

Independent Hearings Panel

Christchurch Replacement District Plan

Te paepae motuhake o te mahere whakahou a rohe o Ōtautahi

Christchurch Replacement District Plan

CHAPTER 21: SPECIFIC PURPOSES ZONE (BURWOOD LANDFILL AND RESOURCE RECOVERY PARK) – STAGE 3

TRANSCRIPT OF PROCEEDINGS

Heard at: Christchurch Plan Independent Hearing Venue
348 Manchester Street, Christchurch

Date: 9 December 2015

Hearing Panel: Sir John Hansen
John Illingsworth
Jane Huria
Stephen Daysh

APPEARANCES
DAY 1 – 9 December 2015

<GARETH STEWART JAMES, sworn.....	[10.05 am]	.....	3
<EXAMINATION BY MS APPELYARD.....	[10.05 am]	.....	4
<THE WITNESS WITHDREW.....	[10.45 am]	.....	22
<KIMBERLEY ROLTON, affirmed	[10.46 am]	.....	23
<EXAMINATION BY MR McNAMARA	[10.46 am]	.....	24
<THE WITNESS STOOD DOWN.....	[11.00 am]	.....	30
<STUART CAMP, sworn	[11.01 am]	.....	31
<EXAMINATION BY MR McNAMARA	[11.01 am]	.....	32
<THE WITNESS WITHDREW	[11.08 am]	.....	35
<NARDIA YOZIN, affirmed	[11.08 am]	.....	36
<EXAMINATION BY MS WHITE	[11.09 am]	.....	37
<THE WITNESS STOOD DOWN.....	[11.14 am]	.....	39
<DANIEL JAMES MURRAY, sworn	[11.14 am]	.....	40
<EXAMINATION BY MS APPELYARD.....	[11.14 am]	.....	41
<THE WITNESS STOOD DOWN.....	[11.25 am]	.....	46
<MR MURRAY, MS YOZIN AND MS ROLSTON RETURN.....	[11.45 am]	.....	48
<THE WITNESSES STOOD DOWN.....	[12.20 pm]	.....	61
<MR MURRAY, MS YOZIN AND MS ROLSTON RETURN.....	[3.00 pm]	.....	62
<THE WITNESSES WITHDREW	[3.35 pm]	.....	76

EXHIBITS

EXHIBIT #1 – Map - Location of Existing Authorised Activity Areas48

DAY 1 – 9 DECEMBER 2015**[10.01 am]**

5 SJH: Yes, thank you.

10 Just before we start I would just like to note that the conflicts of interest
are noted online, no one has raised anything but I note in the
attachment to Mr Murray's evidence the matters pertaining to the Order
in Council where there are a couple of letters to me as Chair of the
CERA Review Panel and a certificate from me to the ministers. I
simply note that the role of that Panel was advisory. That its role was
to advise ministers that it was satisfied or not satisfied, as the case may
be, that the Order in Council accorded with the purposes of the Act. It
15 is a completely different matter from what we are concerned with here
today and I see no conflict in that.

20 The other matter, on behalf of the whole Panel, express significant
disappointment with the amount of late stuff that has been filed here
today with us, it is had made it very, very difficult. We have also had a
discussion and it seems to us that there are some questions of the
planners around the proposals as they have now settled around wording
and that and the appropriate course we feel would be to hear from
Mr James first because there are some factual matters we would like
25 clarified. I think there was room for the evidence to be a little clearer
than it is.

30 Then we will go through the other witnesses and if counsel are then in
agreement after we have heard that evidence, and if the Panel are still
of this mind, that we would hot tub the planning experts to see if we
can finalise the wordings today if we can, particularly in light of the
memorandum filed this morning on behalf of Burwood Park.

35 So I think if we can go straight to Mr James, we have had openings
filed. We have the memorandum from the Regional Council and I –
just a moment – I am not finished yet, Ms Appleyard – Ms Mehlhopt, I
have got to say it is not particularly helpful of the Regional Council to
say you think there is an inconsistency with the water plan but call no
evidence, file a memorandum, it is not even a legal submission, it is not
40 particularly helpful to the Panel, is it?

MS MEHLHOPT: Yes, I understand that, sir. The intention of filing the
memorandum was so that the issue that had been addressed in the
supplementary evidence was not left hanging as to the concerns of the
Regional Council and it was filed in support of those amendments to
45 try and resolve that issue and lay that issue to bed. And it was a case of

changes in the rebuttal evidence, and I acknowledge that the Regional Council has not been involved in the proceedings to date, but the memorandum filed was to assist the parties and the Panel really.

5 SJH: Well, it has kind of been involved when it suits it which is not, and so I repeat it has not been particularly helpful in this process. We think you have sorted it out but we are not clear and we will find out from the evidence when we get there.

10 All right, thank you, we will go straight to Mr James and then we will go back to the schedule of witnesses as they appear. Unless anyone wants to speak to their openings which we have received in advance, does anyone want to do that?

15 MR McNAMARA: Sir, I am just happy with - - -

SJH: Okay. Mr Allen?

MR ALLEN: No, thank you, sir.

20

<GARETH STEWART JAMES, sworn

[10.05 am]

<EXAMINATION BY MS APLEYARD

[10.05 am]

MS APLEYARD: Do you confirm that your full name is Gareth Stewart James?

5

MR JAMES: Yes, that is correct.

MS APLEYARD: And you are the general manager South Island for Waste Management New Zealand and also a director of both Transwaste Canterbury Limited and Burwood Resource Recovery Park Limited?

10

MR JAMES: That is correct.

MS APLEYARD: You have filed a statement of evidence with the Panel dated 24 November 2015?

15

MR JAMES: That is correct.

MS APLEYARD: I understand you have an amendment you wish to make to paragraph 22 of that evidence?

20

MR JAMES: Yes, thank you very much. Paragraph 22 has a number 335,000 which is actually incorrect, it should be 300,000. I am not quite sure how that error occurred.

25

MS APLEYARD: And with that amendments do you confirm that evidence is true and correct?

MR JAMES: Yes, I do.

30

MS APLEYARD: I understand you have a brief highlights package to present to the Panel but I am just wondering if it would assist the Panel if we had a diagram on the overhead which shows the different sites?

35 SJH: The photograph from above?

MS APLEYARD: Yes, I think it is the Rolton evidence. Is that the one or do you want the one with the sites?

40 SJH: No, the one with the sites. It is attachment D.

MS APLEYARD: Yes, attachment D to the original evidence of Ms Rolton.

SJH: That is the one.

45

MS APPLEYARD: Thank you. So, Mr James, if you could just give us a couple of highlights of your evidence and then answer any questions the Panel have for you.

5 MR JAMES: Thank you, certainly.

MS APPLEYARD: Actually just before you do that, I will just make sure the Panel is aware that there is no cross-examination. There was a bit of confusion in relation to Mrs Burney who actually relates, I understand, to the flat land.

10 SJH: No, that has been clarified and we understand and we understand we will perhaps have some questions arising from it but there are no lay submitters although there has been a petition filed.

15 MS APPLEYARD: Yes, thank you, sir. So, Mr James, if you would just do your highlights and then answer any questions, thank you.

MR JAMES: Thank you. Good morning, sir, good morning, Panel. Burwood Resource Recovery Park is a wholly owned subsidiary of Transwaste Canterbury Limited which is a joint venture between my company, Waste Management New Zealand, and five Canterbury Councils, Christchurch City, Waimakariri, Selwyn, Ashburton and Hurunui District Councils.

20
25 We started operating at Burwood as the primary receipt area for earthquake demolition waste just a few days after the February 2011 earthquake and have continued to receive waste and process that waste since that time.

30
35 The site that we are using is part of the former Christchurch Municipal Landfill which ran from 1985 to 2005. So on the plan that you can see there that is the area within the yellow parallelogram, I guess you could call it, and the area is the north site B, those are the areas we are primarily using. That particular site was selected for this purpose because of its excellent underlying geology, particularly that which protects the groundwater aquifers, the good access to the city, proximity, and the very good buffering from surrounding residential areas due to the large forest.

40
45 Civil Defence at the time after the earthquake had anticipated opening several other sites around Christchurch City for the same purpose but in the event none were found to be suitable. They had also looked at the option of using Kate Valley, and have indeed in the current process as well, but this currently believed to be not cost effective because of the large distance to that site around 70 kilometres one way. The fact that

we would be filling that very environmentally sound advanced type landfill which is intended for the difficult putrescible waste stream with largely inert earthquake waste material which would be really a waste of valuable air space.

5

[10.10 am]

Some technical constraints at Kate Valley which would have limited the amount that could go in on a daily basis would mean a very long period of time to take the earthquake waste there, many years. And because we already have 700,000 tonnes or so, or will have on the site by the time the earthquake demolitions are completed, that would need to be shifted which is a large number of truck trips.

So for these reasons the site received very good support from the Minister of Earthquake Recovery and the Ministry for the Environment and also from CERA, ECan and Christchurch City and in particular those authorities were very helpful in giving a streamlined consent process for the BRRP establishment back in 2011/12.

20

We had initially estimated at that time that around 750,000 tonnes of earthquake demolition waste would come into Burwood. That has proven in time to be too low, we already have over 700,000 tonnes and our contractors doing the demolitions tell us they have several more years' worth of demolitions ahead of them. Our current estimate is that a million tonnes is quite likely to be required to be processed at Burwood.

The nature of the material is very much, if I can describe it as the innards of buildings, anything of substantial value has already been recovered so we are getting the structural timber, the insulation, the carpets and all of those sorts of bits and pieces. There are some recoverable materials in there, particularly metals and up until recently timber, but most of the heavy material like concrete and rubble has gone to Lyttelton and anything that has any value is usually stripped on the site before it comes.

As I mentioned we have around 700,000 tonnes that has been received to date. Of that about 110,000 tonnes has been recovered for reuse which is predominantly metals and timber. 250,000 tonnes of residual waste unable to be reused in any way has been landfilled within the landfill zone and there is about 340,000 tonnes still sitting in the current stockpile on the site awaiting processing. We are expecting to get that million tonnes, another 300-odd thousand tonnes over the next three or four years so we are likely to have around 640,000 tonnes remaining to be processed and the bulk of that disposed onsite.

45

5 While those figures are estimates and cannot be exact, and no one can give us any better projections than the ones that we have put forward, these are based very much on the discussions we are having with the demolition contractors who do tell us they have very full order books for quite some distance ahead. So we are estimating that the processing work to work through that 640,000 tonnes will take us to around the middle of 2020.

10 We are looking at accelerating our sorting process to try and move through that material faster and, since the recent fire onsite in the recovered timber that we had, we have decided that we will no longer recover the timber material as we don't wish to stockpile anymore of that. So that will mean that the area we need for landfilling will actually increase a bit because that timber will now have to be
15 landfilled. So hopefully that is just a quick summary of the situation.

