader - Monitoring and Compliance, prior to any amendment being implemented.
	Records
17	<p>Records of the sampling and analysis undertaken in Conditions (9), (10), (11), (12) and (14) shall be recorded and the records shall detail the:</p> <ul style="list-style-type: none"> a. Well the sample was taken from; b. Location and results of moisture content sampling; c. Date the sample was taken. <p>An annual report of the records shall be submitted annually to the Canterbury Regional Council, Attention: Regional Leader – Monitoring and Compliance</p>
	Community Group
18	<p>Within two months of the commencement of this consent, the consent holder shall offer to establish a Community Liaison Group. The consent holder's organisation of the Community Liaison Group shall include:</p> <ul style="list-style-type: none"> a. Being responsible for convening the meetings of the group and offering the opportunity for meeting at least twice annually during the term of the consent; b. Being responsible for the keeping and distribution of the group's minutes to all participants of the group; c. Providing an opportunity for the Community Liaison Group to receive and discuss the results of all monitoring and reports as required by the conditions of these consents; and

	<p>d. As a minimum invite the following to participate in this group:</p> <ul style="list-style-type: none"> i. Two representatives of landowners within two kilometres of the site and who are also submitters to the consent application; and ii. A representative of the Eyre District Environmental Protection Society. iii. A representative of the Canterbury Regional Council in an observer capacity. <p>Advice Note:</p> <p>The objective of the Community Liaison Group is to facilitate information flow between the consent holder and the community and to be an ongoing point of contact between the consent holder and the community.</p> <p>The functions of the group may also include acting as a forum for relaying any community concerns about the operation of the composting facility and reviewing the implementation of measures to resolve and manage any community concerns regarding the effects of the facility.</p>
	Administration
19	<p>The Canterbury Regional Council may annually, on the last working day of May or November, serve notice of its intention to review the conditions of this consent for the purposes of:</p> <ul style="list-style-type: none"> a. Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which is appropriate to deal with at a later stage; or b. Requiring the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
20	<p>If this consent is not exercised before 31 March 2023 then it shall lapse in accordance with Section 125 of the Resource Management Act 1991.</p> <p>Advice note: 'Exercised' is defined as implementing any requirements to operate this consent <u>and</u> undertaking the activity as described in these conditions and/or application documents.</p>