

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource
Management Act 1991
and the Canterbury
Earthquake
(Christchurch
Replacement District
Plan) Order 2014

AND

IN THE MATTER of the Specific Purpose
(Burwood Landfill and
Resource Recovery
Park) Zone Proposal
(Stage 3)

**OPENING LEGAL SUBMISSIONS FOR CHRISTCHURCH CITY COUNCIL
ON THE SPECIFIC PURPOSE (BURWOOD LANDFILL AND RESOURCE
RECOVERY PARK) ZONE PROPOSAL**

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1. INTRODUCTION

- 1.1 These opening submissions are made on behalf of Christchurch City Council (**City Council**) in respect of the Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal (Stage 3) Zone (**Proposal**) of the proposed Replacement District Plan (**pRDP**).
- 1.2 The Proposal is comprised of the provisions in Chapter 21.12 and the relevant definitions. The land subject to the Proposal was notified as Open Space Natural in Stage 2.
- 1.3 The purpose of the Proposal is to facilitate the continued operation of the Burwood Landfill and Resource Recovery Park (**BRRP**) for waste disposal and processing related to recovery and rebuilding activities following the Canterbury earthquakes.
- 1.4 The City Council has engaged in direct discussions with submitters and attended Panel-assisted mediation on 17 November 2015. This was a very successful process and all issues were resolved between those who participated. The resolution agreed between the parties is included in the revised provisions attached to the Council's rebuttal evidence.
- 1.5 Following the exchange of rebuttal evidence, the Canterbury Regional Council (**Regional Council**) raised issues with the City Council in relation to a potential inconsistency with the Canterbury Land and Water Regional Plan (**LWRP**). This issue is addressed in a supplementary statement of evidence from the City Council's planner, Ms Rolton. Ms Rolton recommends some further changes to the Proposal as a result of this issue which are attached to her supplementary evidence (**Revised Proposal**).
- 1.6 The Revised Proposal is adopted as the Council's position. In my submission the Revised Proposal is appropriate in terms of the statutory tests and should be approved by the Panel.

2. SUMMARY OF THE LEGAL ISSUES

- 2.1 Whether the Revised Proposal is inconsistent with the LWRP for the purposes of section 75(4) of the Resource Management Act 1991 (**RMA**) and whether there is jurisdiction to amend the Proposal in this regard.

3. SCOPE OF THE HEARING

- 3.1 Key submitters on the Proposal were:

- (a) The Crown / Canterbury Earthquake Recovery Authority (**CERA**), which generally seeks to ensure the efficient continuation of waste processing essential for the rebuild following the expiration of the Canterbury Earthquake Resource Management Act – Burwood Resource Recovery Park) Order 2011 (**OIC**);
- (b) Burwood Resource Recovery Park Ltd (**BRRP Ltd**), which seeks similar relief, and supports an established Specific Purpose Zone framework to provide certainty for its operations;
- (c) Canterbury District Health Board, which generally supports the Proposal subject to health effects being appropriately managed;
- (d) Canterbury Regional Council, which generally supports the Proposal subject to achieving consistency with higher order documents, and appropriately managing certain adverse effects;
- (e) Specific submitters¹ who opposed the Zone and / or sought that a closure date be specified in the Proposal.

- 3.2 From the outset, the City Council has agreed with the general position of CERA and BRRP Ltd, and supported a planning framework to provide for the continued and efficient processing and disposal of waste related to the Canterbury earthquakes.

¹ Patrick John Brandon (#3719) and Burwood Pegasus Community Board (#3570).