MS APPLEYARD: Yes, what I might get you to do is take the Panel through each of the sites, just explain what happens on each site at the moment
20 and then what the current status is and what you are needing for the future, just with reference to the sites up - - -

MR JAMES: Certainly. If I start from the left hand side at site D, the large area there, that is given over to the very specific purpose of housing
25 those buildings or the material from those buildings where people have lost their lives. So that is a secured area, fully fenced and has security guards on it.

SJH: Are the materials there still under the control of the coroner or not?
30

MR JAMES: My understanding that they are under the control of CERA but CERA is awaiting decisions from several inquiries including some from the coroner but I believe there are also some separate - - -

35 SJH: Police ones as well?

MR JAMES: Yes.

SJH: All right, thank you.
40

MR JAMES: So site D is about 20,000 tonnes of building material stockpiled there. Moving to the right, site B on the northern side, that is the site where the stockpile exists, so 340,000 tonnes stockpile that is there at the moment and where the balance of the 300,000 tonnes will come to
45 because we stockpile it first and that is where we do our processing, have our processing plant on that site.

5 Then we move the material either offsite if it is recoverable or it goes into one of the landfill zones and up until recently it has been the site A, you can see there, that landfill is where the residual waste has been going.

[10.15 am]

10 Some of the recovered timber has also been going into a separate stockpile to the coastal side of site A, which is not actually shown on that photo, but there was a separate stockpile separated from the landfill component. That is the pile of timber which recently caught fire and which we had probably 70,000 tonnes of timber there and it no longer exists, it has completely burnt away. So we now have a large area to
15 the right, to the coastal side of site A which we intend to expand the site A landfill into out to the edge of the zoned area.

MS APPLEYARD: And is that site that extension one that needs resource consents with reference to the memorandum we filed this morning?

20

MR JAMES: Yes, it does, it is part of the resource consent applications that we are preparing at present to expand - - -

SJH: But this still remains within the yellow the lines?

25

MR JAMES: Yes, it does, sir.

30 Then to the south site F, which is actually on top of the old closed Burwood Landfill. That is the site that is used for remediation of soils. The soils coming in from part of the sewer and water and storm water repair work that is going on in the city as they cut new trenches. If there is any risk that that material has been contaminated in any way with sewage it tends to go in through our dewatering pond system, which is the one to the right site P, and the soil material from that is
35 recovered and put up on the top on site F where it naturally cleans itself up over a year or two as the bacteria do their job and that soil can then be reused for other purposes.

40 Site P is the current dewatering pond where liquid or semi-liquid material coming from those sorts of jobs can be placed into a pond there. The liquid is decanted off and pumped down to the Bromley Sewage Treatment Plant and the solids are recovered and put onto top of site F.

MS APPLEYARD: And perhaps just lastly if you just explain to the Panel what the resource consents are that you intend or may have to apply for in future. You have explained the extension to site A, what else?

5 MR JAMES: Certainly, the consents that we hold at the moment there are two types, there are those that are held by BRRP, which are for the processing activities on site B, and they are consented to September 2017. Now that we know we are going to need a longer period to process the material we are looking to extend the time for processing to
10 I think we will process right up to the end of 2020 and then one further year to landscape and complete the restoration of that site, so we are looking for an extension to the end of 2021.

15 And the other consents are held by Christchurch City, the operations relating to those consents are undertaken by BRRP in a contract with Christchurch City but the consent is actually Christchurch City and that is for the final disposal components.

20 So the consents that we are looking for at the moment are for an expansion of site A landfill. That will not be sufficient in itself to cope with the full residual waste we have so we are also looking at a second site within the yellow parallelogram there to the – well, essentially it covers the area of site P a little bit to the north and a little bit to the south, it is a new area that we are calling area G, but it is within the
25 designated footprint of the old landfill.

MS APPLEYARD: Thank you.

30 SJH: All right, thank you. Mr Illingsworth?

MR ILLINGSWORTH: Thank you. Mr James, you have answered a lot of my questions in your highlight package, there is only one I want to just test a little further. In paragraph 66 you said there is no organic waste where in your highlights package it did appear that there was liquid
35 waste which includes sewage?

MR JAMES: Yes, I think there is two different aspects to that. I guess this paragraph 66 is really talking about what is going into the disposal sites so there is no putrescible waste of the nature you would expect to go to somewhere like Kate Valley which is, you know, food waste and other wastes of that type. There is some organic waste which is timber but is a mixture of treated and untreated so it is very slow decomposition type material. But within site P, which is a separate operation actually run by the City Council but managed by BRRP for them just so that we
40 have full control over traffic and things like that, that material is
45

certainly I guess you would call it organic material and it is soil and liquid but very little odour associated with it.

[10.20 am]

5

MR ILLINGSWORTH: But its source is from horizontal infrastructure like the sewage pipes and the like?

10

MR JAMES: It certainly was in the early two or three years when there was a lot of immediate repair work. Now it tends to be mainly from hydro excavation work which was using high pressure jets to cut trenches so there may or may not be contamination with sewage, if there is a broken pipe or something in the vicinity and it tends to cope here really as an abundance of caution to - - -

15

MR ILLINGSWORTH: So if it is sewerage, it is not a high percentage, it's just water with maybe a little bit of contaminate in it.

20

MR JAMES: It does vary, there is certainly a lot of liquid which is de-watered as I say and it has taken to the sewerage treatment pipe but any residual soil that is taken out is still sloppy and does need to dry out and that process occurs on the top of site B and then if it did have any organic contamination that is cleared up through natural processes as it sits there.

25

MR ILLINGSWORTH: And did I hear you say that the liquid waste is decanted and pumped through to the sewage - - -

30

MR JAMES: That is correct, yes.

MR ILLINGSWORTH: So it is not just left there, it is treated in some way?

35

MR JAMES: Yes, it is very much a de-watering pond process. So the semi-solid liquid waste is put into a pond, the water is taken off the top and there is a big pump there which the pipeline goes all the way down to Bromley so that is treated in the normal way for sewerage even though it is I guess – compared to sewerage – lightly contaminated water. It's predominantly just dirty water and the soiled fraction is then removed from that pond so the pond stays viable to receive more material.

40

MR ILLINGSWORTH: Thank you, no more questions.

SJH: Ms Huria?

45

MS HURIA: Good morning, Mr James. We have received a resident's partition dated 27 November. I think that they complain about dusts,

stink, air contamination; I imagine this stink they are talking about may be as a result of what you have just explained in terms of Mr Illingsworth's question.

5 MR JAMES: It may be, there is certainly no – I am not familiar with any odour there, I find that process even in the early days was very low and that any odour was confined very much to the actual site itself but if some residents have observed odour then that is quite possible, but it is certainly not from the operations of the earthquake waste area.

10

MS HURIA: Thank you. And from paragraph 62 onwards you do talk about dust, but they also have complained about dust and air contamination?

15 MR JAMES: Yes, dust was certainly an issue in the early days where we had a truck every 90 seconds for 12 hours a day and the dust was very much related to the roads leading up to Burwood and then the entrance road particularly. That issue has been overcome by the relocation of the entrance road and the noise attenuation barriers around that and an ongoing process to wet the road but the truck numbers that we have at the moment are a small fraction really of what we had in those early year and a half.

20

MS HURIA: Are the trucks covered?

25 MR JAMES: Mostly. Not all of the earthquake waste trucks are covered but the material going to the liquid pond are all on sucker trucks, so they are fully enclosed.

MS HURIA: Thank you. Thank you, sir.

30

SJH: Mr Daysh?

35 MR DAYSH: Yes, thank you, Mr James. Got quite a few questions for clarification. So just starting with a general question, the percentage shareholding between Waste Management and the councils, can you give us a break down on that?

MR JAMES: Yes, it's 50 percent private sector, 50 percent public sector; it's what they call a PPP – Public Private Partnership.

40

MR DAYSH: Sure, and was that established specifically for this operation?

45 MR JAMES: No, it was established to build a regional landfill for Canterbury which ended up being at Kate Valley, which it was started in 1998 and the landfill commenced operation in 2005 so they are going for 10 years on that. This particular involvement of this project really arose

5 from a request from Civil Defence within a few days of the February 2011 earthquake for someone to help them manage this process and through the events that transpired it seemed that Transwaste was in the best place to do that. So they established the Burwood Resource Recovery Park for that and worked it out to contracts with Christchurch City because of course the site is owned by Christchurch City to make the whole thing functional.

10 MR DAYSH: Okay, thank you, that is helpful. Now looking at this plan, this attachment D to Ms Rolton's evidence that is on the screen in front of us, I just want to get a bit more of the lie of the land for our understanding or my understanding. Can you tell me – you mentioned just now that the site was owned by Christchurch City Council, in terms of the land, the forests and everything that is around here, what is
15 the ownership, general ownership status, is it all owned by the Council including the forests?

[10.25 am]

20 MR JAMES: Yes, the entire Burwood Forest Park – I think is the official name – is actually a reserve status; the land is owned and managed by Christchurch City Council. The trees I understand have been sold or the first two rotations of trees have been sold to private forestry interests so there is a private forestry company operating in there but
25 the bulk of the park is given over to recreational use.

MR DAYSH: Okay. How high is the landfill site? Is it quite an elevated site?

30 MR JAMES: If you were standing on the top of site F there it is probably the highest point in Christchurch outside of the Port Hills, yes. It is around 20 to 25 metres above sea level.

35 MR DAYSH: Okay, and the forest, it does not have a north point, I will presume to the south of the site.

MR JAMES: To the top is north.

40 MR DAYSH: That is established pine trees, I presume?

45 MR JAMES: This particular photo I doubt very much if it is exact as of today because there is an ongoing forestry operation with trees coming down and trees being planted all the time but certainly if you see site C there which I omitted to mention what that was, I am sorry, that is where the liquefaction silt or a lot of the liquefaction silt has been stored. The forest to the south of that still exists and most of the forest to the north,

although there will have been some of those blocks cleared and some that were cleared in this photo are now replanted and growing again so it is a moving feast.

5 MR DAYSH: Okay. Can you tell me about the forestry right for harvesting, do you know is the forest, particularly I am quite interested in the forest here between the landfill and the residential area to the south, how old will those trees be?

10 MR JAMES: Look, I am sorry; I am not really familiar with that, that is more probably a question for Christchurch City who have the relationship with Matariki Forests. I would be able to say that the trees to the south at site C, as I have a little bit of experience in forestry in another life, I would think they were 25 years old probably. They are not far off
15 harvesting.

MR DAYSH: And do they provide a visual and sort of noise amenity buffer between the site and the residential area in your view?

20 MR JAMES: In terms of where we operate at the moment, not really, no, because the landfill itself does that.

MR DAYSH: Because of its height?

25 MR JAMES: Yes, it is a very large structure in the environment.

MR DAYSH: All right, you have answered one of my questions about site C which I was interested in. The plan is not very clear, even the copy I got in front of me here. I think you mentioned site P, is that that pinky
30 or red colour to the right hand side?

MR JAMES: Yes, that is correct.

35 MR DAYSH: That is site P, and is that where we liquid waste comes to and is that where there is a pipe to the sewage pump at Bromley sewage plant which takes off any residual liquid?

40 MR JAMES: That is exactly right. If you could see site P, there is sort of a red line through the middle of it subdividing it. Everything to the left of that is where the de-watering takes place, and that red line is actually – excuse me – a raised bund and the pump, the pump to Bromley sits on there, pumps to the south.

45 MR DAYSH: Okay. Another question about the site, the access to the site, can you just show us where, how that happens and where the trucks are coming from and into the site? Does this plan help us - - -

MR JAMES: This plan only shows the very tail end of that access. The entrance is from the Burwood Road/Prestons Road corner where there is quite a large sweeping bend on the road and an entrance into what is called Landfill Road, it is a very controlled road. From there here is a gate at that point and this is the road I was referring to that was relocated away from the houses way back in I think 2012, 13, we may have done that. It has a – probably the first two kilometres is within a, essentially a tunnel with raised bunds either side and then fences on top of those to limit the noise of trucks to any surrounding area, and then you go across a weigh bridge where we do our first check of what has come in, and then it goes onto this blue route that you can see here which goes down through the forest, very tightly controls the speed because we have bike tracks and walking tracks and things crossing that road at various points.

[10.30 am]

The trucks going to the earthquake demolition waste would turn left when they got to the yellow line and go along the edge of that boundary of the landfill and then turn right and then into site B to the north. The liquid trucks go up over the top of the landfill and between the road just immediately to the left of site A and down to site B on the far side of the landfill mound.

MR DAYSH: Okay, thank you. Looking at the site plan, ecological sites, are there any – I think one of the planners might have talked about it, ecological sites, things that you need to be careful about?

MR JAMES: There is an ecological zone to the right between the yellow line on the right hand side and the sea, the coastal dune area. Parts of that are designated ecological areas so there is no intention to go beyond that yellow line boundary.

MR DAYSH: What is the distance between the yellow line boundary and the sea? You do not have a scale.

MR JAMES: My guess, it is probably two to 300 metres sort of distance, it is a reasonable distance there. Our activities actually are considerably further inside to the west of that yellow line if you can sort of see a bit of a green line which is the road.

MR DAYSH: Yes, yes.

MR JAMES: We do not actually go beyond that so there is even a buffer to the ecological zone.

MR DAYSH: But did not say before that that is the area that you are looking to extend into with new resource consents?

5 MR JAMES: No, the area we are looking to extend into goes to that road.

MR DAYSH: To the road, okay.

10 MR JAMES: So it is a relatively small slither you can see, compared – but the other area we are looking at is to the south so it essentially covers site B because the Christchurch City Council is looking to shut that operation down in 2017.

15 SJH: But it is all within the yellow?

MR JAMES: Absolutely, yes.

20 MR DAYSH: Can you just confirm about site D, so this is my last question about the plan. Site D is a sensitive site, it is coronial material. Is there any intention to utilise that any further with any more material? Is the purpose of the zone to, are you looking to utilise any more of that land?

25 MR JAMES: No, not at this stage. When we set it up originally, that is a very large area of hardstand because river metal was brought in to create a bit of a large area there in the thought that if we ran out of space for stockpiling on site B that would be a fall back area. At this stage we are not anticipating the need to use that so it has been given over entirely to the protection of the sensitive material.

30 MR DAYSH: So there are no provisions, they do not need to look at future expansion in those areas?

MR JAMES: We are certainly not asking for that.

35 MR DAYSH: Okay, thank you. All right, now, look, I have got a couple of questions about your current consents so I think there was a consent granted reasonably promptly just to get the recovery park underway. I presume that is a reasonably large consent with conditions and aspects you need to comply with?

40

MR JAMES: It absolutely is, yes. That is correct.

MR DAYSH: Is there a requirement to have a detailed management plan under the consents that you operate to?

45

MR JAMES: Yes, there is.

MR DAYSH: And that has been sort of lodged and approved and you operate to that?

5 MR JAMES: Yes, that has to be approved by the City Council and Environment Canterbury and we were required to produce, from recollection, within a certain a number of months, might have been 12 months from the receipt of the consents and we complied with that and we have a plan which is updated annually.

10

MR DAYSH: So you have got an approved plan that is updated annually?

MR JAMES: Yes.

15 MR DAYSH: What are the monitoring requirements? Do you have monitoring requirements as part of that plan?

MR JAMES: Certainly do.

20 MR DAYSH: So can you tell us what you monitor under the management plan?

MR JAMES: For Burwood Resource Recovery Park the monitoring is predominantly focused on dust. We have a dust monitor at the entrance gate, we also have to monitor traffic speeds and the nature of the material we are receiving, those sorts of things. There is also a lot of other monitoring done on site which is related to the City Council consent for the old landfill so we assist with that but that is still done through separate – so that is the groundwater monitoring for example, service water monitoring. That is all done through a separate consent. So the Burwood Resource Recovery Park consents are purely related to the operation of the resource recovery.

25

30

[10.35 am]

35

MR DAYSH: All right. Noise monitoring?

MR JAMES: Noise, yes.

40 MR DAYSH: So noise, dust, traffic.

MR JAMES: Yes.

MR DAYSH: Those are the things that are covered?

45

MR JAMES: They are the primary ones, yes.

MR DAYSH: And just really following on from previous questions, have you actually had any formal complaints about the operation that you have had to deal with over the period that have come via the Council to you directly?
5

MR JAMES: No, they tend to come to us directly, we have a community liaison group that we work with as well. The complaints that we received were all very much in the first year or so and they related to the entrance road dust, noise, and traffic volume. That is partly why the City Council moved to relocate the entrance road and since we have relocated the entrance road my understanding is we have had no complaints.
10

15 MR DAYSH: No complains since?

MR JAMES: About noise, dust, or anything that I am aware of.

MR DAYSH: So no complaints over what sort of period? The last year, two years?
20

MR JAMES: At least the last two years, I would have to go and check with our operators there, but to my understanding is there has been nothing.

25 MR DAYSH: Okay, and the community liaison group, is that established under the conditions of your consent or?

MR JAMES: Yes, it is. It is something we offered in our proposal, but were adopted in the consents so we have a group that meets every three months that is comprised of representatives from the various residential associations in the local area, the park ranger and ECan and others so that works very effectively.
30

MR DAYSH: All right, and there are representatives from the company?
35

MR JAMES: Yes, the representatives from BRRP and Christchurch City Council report to that liaison group so they are not members of it per say but they are present at the meetings and provide reports and so on.

40 MR DAYSH: And so there are reports and minutes of those meetings?

MR JAMES: Yes.

MR DAYSH: Okay. That is very, very helpful, thank you very much
45 Mr James.

SJH: Just following on from that, are the reports of those meetings made available online or on the Council's website or something like that, do you know?

5 MR JAMES: They certainly are online through the residents groups who mostly have social media type accounts. I am not sure if the City Council does have or not but I cannot imagine there would be no reason not to if they are of interest.

10 SJH: And how are the residents representatives appointed to this committee?

MR JAMES: From recollection they have a voting process within the community to make their own appointments. I think there are four residents associations within the area who make a appointments to it.

15

SJH: Just turning to another topic, site D, you described it as a sensitive area but in another sense I suppose with ongoing Police enquiries it is like a large outdoor exhibits locker. Might be too simplistic about it.

20 MR JAMES: I think that is a very accurate way to describe it. I have spent unfortunately quite a few weekends there watching people drill holes into bits of concrete and things like that so it is still of interest I gather to certain parties but we do not really have any timeline on how long it is going to take, those processes are completed.

25

SJH: And you have no control over that site?

MR JAMES: No the decisions over what will happen – we have control over the site but the material that is on it and the decision of what will happen eventually, it will be down to CERA or whoever replaces CERA.

30

SJH: Right. The matter with ECan where there were concerns about consistency and such, as I understand it, that is not the whole site. What part of the site was that concern raised and related to? Was it site B? Ms Mehlhopt?

35

MS MEHLHOPT: Sir, that was in relation to site C and D and site B subject to the minister amending the land water plan - - -

40

SJH: And that is what is now being resolved in your suggestion and everyone else is in agreement with the suggestions in your memorandum?

MS MEHLHOPT: So the Regional Council supports the amendments that have been proposed in the City Council supplementary evidence and I understand that - - -

45

SJH: Right. That removes the inconsistency from your perspective?

MS MEHLHOPT: That addresses the crux of it.

5

SJH: All right, thank you. The public part of the ownership, has there been any discussion that you are aware of at board meetings and such like about alternative sites? On an ongoing basis I mean the decision was made to go here but since then has there been any further discussion or enquiries?

10

MR JAMES: The discussion about having alternative sites set up was one really for the regulatory authorities rather than elsewhere, we were asked to set this one up. We never had any intention to do, have any others but we expected that there would be others run by other companies but in the event that did not happen.

15

[10.40 am]

SJH: With your experience, can you give us an estimate of say this had to go Kate Valley or did go to Kate Valley, the additional cost involved per truckload?

20

MR JAMES: The cost to dispose of this sort of material in Kate Valley is probably likely to be around \$200 a tonne compared to the \$120 a tonne it takes to go here, but it would have to take six or seven years to take it because Kate Valley is already essentially fully occupied with trucks, as many as it can take.

25

Our estimate is we probably could handle 20 more truck and trailer units a day which would put everything on full speed at Kate Valley which is what we did after the earthquakes for a couple of months so we know we can do it but it would be pushing it, we would need changes to our resource consents at Kate Valley because we have a limit on the number of truck trips and I estimated it would be – you would be looking at something like 60-70,000 truck and trailer trips out of Burwood to Kate Valley.

30

35

SJH: And would it be fair to say that the slowing down of the process of removing this material from the city would not aide the recovery? Do you think you are in a position to answer that question?

40

MR JAMES: I am not sure if I totally understand, sir. The slowing down of the - - -

45

SJH: Well part of it – if it goes to Kate Valley as I understood what you just said it would take longer than carting it, than disposing of it at this landfill?

5 MR JAMES: There is simply no question. If it were to go direct from the sites to Kate Valley, that is not possible. It would have to come to a site like this first as a transfer zone to be put into the right kind of truck and trailer units because the nature of the vehicles that go to Kate Valley are specific and regulated by resource consent and also by
10 operating constraints at the landfill so you cannot just put material on a truck and take it to Kate Valley.

SJH: Okay. And the cost you gave before, did that include that double handling or just the cost per truck and trailer load?

15 MR JAMES: No, there probably would be an additional cost for double handling, you are quite correct.

SJH: Thank you. You had some questions around sewage and as I understand
20 your evidence it is material around the pipes whether there were breakages and possibly even before the earthquake leakages that led to this contaminated area?

MR JAMES: Absolutely, that is absolutely right, yes.

25 SJH: Just a final question, it would seem looking at the maps, despite what you said, that the forest to the south and south west would act as a buffer between the residential areas and your site.

30 MR JAMES: I think there is certainly – it is helpful to have it there but if you were to stand on that residential area and look that way with no trees in between, you still would not actually see site P, site A or site B because of the bulk of the landfill.

35 SJH: I was thinking more in terms of dust and noise, potentially?

MR JAMES: I am sure it has helpful benefits although my experience of that site is most of the dust comes from the trees, the pollen.

40 SJH: But psychological for the residents it would make a difference?

MR JAMES: I think the residents enjoy having that buffer although I believe on that photograph the trees on the bottom right have actually been removed in recent times.

45 SJH: They have been logged?

MR JAMES: Some of them, I am not sure if all of them have but I do not think that photo is up to date.

5 SJH: And are there any efforts being made to leave the logging of that site until you completed your work?

MR JAMES: Well we have certainly suggested that to the City Council but I am not sure of the nature of the arrangement between them and the forest owners - - -
10

SJH: It is a matter for them?

MR JAMES: Yes.
15

SJH: Okay. Just one final question, you briefly mentioned it, the long term plan for when you have finished here is to landscape this area once you have completed all your other work?

20 MR JAMES: Certainly to landscape site B and site D but Burwood Resource Recovery Park has also recently in discussions with City Council offered to complete the landscape of the entire old Burwood Landfill Zone which currently within the yellow area as that has currently not been landscaped at all so we are looking at I guess a far more comprehensive landscaping and there is also an ability to undertake some of that progressively given that large chunks of that area are not needed for the operations so that there is some – and this has come from discussions with our community liaison group – that there would be some progress visible to the residents, that, you know, that landscape plan they worked hard on is actually going to happen.
25
30

SJH: Okay, and just finally you gave some helpful answers around monitoring. Given the contents of the petition is there any monitoring of air quality?
35

MR JAMES: We certainly monitor it very closely on site B.

SJH: But is that part of your - - -

40 MR JAMES: Well we do it for our own health and safety reasons rather than any consent requirement. We do the air quality monitoring for dust but that is done, the monitoring point is out at the entrance point on the road, well away from the actual site but we monitor our own staff, dust intake, we, you know, while there is no asbestos for example except at the site we operate as though there is some there for safety reasons so
45

we are monitoring the air quality and dust and noise for that matter on our staff operating for that site all the time.

5 SJH: Okay, thank you, Mr James. Anything arising, Ms Appleyard?

MS APPLEYARD: No, sir.

SJH: Thank you, Mr James, you may stand down.

10 <THE WITNESS WITHDREW [10.45 am]

SJH: All right, Mr McNamara, we will now go to your first witness.

15 MR McNAMARA: Ms Rolton, sir.

SJH: Yes.

<KIMBERLEY ROLTON, affirmed

[10.46 am]

<EXAMINATION BY MR McNAMARA

[10.46 am]

MR McNAMARA: Good morning, Ms Rolton. Can you please state your full name?

5

MS ROLTON: My full name is Kimberley Margaret Rolton.

MR McNAMARA: And you have the qualifications and experience set out in paragraph 1.2 of your evidence-in-chief?

10

MS ROLTON: Yes, I do.

MR McNAMARA: And can you confirm that you have filed three briefs of evidence for this hearing, a primary brief, some rebuttal evidence, and then a supplementary brief of evidence, is that correct?

15

MS ROLTON: Yes, I have.

MR McNAMARA: And subject to the couple of corrections I understand you want to make, can you confirm that the contents of those briefs are true and correct?

20

MS ROLTON: Yes, I can.

MR McNAMARA: Could you please take us through those corrections you want to make.

25

MS ROLTON: Yes, I have three corrections I want to make. The first correction relates to my membership status with the New Zealand Planning Institute at paragraph 1.2 of my evidence-in-chief. I am now a full member of the institute.

30

Secondly, the revised proposal included as attachment A to my supplementary evidence should have included the deletion of the reference to groundwater contamination under policy 21.12.1.1.2(a)I, which I discuss in my evidence. This is shown in the latest online version of the proposal as fold orange strike through text on page 2.

35

MR McNAMARA: **(INDISTINCT 2.43)** time to make that deletion. So it was 21.12.1.1.2, paragraph A and then (I)?

40

MS ROLTON: Yes.

MR McNAMARA: And you just told us that in your evidence you recommended deletion of the words “groundwater contamination” but it had not come through in the tracking, is that correct?

45

MS ROLTON: Yes, that is correct.

MR McNAMARA: And there was a third matter?

5

MS ROLTON: And then so finally I noted this morning that an unintended effect has arisen in relation to controlled activities where through the Burwood Resource Recovery Park submission I included the reference to the written comments of various parties and had then deleted reference to any application arising from the rule will not require written approvals or required public or limited notification, that was an unintended effect, I thought that with the move of the reference that it would have the same effect but in re-reading that, I do not think it does.

10

15 MR McNAMARA: So the correction you would wish to make then I understand would be to remove the deletion of that paragraph that reads “any application arising from this rule will not require written approvals and should not be publically or limited notified” and as I understand that gives effect to the agreement reached in the planning witness caucusing?

20

MS ROLTON: Yes, I would delete the strike through so that would remain.

MR McNAMARA: To leave the strike through. Thank you, Ms Rolton. Can you please answer questions from the Panel?

25

SJH: Well if you just give us your brief highlights package first.

MR McNAMARA: I am sorry, I omitted that crucial step. Can you take us through the highlights, please?

30

MS ROLTON: Yes, I will. In collaboration with the Crown I drafted the Specific Purpose Burwood Landfill and Resource Recovery Park proposal and my evidence addresses submissions made on this chapter. The majority of the issues raised in the submissions have now been resolved through amendments to the proposal and through mediation.

35

During stage 3 of the District Plan Review, the Burwood Landfill and Burwood Resource Recovery Park were re-notified as a Specific Purpose Zone.

40

[10.50 am]

The proposed Open Space Natural Proposal within which the Landfill and Recovery Park were originally zoned through stage 2 notification did not contain any recognition of the existing or future need for

45

earthquake waste processing and disposal activities outlined in submissions by the Crown and BRRP Limited.

5 Upon filing of rebuttal evidence the provisions of the revised proposal had been largely agreed and were not disputed in evidence from submitters. Following rebuttal an issue was raised by Canterbury Regional Council in relation to a potential inconsistency with the Canterbury Land and Water Regional Plan. I have provided a supplementary statement of evidence in response to this.

10 In my view, it is questionable as to whether the proposal is inconsistent with the LWRP. I acknowledge that there is a different activity status for disposal of earthquake waste and discharge of earthquake waste in circumstances where contaminants may enter water permitted for disposal and prohibited for discharge and that the activities being controlled are in practice likely to overlap. However the two plans are intended to control different effects. I have identified that the amendments made to the red line proposal to incorporate all sites as permitted disposal areas are beyond the scope of the submissions received on this chapter as only the inclusion of site B as a permanent disposal area was sought in submissions. To address the scope issue I recommended further changes to the proposal which I attached to my supplementary evidence. In my view rule 21.12.2.2.1 P1A should be reinstated and amended to incorporate site B.

25 In my view, the proposal as it now stands provides an appropriate planning framework recognising the recovery significance of earthquake waste processing and disposal activities and enables the continued efficient operation and management of the Landfill and Recovery Park in a streamlined consent process, whereby non-compliance is a controlled non-notified activity. Exceptions relate to activities that do not involve earthquake waste and health and safety matters which are non-complying. Without the Specific Purpose zoning in place these operations would be restricted and this would potentially delay recovery.

35 The proposal provides flexibility for operations should changes be necessary to assist with ongoing recovery while ensuring that adverse effects on residential and recreational amenity, flooding and habitat of indigenous fauna will be managed including an ability to turn down proposals if effects are significant through reference to other applicable chapters in relation to noise received at the residential boundary and removal of indigenous vegetation.

45 The proposal recognises that the activities will not be long term given that these facilities are only permitted to take earthquake waste and

5 their need will diminish over time and cease. In addition emphasis is placed on progressive rehabilitation following completion of activities to enable recreational activities to take place in the short term. The provisions are agreed between the Crown, BRRP Limited, CRC and Council with the only not agreed point being the specification of a closure date for earthquake waste processing and disposal within objective 21.12.1.1 raised by the Burwood-Pegasus Community Board. I am happy to take questions.

10 SJH: Thank you. Mr Illingsworth?

MR ILLINGSWORTH: No questions, sir.

SJH: Ms Huria?

15

MS HURIA: No questions, thank you.

SJH: Mr Daysh?

20 MR DAYSH: Yes, thank you, Ms Rolton. Just as an introduction to some of my questions I would like to take you to your evidence-in-chief and it is really around your 4.1.10 through to 4.1.12. And this is where you talk about volumes and dates and various aspects, so what I am reading from the evidence and the proposal is that this is a temporary facility; 25 the facility has been reopened and it is a very strategic part of the Christchurch recovery in terms of somewhere to dispose of these sorts of wastes in an efficient and cost effective way, is that the way you would describe the proposal?

30 MS ROLTON: Yes, it would.

MR DAYSH: And we have heard evidence that your volumes are perhaps underestimated in existing resources consents and the zone, the Special Purpose zone has been designed to facilitate, enable some, you know, 35 the rest of the job that this site needs to do for earthquake recovery again in an efficient way, is that the way you sort of see the zone?

[10.55 am]

40 MS ROLTON: Yes, that is the intent of the Specific Purpose zoning.

MR DAYSH: Okay. So in a nutshell your 4.12 I think describes that quite well. So that is really about, you know, just clarifying the intent so it is a temporary zone, it needs to have an ability to receive resource 45 consents and process them efficiently?

MS ROLTON: Yes, to provide that option given the timeframes and, yes.

MR DAYSH: Okay. I would now like to turn to your supplementary
evidence dated 8 December 2015. So you mention the scope issue
5 under 3.7 that you had some concerns about.

MS ROLTON: Yes.

MR DAYSH: Originally around sites B, C and D but on reflection you think
10 there is scope to include site B, can you just explain what your initial
concerns were with site B?

MS ROLTON: So I didn't have concerns with site B, the BRRP's submission
only sought inclusion of site B as an area for permanent earthquake
15 waste disposal. When I looked at that submission I then possibly went
a bit wider and thought, well, there is no reason to restrict the area
where permanent disposal activities can take place so I removed any
limitation to where those activities, yes, might occur.

20 MR DAYSH: Okay.

MS ROLTON: Yes, then we received the statement from the Canterbury
Regional Council, I revisited the submission, noted that it was only the
inclusion of site B which was sought so that is where I made my
25 amendment which takes it back to permitted if it is within site B and
the existing landfill and then that any permanent disposal in sites C and
D would be considered controlled under the current provisions.

MR DAYSH: All right, thank you for that clarification. Your paragraph 3.8 I
30 think is quite important in relation to the LWRP site B; so can you
explain at the moment is any discharge in that area is currently a
prohibited activity?

MS ROLTON: In site B it would be prohibited under the LWRP, yes.
35

MR DAYSH: And the process you are talking about where you are expecting
a decision this week, how would that process work to change that
status?

40 MS ROLTON: My understanding is that if the minister accepts the
recommendation which is to include site B as an area, for my
understanding would be added to the map as areas where discharge of
contaminants from earthquake waste, would be controlled rather than
prohibited.

45 MR DAYSH: Under the?

MS ROLTON: Under the LWRP.

5 MR DAYSH: And does that happen through a plan change process or does
that just happen through - - -

MS ROLTON: No, well, I am not completely familiar with the exact process
but my understanding is that the minister would make a
10 recommendation to the LURP which would likely direct changes to the
regional plan.

SJH: Make a recommendation or make a direction that the - - -

15 MS ROLTON: Direction, sorry.

MR DAYSH: A direction.

SJH: Perhaps, Ms Appleyard, this could be covered off in your written closing
do you think?
20

MS APPLEYARD: Yes.

MR DAYSH: That would be helpful.

25 MS APPLEYARD: So I assume that we understand the process we might be
familiar with is section 27 powers that the minister has got to direct
changes to RMA documents, so I am assuming that that is what he is
going to use.

30 MR DAYSH: Okay. Thank you. All right, so look the rest of my questions
are really about what I think you would now term the agreed position in
the zone provisions which you have attached to your supplementary
evidence. And I certainly, after your evidence I had a big question
mark - - -
35

[11.00 am]

40 Yes, we have talked about perhaps hot tubbing on these so I think it
would more effective if the planners were together when I ask these
sort of general questions.

SJH: We line you all up.

45 MS APPLEYARD: Yes, Mr Murray is here if you would like to come up.

SJH: No, not at this stage.

MS APLEYARD: Oh, not now.

5 SJH: I think we still need to formally work through the evidence and then we
will take a short break and get organised to do that and then we can go
through this agreed one where there are some concerns.

MR DAYSH: If you wish to, yes, that would be really helpful.

10 SJH: Okay. Anything arising, Mr McNamara?

MR McNAMARA: No, thank you, sir.

15 SJH: Thank you, you may stand down but do not leave the country, as they
say. We will get to this a bit later.

<THE WITNESS STOOD DOWN

[11.00 am]

20 Now, Mr Camp, I think it is.

<STUART CAMP, sworn

[11.01 am]

<EXAMINATION BY MR McNAMARA

[11.01 am]

MR McNAMARA: Good morning, Mr Camp. Your full name is Stuart
Camp?

5

MR CAMP: Yes, it is.

MR McNAMARA: And you have the qualifications and experience set out in
paragraph 1 of your evidence-in-chief?

10

MR CAMP: Yes, I do.

MR McNAMARA: And do you confirm that the contents of that brief of
evidence are true and correct?

15

MR CAMP: Yes, I do.

MR McNAMARA: I do not think you have any corrections you wish to
make?

20

MR CAMP: No, I do not.

MR McNAMARA: And could you please take us through your highlights
package.

25

MR CAMP: Yes, thank you. Lesser prohibitive noise standards are
appropriate for the Specific Purpose Build Landfill and Resource
Recovery Park Zone on the basis that the park is limited duration and
has restricted operating hours.

30

The adjoining Bottle Lake Forest is an active recreation area and
therefore not as sensitive to noise as many other open space areas. I
support the request to exempt the recovery park from compliance with
the open space noise rules provided that the applicable noise standards
at the nearby Residential Zones continue to apply.

35

Noise from trucks entering the site is well controlled by bunding and
fences and in my view it does not really matter whether or not the
District Plan noise standards apply to the access route. I do not support
controlled activity status for exempt of residential noise standards and I
note in chapter 6 as proposed it would be a restricted discretionary
activity if the residential standard was exceeded.

40

However, I am satisfied that existing operations at the Recovery Park
comfortably comply with the residential noise standards and I expect

45

this to continue and from a noise perspective I do not see a need to specify a firm closure date for the park.

5 SJH: Thank you. Mr Illingsworth?

MR ILLINGSWORTH: Yes, I do have some questions. With reference to paragraphs 3.5, Mr Camp, you discussed the concrete crusher, concrete crushers having a noise level of 35 dB at a distance of 20 metres and say that at 500 metres that is equivalent of 47 dB.

10 MR CAMP: Yes, now that is just a simple distance correction, noise drops off rhythmically at distance. In practice, it might be lower than that because if you have got a little bit of a hill in the way like a landfill, et cetera, there will be other effects that will reduce it. That is a
15 considerable view.

MR ILLINGSWORTH: Which leads on to the next part of my questions; did you take any measurements at the boundaries of the residential properties?

20 MR CAMP: No, I have not.

MR ILLINGSWORTH: You have not. And you said, which complies with the proposed daytime residential noise standard?

25 MR CAMP: Yes.

MR ILLINGSWORTH: Just reflecting on the rules, it does seem that processing can go on for quite some time, I think it can go up to nearly
30 11 o'clock at night, is it? I am not sure about that but when I was reading the hours that there is a restriction to about 5 o'clock for truck entry.

MR CAMP: Yes, I thought it was - - -

35 MR ILLINGSWORTH: And I thought there was a restriction on processing went quite a bit later than that, someone might be able to help me there.

40 SJH: Can you answer that, Ms Appleyard?

MS APPLEYARD: Mr Murray may know. Do you know off the top of your head?

45 MR MURRAY: Certainly in terms of the standards that are currently in the proposal, yes, the movement vehicles in the Burwood Landfill are between 5.00 am and 9.00 pm Monday to Saturday. Delivery of

earthquake waste should only be between 9.00 am and 6.30 Monday to Saturday.

5 Sorry, and further to that in terms of the resource consent applications that we are currently preparing for Burwood Resource Recovery Park, the hours are even more restrictive than what is currently in this standards of the zone. I cannot recall that off the top of my head but I am pretty sure it is something like 7.00 am to 6.00 pm.

10 **[11.05 am]**

MR ILLINGSWORTH: So the 2100 which is the 9.00 pm, at the moment under the rules that would allow processing up to that time or not?

15 MR MURRAY: That standard is strictly in relation to the movement of vehicles within the Burwood Landfill footprint. The processing is on site B on an adjacent site, so that is a different activity and not controlled by that standard.

20 MR ILLINGSWORTH: Okay. So that is going to be restricted until 6 o'clock, did you say?

MR MURRAY: Yeah, I might have to look through this again - - -

25 SJH: We can come back to your brief of evidence later, we cannot - - -

MR McNAMARA: I can possibly assist.

30 SJH: Yes, if you can.

MR McNAMARA: So there is a separate activity in the activity table relating to earthquake waste processing activity which is activity P2 and you will see that under activity standard A there is reference to standards F to G outlined in P1 also applied to that activity and it is F and G that have the hours so essentially the hours that we were looking at in relation to vehicle movement and delivery of earthquake waste also apply to the processing activities.

40 MR ILLINGSWORTH: Okay, so does that also comply with the daytime residential noise standard in the day? What is day time in the residential standard is the question.

45 MR McNAMARA: Daytime throughout Christchurch is 7.00 am until 10.00 pm. So strictly speaking there is some early morning activities here but I think we need to temper that by noting that, well Mr Jones has actually pointed out they are probably not crushing concrete so I

5 have used a noise source here that is – you know, is the noisiest thing that I could ever imagine that I would ever use on this site and it probably would not comply with the night time rules but mostly everything else they do will, particularly on site B because I have said 500 metres above the site is in excess of a kilometre away and it has a landfill in between by and large.

10 MR ILLINGSWORTH: So there is no mobile concrete crusher actually on the site, it is just an example?

MR McNAMARA: Yes, I am not aware of one, I was just hypothetically looking at what is the noisiest thing I could ever imagine they would - -
-

15 MR ILLINGSWORTH: Okay, thank you, no more questions.

SJH: Thank you. Ms Huria?

20 MS HURIA: No, thank you, sir.

SJH: Anything arising, Mr McNamara?

MR McNAMARA: No, thank you, sir.

25 SJH: Thank you, Mr Camp, you may stand down and you may leave the country.

<THE WITNESS WITHDREW [11.08 am]

30 SJH: Mr Allen.

MR ALLEN: Thank you, sir. Mrs White will - - -

SJH: Right, thank you.

35 MS WHITE: Nadia Yozin.

<NARDIA YOZIN, affirmed

[11.08 am]

<EXAMINATION BY MS WHITE

[11.09 am]

MS WHITE: Do you confirm that your full name is Nadia Alice Nanette
Yoizin?

5

MS YOZIN: Yes.

MS WHITE: And you are a planning advisor at CERA?

10 MS YOZIN: Yes.

MS WHITE: And you have prepared a statement of evidence, dated
24 November 2015?

15 MS YOZIN: Yes.

MS WHITE: And your qualifications and experience is set out at paragraph
1.3 of that statement of evidence?

20 MS YOZIN: Yes.

MS WHITE: Do you confirm that your evidence is to the best of your
knowledge and belief true and correct?

25 MS YOZIN: Yes.

MS WHITE: Could you please read your highlights package and remain
seated for any questions.

30 MS YOZIN: Yes. So the Crown, the Burwood Resource Recovery Park
operator and Council have worked closely together to the point that
following mediation, an agreed proposal was produced. I support that
proposal because it enables the Burwood Resource Recovery Park and
Burwood Landfill to continue to efficiently operate while mitigating
35 adverse effects on the environment.

[11.10 am]

40 The importance of these sites to Canterbury's recovery has been
recognised through a series of ministerial interventions, as detailed in
my evidence. However scope inconsistency issues have been identified
with a change introduced in Ms Rolton's evidence-in-chief which
would make the disposal of earthquake waste a permitted activity
anywhere in the zone.

45

I agree with Ms Rolton that there were no submissions seeking that the disposal of earthquake waste at sites C and D be permitted, this change was beyond scope for those sites. In contrast the Burwood Resource Recovery Park sought the disposal of earthquake waste at site B be permitted so there is scope for the change in relation to site B.

I also support the disposal of earthquake waste at site B being a permitted activity for two reasons. First, as there is a need for it, the operator's evidence is that site B is needed to dispose of the larger than expected volumes of earthquake waste being processed at the Burwood Resource Recovery Park. Secondly, I am not aware of anything to contradict Ms Rolton's view that the effects associated with the disposal activities at site B would be any greater than those at the Burwood Landfill. However I am concerned that permitting disposal in site B could be inconsistent with the Land and Water Regional Plan which prohibits earthquake waste disposal outside of the Burwood Landfill.

I am also concerned that, at least while the Land and Water Regional Plan provisions remain un-amended, making disposal on site B is ineffective because what has been provided for in the zone under the replacement plan is operationally unobtainable.

In Ms Rolton's supplementary evidence Ms Rolton proposes the removal of reference to groundwater contamination in policy 21.12.1.1.2. While I agree that managing groundwater quality is not a function of the territorial authorities I am reluctant to support the removal of all policy reference to contamination. I consider that as this is zone specifically for landfill operations and the processing and disposal of earthquake waste, which by definition could contain contaminants, there needs to be some policy reference to ensure contamination effects can be managed.

The Crown sought through its submission on this proposal that the adverse effects of the processing and disposal of earthquake waste be appropriately managed and this is a key potential effect. Retaining a reference to contamination in the policy will provide a policy support for rules in the proposal which address the management of land contamination through the restricting of the location of earthquake waste disposal in 21.12.2.2.1 P1A, the restricting of disposal of earthquake waste only in 21.12.2.2.1 P1B, the acceptable fill materials specified in 21.12.2.2.1 P4 and the Council's matter of control in 21.12.2.2.2 C1D.

In addition to this the existing landfill is and any new landfill cells will be hazardous activities and industries list, or HAIL site upon

completion of landfill closure. Managing the adverse effects of the use of contaminated land is a territorial function. I consider that instead of deleting the reference to groundwater contamination in policy 21.12.1.1.2 it should be amended instead to land contamination.

5

SJH: Thank you. Mr Illingsworth?

MR ILLINGSWORTH: No questions, sir.

10 SJH: Ms Huria?

MS HURIA: No, thank you, sir.

SJH: Mr Daysh?

15

MR DAYSH: No, I think that is clear to me so - - -

SJH: Come back to it.

20 MR DAYSH: - - - come back, yes. Thank you very much.

SJH: Thank you, you may stand down now. Thank you, Ms White. Now, Ms Appleyard, you have Mr Murray.

25 <THE WITNESS STOOD DOWN [11.14 am]

MS APLEYARD: Mr Murray.

30 SJH: Now, just while he is coming forward, when we have finished this witness we will take a 15 minute break and I think we will need to set up with three microphones at this front table here for the three planners.

<DANIEL JAMES MURRAY, sworn

[11.14 am]

<EXAMINATION BY MS APLEYARD

[11.14 am]

MS APLEYARD: Do you confirm that your full name is Daniel James Murray?

5

MR MURRAY: I do.

MS APLEYARD: You have the qualifications and experience set out in paragraphs 2 to paragraph 4 of your statement of evidence dated 24 November 2015?

10

MR MURRAY: I do.

MS APLEYARD: And I just ask you to also confirm that you have had the involvement in relation to consenting and other authorisation matters relating to the Burwood Recovery Park set out in paragraph 5 of your evidence?

15

[11.15 am]

20

MR MURRAY: I do.

MS APLEYARD: Can I ask you to confirm that your statement of evidence is true and correct?

25

MR MURRAY: It is correct.

MS APLEYARD: You have got a highlights package you would like to present?

30

MR MURRAY: Absolutely.

SJH: Thank you.

35 MR MURRAY: Thank you. The most important part of my evidence, although it took up the smallest part, is that I support and agree with the evidence of Ms Kimberley Rolton for the City Council. In that regard I saw no need to repeat the bulk of her evidence. I can also confirm I support the position of Ms Rolton in her supplementary evidence.

40

The remainder of my evidence sought to reinforce the various statutory interventions in 2011 which led to the authorisation of the current earthquake waste processing and disposal activities occurring in the zone and why the underlying rationale that led to those interventions still applies today.

45

5 I set out the analysis undertaken by the Ministry for the Environment to determine that the BRRP Order in Council was an appropriate mechanism to allow waste processing under a streamlined process and the subsequent acceptance of that analysis by the Canterbury Earthquake Recovery Review Panel.

10 I also set out the comprehensive analysis undertaken to support the previous changes made under section 27 of the Canterbury Earthquake Recovery Act to the operative City Plan and to the Natural Resources Regional Plan to allow waste disposal under a streamlined process.

15 I concluded by referring to the evidence of Mr James which confirmed that the Recovery Park and landfill operations are required for some years to come. I am therefore of the view that a facilitating planning framework for waste processing and disposal in the zone is as applicable today as it was in 2011.

20 One minor update to my evidence: at paragraph 31 I had referred to BRRP having increased certainty through upcoming consent applications. However, at the current time within the last few days some of that certainty has begun to erode and this is principally in relation to the timing and final form of the minister's deliberations on whether site B is going to have its prohibited activity status removed. So this impacts on the scope and the timing of the resource consent applications that BRRP need to prepare and lodge to ensure that the operations at the site can recommence.

30 At the minimum BRRP are very keen to proceed with what is referred to as the site A extension through lodging applications and that is the new waste cell in the landfill footprint. As I say this would allow the Recovery Park operations processing, the processing operation to recommence.

35 Once the minister's decision is made and we know the final form of that decision further applications can then be lodged for the remainder of the processing disposal operations to extend the current consents from September 2017 through to 2021. In my view having certainty around the final form of the replacement plan provisions will go a long way to assisting BRRP with decisions that need to be made on the scope of the upcoming applications.

40 MS APPLEYARD: Just perhaps a point of clarification, you talked about operations recommencing, can you just explain to the Panel what the current situation is there and what you mean by recommencing?
45

MR MURRAY: Mr James touched on this. The fire which occurred back in August this year in effect eliminated any authorised disposal option for the Recovery Park operation. So at the moment they continue to receipt waste to the Recovery Park site on site B but they have no legal consented option to dispose of it. So we are needing to seek consents at minimum to extend that site A, with those consents in place the processing operation can recommence.

MS APPLEYARD: Now, are you the person holding the pen on drafting applications for resource consents?

MR MURRAY: I am.

MS APPLEYARD: Can you just explain to the Panel what you are doing at the moment and what your timeframes are?

MR MURRAY: Well, we have been working on preparing these applications over about the last six months probably in total. A lot of that work has happened in the last couple of months. We had a package of consents to in effect to do the site A extension and to extend the entire site F, site P, site B, site D operations beyond September 2017 to 2021. So that is 95 percent of the way there however, as I mentioned before, we are currently waiting on the minister's decision around the use of site B for permanent disposal because that does have a lot of advantages potentially over what is referred to as site G in the landfill footprint, so we need to await that decision.

[11.20 am]

MS APPLEYARD: Thank you.

SJH: Thank you. Mr Illingsworth?

MR ILLINGSWORTH: No questions, sir.

SJH: Ms Huria?

MS HURIA: No, thank you, sir.

SJH: Mr Daysh?

MR DAYSH: Yes, I do have a couple before we get into the detailed discussion.

SJH: Would you bring up the plan again.

MR DAYSH: So the first one, and this is really helpful to have the plan, we did hear about the site G from Mr James but can you point out where that is?

5 MR MURRAY: So site G as per our current concept and when I say “our” AECOM on behalf of BRRP’s concept design, it starts just to the north of site P and to the east of site F.

SJH: So where the cursor is?

10

MR MURRAY: Yes, right where the cursor is and it extends in a southward direction over the top of site P and down, you will see there is an area of forest, it is not actually a plantation forest but an area of trees to the south and there is a track which you can see, an access track just to the south of where the cursor is, it extends to about there. And it remains wholly within that yellow line. So that activity is currently a controlled non-notified activity under the operative City Plan.

15

MR DAYSH: Okay. So site P would be a cell, is that how you describe it?

20

MR MURRAY: Site P, the concept is to consent the site A extension which provides about a year’s further capacity during that time, so we are talking probably subject to getting consents, early 2017 site G would commence. That would start at the northern end and commence in a southerly direction. By that stage the City Council have committed to closing the current operation at site P, the sludge dewatering operation, so that would be closed and then the waste disposal would occur over that site.

25

30 SJH: So site G will, as it moves south, subsume site B?

MR MURRAY: Correct.

MR DAYSH: And you are also looking to dispose within site B as well so there is three potential new disposal areas on your radar, is that correct?

35

MR MURRAY: Correct but, as mentioned before, we have not prepared consent applications for permanent disposal at site B as of the current time due to the fact that it is a prohibited activity.

40

MR DAYSH: And the site B, like you are talking about timing and about a year’s worth in site G, how much was site A?

MR MURRAY: Around 12 months.

45

MR DAYSH: So another year and site B we are talking about another five years or so, of need?

5 MR MURRAY: Well, a combination of site G and site B would provide all expected remaining capacity needs - - -

MR DAYSH: Until this - - -

10 MR MURRAY: For the full million tonnes that Mr James mentioned in his evidence.

MR DAYSH: Yes, so that would take us through to that 2021 date which is the capacity planning you are currently - - -

15 MR MURRAY: It is actually to the end of 2020 is when the disposal operation would cease. The 2021 date is to allow landscaping and rehabilitation to be completed.

20 MR DAYSH: So I have got a few more questions about your pending resource consents, do they include detailed management plans for site rehabilitation in the expectation that that will be signed off as part of the applications?

25 MR MURRAY: Absolutely, and we are required by the current controlled non-notified rule to supply a management plan. That was done in 2012 and subsequently updated once consents were granted. We are looking to update and rollover the existing management plan for the operations and that will certainly be a big part of the overall package going forward.

30 MR DAYSH: And the management plans you are preparing, they are full, they are not like, "you shall do a management plan under these criteria" they are a - - -

35 MR MURRAY: No, they are in accordance with Ministry for the Environment guidelines on landfilling.

MR DAYSH: Right, thank you.

40 MR MURRAY: They are very comprehensive documents.

45 MR DAYSH: Yes, look I think the other questions we can wait for but just anticipating that the actual – and whether we have this at the start of the discussion with the planners but the actual zone boundaries, it would be quite useful for me to understand and they may in the evidence but the zone boundaries in relation to this plan. If that could be made available

so we could perhaps start with that and get a geographical understanding.

[11.25 am]

5

SJH: If someone could sketch that out on a copy of this plan perhaps and provide it for us after the adjournment.

10 MS APPLEYARD: Could we just look at attachment E Ms Rolton's evidence and you might be able to indicate whether that is a helpful one?

15 MR McNAMARA: It is not very well shown, I apologise, sir, but in the supplementary brief it is on page 12, that is the probably the best map of the proposal now and the zone footprint.

15

SJH: Yes, it is the overlap on the photograph that would be the useful one if we can - - -

20 MS APPLEYARD: We might get a hand drawn one if that if that would be - -
-

SJH: That would be acceptable just to guide us through when we have the planners together.

25 MS APPLEYARD: Thank you.

SJH: Is there anything rising, Ms Appleyard?

30 MS APPLEYARD: No.

30

SJH: Thank you, Mr Murray, you may stand down.

<THE WITNESS STOOD DOWN

[11.25 am]

35 Ms Appleyard, your memorandum this morning, and which I understand the need for, there is also another suggestion from somebody else, I think it might have been ECan but I better not hold it to that, that we defer a decision until we hear what the minister's decision is. How do those two sit together?

40

MS APPLEYARD: Yes, so if I could be blunt about it, we would just like the two to line up but not have a decision in December next year if your timeframe (**INDISTINCT 1.16**) so we are just trying to get the two to line up.

45

SJH: If you think we are still going to be here in December next year you are dreaming.

5 MS APPLEYARD: Well, I don't know but one indication is that we might get the minister's decision imminently so we just did not want to end up with a - - -

10 SJH: Well, we can split this off from the rest of this specific purposes, there is not an issue with that and depending on the progress we make I think we can do that. You wo not know when the minister's decision is going to be available, do you? I might put Ms Smith on the spot seeing she is here, do you have any indication when we might expect that?

15 MS SMITH: Sir, no, I don't. He has received advice on these matters but I don't know - - -

SJH: Okay, I thought that would be your answer anyway.

20 MR McNAMARA: Sir, just a slight subtlety on the idea of deferring the decision is adjourning the decision and awaiting advice from most logically I think the Regional Council as to when the decision has been made and then you could close it.

25 SJH: We can come to that after we hear the planners but there is various ways we can deal with this but we have obviously got to accommodate both of these facets of it. So we will take a 15 minute break, if we can set the microphones up there and then we will come back.

30 **ADJOURNED** [11.25 am]

RESUMED [11.44 am]

SJH: Yes, thank you.

35 MS APPLEYARD: Sir, I have just provided and hopefully made its way to you, a zone boundary, and I will just get Mr Murray to produce that as an exhibit.

40 SJH: Exhibit #1 Mr Murray?

MR MURRAY: Correct.

SJH: Thank you.

**EXHIBIT #1 – MAP - LOCATION OF EXISTING AUTHORISED
ACTIVITY AREAS**

[11.45 am]

5

SJH: Now, the three of you are there, you took an oath earlier, you are still on that oath, you all understand that?

MR MURRAY: Yes.

10

MS YOZIN: Yes.

MS ROLSTON: Yes.

15 <MR MURRAY, MS YOZIN AND MS ROLSTON RETURN **[11.45 am]**

SJH: Okay, thank you. Right, we will go straight to Mr Daysh.

20 MR DAYSH: So the version of the zone provisions I am looking at is the version attached to Ms Rolston's supplementary evidence dated 8 December, is that the one to work with? And perhaps firstly, I have a question for Mr Murray and Mr Illingsworth might follow up on this. It is really about some comments that Mr James made about the advantages of this site from a landfill perspective, particularly the
25 geotechnical characteristics.

30 Now, I appreciate you are not a geotechnical person, but in terms of managing the consents process that you have described, I presume there are reports about the suitability of these sites from a geotechnical point of view. Can you make some comments about the G in the section of Zone A, and the B, do those areas have the same geotechnical ground water attributes that the site has over all?

35 MR MURRAY: Yes, so I certainly want to put on the record that I am not a geotechnical or a hydrogeological expert, however my understanding of the background, going right back to the choice of this site as the municipal landfill back in the early 1980s, it does have a number of in-ground characteristics which are conducive to managing the
40 contaminants.

45 It is effectively this whole area is largely sandy material. There is an upward gradient pressure in the underlying aquifer which prevents movement of contaminants into the groundwater. Obviously being right by the coast there are no potable supplies in the area, and the presence of the coastal marine area itself where the leech

(INDISTINCT 2.33) from the site goes to provides massive dilution of any contaminants that actually reach that area.

5 So the existing municipal landfill, because of the those characteristics, is completely unlined. Which is pretty rare for a landfill, but as I say those in situ conditions are helpful for managing the contaminants.

10 So the existing discharge permit that exists for the landfill has a very large range of water quality monitoring requirements on that, which are obviously managed by the City Council in an ongoing basis. The earthquake waste which is in site A, and proposed at the sites at site B, the extension, and maybe site G, earthquake waste by comparison to the existing municipal landfill is comparatively inert. It does have, as mentioned by Mr James, there is some organic material - - -

15

SJH: We have heard all this evidence. The short answer to the question is these sites have the same geological profile?

MR MURRAY: Correct.

20

SJH: And geotech profile?

MR MURRAY: Correct.

25

SJH: Thank you.

MR DAYSH: Thank you. And just another introductory question about the consents you are preparing. Are you preparing regional consents as well as district consents, or are you going to be relying on Christchurch City Council current discharge consents and other consents?

30

MR MURAY: No, well under the Operative Plan we have the control notified rule in it, so that requires us to get consents at that rule, so they are being done under those provisions and under the control notified provisions that exist in the Regional Plan.

35

MR DAYSH: Right, okay, thank you. Well, let us turn to the zone provisions then. I suppose an overarching question for each of you I think, and perhaps start with Ms Yozin, this is a temporary rezone to provide for an activity which needs to be extended for a period up to five years, and then some rehabilitation. How, or should the zone provisions deal with some sort of sunset provisions or what happens next, this plan could be in place for longer than the five years certainly, so is there any thought or any provision that relates to the future open space uses or would that just be permitted under the zone and carried on until the next review. So, perhaps a comment from you Ms Rolton?

40
45

[11.50 am]

5 MS ROLTON: So the section 32 report accompanying the Proposal does refer to the fact that it is not anticipated to be a landfill zone for the long term, and it refers to the fact that it is anticipated that there would be a plan change to open space in the future.

10 In terms of the current provisions, the definition of earthquake waste is such that it can only be that which is accepted and disposed of at the landfill. Noting that that will over time reduce and cease.

15 There is policy in place in relation to rehabilitation, such that that occurs progressively to enable open space activities to occur, as and when various areas are rehabilitated. In addition, through changes that have been made since notification, we have also provided for recreational activities as permitted, so that they are not restricted in any way, should there be a time within which – it may take time for a plan change to go through we can enable recreational activities to take place in the meantime, as and when these areas are rehabilitated.

20 So in terms of whether or not some sort of a clause or notice included, in terms of the fact that it is likely to be a temporary zoning, yes, I am not sure of the current status of the flatland recovery proposal is also similar in terms of a temporary, and there was a note in the provisions to that effect. Yes, possibly a policy about that.

25 MR DAYSH: All right, any other comments from you Mr Murray?

30 MR MURRAY: As mentioned in evidence, the current package of consents that I am preparing do have a sunset – we are aiming for the 2020/2021 as being the currently anticipated end date for these activities. My concern of course is that, in spite of best intentions, we have already got it wrong once with thinking that it would be finished in September 2017, so my preference is to have the provisions remain in place to deal with any other changes in circumstance that requires the recovery activity to continue for longer than anticipated.

35 And that essentially the provisions should remain until the next review or via a Plan Change at a time where everyone is fully committed to the recovery activity no longer being required.

40 MR DAYSH: Thank you. Ms Yozin, do you have any other comments?

45 MS YOZIN: It would be the same as what Ms Rolton was saying around the definition of earthquake waste; so the zone is designed only to accept

that waste, and our view is that once you stop having earthquake waste there is nothing for it to accept and dispose of anymore really, yes.

5 MR DAYSH: Okay, thank you for that. Moving to – I will deal with this now, the new P5, this on page 9 of the provisions. That is added to sort of provide those open space activities, clearly for it to be able to carry on should other uses, and forestry is an obvious one, be provided or do those provisions allow that type of thing?

10 So Mr Rolton, first again I think?

MS ROLTON: Yes, I would have to check the definitions just to sort of see exactly which activities were covered. Yes, but I would like to think that it would provide for any necessary activities that might need to take place in the reserve within the park at the time. So yes, possibly if sort of an activity is taking place then I wouldn't see any need to restrict it. So if we need to have a look at those activities to be certain.

20 MR DAYSH: I did read in someone's evidence, I am not sure whose, about the possibility of forestry being provided, so would there be any objection to – if those definitions don't cover forestry operations or forest planting, any objections from the other planners about that being added?

25 [11.55 am]

MS ROLTON: No, not from me.

30 MR MURRAY: Not from me, the only caveat I would say is that where permanent disposal occurs forestry operations will not ever be able to happen for technical reasons, but we will support the idea of it being enabled.

35 MR DAYSH: Okay,

SJH: But would it be fair to say that the three of you are prepared to go away, look at this and see if it is broad enough and that it is picked up with the definitions, and to come back with it broadened if necessary?

40 MR MURRAY: Yes.

SJH: You are all in agreement about that?

45 MS ROLSTON: Yes.

MS YOZIN: Yes.

MR DAYSH: All right, so just turning back to the objectives and policies on page 2 of these provisions. I do have some questions about some of the wording and the term “minimise” as it is used both in the policy 21.12.1.1A and also in the associated policy 21.12.1.1.1.2, now this is a common issue that policy planners grapple with, there are our main points about avoid, remedy and mitigate, particularly looking to enable things.

10 There is a preference among planners quite often to use the term “minimise”, so I just invite you to make some comments about why you think that term is appropriate instead of avoid, remedy and mitigate in this case and in doing that in policy 21.12.1.1.2A, this is the association of term “minimise” with the term “where reasonably practical” in a sense will be like a double out there and I was just wondering whether you do consider given that if you do want to stick with the term “minimise” why you would also need “where reasonably practical” which again certainly to your part in conditions in the resource consent or in policy provisions and certainly through case both those terms are always tested pretty thoroughly by decision makers. I do not know who wants to start of this one?

MS ROLTON: I will put my hand up, I guess I had not considered any other terminology when drafting the objective policy which was done in collaboration with the Crown. Yes, I have not considered the use of that other various terminology. Now that it has been raised I guess I would want to make sure that there was clarity there for people, for the decision makers making decisions under the objectives and policies.

30 SJH: Well do you see “minimise” as clear, in terms of language?

MS ROLTON: Possibly not,

MR MURRAY: Can I add in my view, I guess the backdrop for all these provisions is to again enable these activities to occur acknowledging the strategic importance of the recovery activity. There is acknowledgement that there may be adverse effects from that which do need to be considered in a at worst a controlled process but potentially it is permitted anyway. So the framework work was set up to in effect allow these things to be considered but at the end of the day it is an important recovery activity and the consent would be approved.

SJH: Ms Yoizin?

45 MS YOZIN: That you be my view as well is that, well the purpose of this was to have the flexibility because we thought it necessary to have the

landfill available for recovery needs and that, as Mr Murray was saying that there may be environmental effects from this but the need for recovery was also very important in that respect.

5

[12.00 pm]

MR DAYSH: All right, just to follow up on that, I suppose I am not comfortable entirely with the double flexibility, that where reasonably practical and minimise, and we are dealing with landfills, these are activities that need to be carefully managed. We are dealing with significant issues in terms of your lists of one to five, what happens if something is not reasonably practical? Is your view as a planner that it should not be minimised?

15 Just that wording does set up perhaps, in my view, an overly liberal policy framework, recognising that we do need to get onto the job of disposing of the earthquake materials. I am not trying to block that important objective, it is just that I feel there could be some typing there so perhaps whether you would like to reconsider those answers and perhaps suggest some – I suppose the first thing is that can we take out “where reasonably practical” and then still have the effect that the policy is intending to meet?

20 MR MURRAY: I can answer right away and say I am personally comfortable with the removal of the words “where reasonably practical”.

25 MS ROLTON: As am I.

MS YOZIN: Yes, I would be fine with that too.

30

SJH: Does it run a risk though to play the devil’s advocate but if it is not there, if someone is going to argue that you must minimise whether it is reasonably practical or not, which could defeat the purpose as well, could it not?

35

MR MURRAY: Through my understanding of the controlled activity processes, there could not be conditions on that consent that would meet the purpose of that activity applied for.

40 SJH: So that is the saving grace?

MR MURRAY: Correct.

45 MR DAYSH: So I think we are trying to get to an agreed position on as much of this as we can, given the urgency of it.

SJH: So you are in agreement that we may delete “where reasonably practical” – all three of you?

MS ROLTON: Yes.

5

MS YOZIN: Yes.

MR MURRAY: Yes.

10 MR DAYSH: And your preference is to say that to minimise rather than avoid or mitigate to best express the objectives and policies for the zone? Is that also a consensus?

MS ROLTON: Yes.

15

MR MURRAY: Yes.

MS YOZIN: Yeah, I would be happy with that.

20 MR DAYSH: Okay. Thank you for that, that is helpful. Just onto the list one to five on that page, I think, Ms Rolton, you sought the deletion of one, groundwater contamination; Ms Yozin would like to see the change to land contamination, is that correct?

25 MS YOZIN: Yes, I just had a bit of concern with having no policy reference to contamination considering it is a landfill.

MR DAYSH: What is the position of the other two planners on that suggestion?

30

MR MURRAY: My position is that jurisdiction of effects relating to water quality and contamination are in the Regional Council’s court and that would be dealt with through a discharge permit process, not a consideration of the city.

35

SJH: Yes, well I think that the broader point is that given the activity that there should be reference to contamination but to make it clear there is no inconsistency with the ECan role that the word, “land” goes in. Would you be happy with that? It is Ms Yozin’s suggestion.

40

MS ROLTON: I would not, yes, I guess my only concern would be the fact that it is a landfill activity which essentially is - - -

SJH: Is contamination anyway.

45

MS ROLTON: - - - it is contamination, so I would not like to see the policy holding back those disposal activities which may be seemed to be contaminating land but at its pure purpose, you know, for the zone and the activity so I would just not want any limitations through that way but noting that also the definition of earthquake waste, you know, that does exclude a manner of hazardous wastes.

[12.05 pm]

10 MR MURRAY: I mean again my view is and you can call it “groundwater contamination” or “land contamination”, but the effects of contamination are in the jurisdiction of the Regional Council, apart from human health effects which would be dealt with through the national environmental standard consent process.

15 SJH: Ms Yozin.

MS YOZIN: I guess the concern - - -

20 SJH: Did that persuade you?

MS YOZIN: My concern from that kind of came from that, the contaminated land policies do not apply in this zone, so that is also where this – because proposal 12, the specific purpose zone, there is very limited number of other proposals/chapters that relate.

25
30 Yes, I mean it is, to me land contamination is kind of, it is really hard to separate from the land use activity, and when we have this zone not all of, I mean there is distinct cells within the zone of where this contamination is occurring, so it is kind of around, you know if you look at say the storage or even the existing cells within the land fill footprint, it is not necessarily that the contamination or potentially contaminated stuff is being deposited throughout, right up to the boundaries of each zone.

35 I guess I just was uncomfortable removing any reference to contamination.

40 MR DAYSH: Was not your evidence too that the HAIL process applied and that was - - -

MS YOZIN: Well in - - -

45 MR DAYSH: - - - a district - - -

MS YOZIN: Yes.

MR DAYSH: - - - that could apply so - - -

5 MS YOZIN: Yes, it would be a HAIL activity or Hazardous Industries
Activities and Industry List activity, it will become a HAIL site, which
then means if any sort of – apply for any disturbance or land use
change, so I guess it will be covered in there because when you change
it back to an open space you would say that it is a land use change and
you would have to go through I guess, in at least looking at the NES to
10 see how it would apply.

MR DAYSH: So I think where we seem to be at is that, the actual activities
looking to be permitted in the zone is of the definition of contaminant
in the Act is very broad, it is then change to “chemical biophysical
15 nature of land or water”.

So is this an area that you cannot agree on between you, it seems like
Ms Yozin is keen to keep the minimising contamination in some form,
on the basis that even if it is a geographical minimisation within the
20 wider zone that will seem to be reasonable.

MS ROLTON: Yes, I was going to mention that, if it was more about, you
know the extent of the contamination within the zone, you know
possibly policy which looks to minimise the locations where you are
25 creating these disposal areas, would be a better outcome.

MR DAYSH: Mr Murray?

30 MR MURRAY: Look I mean, as I say my position is jurisdictionally it does
not need to be there. However, land contamination and groundwater
contamination and the minimisation of effects on those things are going
to be considered whatever process you go through, through the
Regional Council process, so if there happens to be an overlap and
double up with the applicant needing to consider it under the District
35 Plan as well, it is probably not a big deal at the end of the day.

SJH: Yes, Ms Yozin, your concern is the geographical spread and to try and
limit that within the zone?

40 MS YOZIN: Yes.

SJH: Have you actually talked to the operators to see how operationally
practical that is?

45 MS YOZIN: No, this - - -

SJH: And if you have not, why not?

MS YOZIN: This was arising from the supplementary evidence yesterday.

5 SJH: Well the Crown did not seem to cross-examine Mr James on it.

MS YOZIN: No.

SJH: Presumably you raised it with counsel?

10

MS YOZIN: Yes.

SJH: Okay. Mr Murray, do you have information as whether this would create operational constraints, if you do not just say so.

15

MR MURRAY: No, I do not.

SJH: Okay.

20 MR DAYSH: So there seems to be – perhaps a reluctant acceptance that some sort of reference to contamination could stay, better to be “land” rather than “groundwater”, is that the position of the planners?

MR MURRAY: Correct.

25

MS ROLTON: Yes.

[12.10 pm]

30 SJH: Well it is not even land contamination, it is the extent of the contamination. Everyone accepts by the activity itself there is going to be contamination so it is really the geographic extent which I am not sure is something you would want put in a policy is it? I do not know. I can see it being, just adding a minefield to consenting if it remains.
35 Given the jurisdiction is with ECan, Ms Yozin, what danger in it being deleted?

MS YOZIN: I think we consider the - - -

40 SJH: Well it is not we, it is you, you are the expert.

MS YOZIN: When I consider, sorry. When I consider, I mean you will have to go for your change of land use through the NES process anyway. I think what my concern was when I read the supplementary evidence is
45 that this is going to be a HAIL site, all of it, potentially disposing new areas will add things to the HAIL list and what you can and cannot do

and then looking at the policies, you are allowing material to come on as capping layers provided it is below recreational standards.

5 SJH: Okay then, land contamination does not cover it, we have worked that out have we not?

MS YOZIN: Cover what sorry?

10 SJH: What you are concerned about because it is the extent of the site, you want it limited to as little as the site as possible.

MS YOZIN: No, it that is not.

15 SJH: Well that is what you answered earlier to that effect, is that not what you are concerned about? I am just trying to get clear exactly what it is you are trying to address, are you clear in your own mind what you are trying to address, and if so what is the wording to assist us? You want to think about it and we can come back to it?

20 MS YOZIN: Yes, please.

MR DAYSH: Okay, we will put a ring around that.

25 SJH: I do not mean in a day or two, I mean later in this questioning session we come back to it.

MS YOZIN: Yes.

30 MR DAYSH: All right, look I am now moving to the activity table page 5 of the provisions as agreed and I have got some questions about this is P1, activity P1 B3 and 4 and this comes back to the evidence we have had about the sort of liquid waste that might be received so are the terms “hard fill, liquid waste” are they defined or how are they understood?

35 Could this enable permitted activity for example, this liquid waste includes sewerage that could be located in the zone under this permitted activity as a potential, so again perhaps starting with you, Ms Rolton?

40 MS ROLTON: Certainly, so three and four are in fact the conclusion of those two have come through via the submission received from BRRP and that was to clarify, yes, which material could be disposed within the zone and it was really trying to get consistency with the definition of earthquake waste, includes hard fill and the liquid waste so I included it
45 to ensure that there was that consistency with what the definition does provide for.

[12.15 pm]

5 SJH: Are the networks for wastewater, storm water and road actually defined, because what you are talking about here for sewer and water is still surrounding the pipes, is it not, from Mr James' evidence.

MS ROLTON: Yes, that is my understanding.

10 SJH: So are the networks defined or not?

MS ROLTON: I am not aware of whether or not there are definitions for those in the plan. I could definitely investigate that.

15 MR MURRAY: To my knowledge, sir, it is not defined anywhere.

MR DAYSH: So it is really the relationship or the definition of earthquake waste with the way this rule works, so you are permitted to dispose earthquake waste, earthquake waste can only be, under (a) disposed in the Burwood Landfill in Site B as mapped, and under (b) the material disposed shall only be one, two, three and four, and I have just got a question about whether three and four, particularly four, is too open, just the way that it reads legally. Is there any way that you think that could – I am not saying this would be done – permit liquid waste that is not to do with the earthquake waste to come into the zone?

20 SJH: I mean, are you satisfied it is covered by the definition of earthquake waste, for example?

30 MS ROLTON: Yes, I do think that it should be adequately covered by the earthquake waste definition and given the activities have been taking place - - -

35 SJH: So do you then need them?

MS ROLTON: Well, we still need to incorporate two to four given that, as notified, B1 only allowed the residual earthquake waste, which is my understanding the residual coming out of the Recovery Park processing operations, so it did not - - -

40

SJH: Well, could two not read, all other earthquake waste, simply?

MS ROLTON: Yes, as long as it was clear that it is not restricting it just to that residual earthquake waste, I would be comfortable.

45

SJH: Would the other the two of you be comfortable with that?

MR MURRAY: Yes.

MS YOZIN: Yes.

5

SJH: Well, you can have a think about how you would word that because I think we are going to have to come back this afternoon anyway, because we can only go for another two or three minutes because of a Panel Member's commitment.

10

MR DAYSH: Yes, well, I do not have too much more. I was really just wanting to pick up now about the operational processing time that we have heard some evidence about, and I am looking at P2, page 8, there are the timing restrictions around transportation, but I cannot see any sort of standards around the operational process and whether they are needed or whether they should be there. Any thoughts on that?

15

MS ROLTON: Yes, you are correct. The reference to hours of operation has been purely in relation to movement of vehicles and I think that that has come through from the operative plan and what standards were specified in that plan. Personally, in my view, there are other operations taking place outside of vehicle movements, and I would not see any problem in terms of – you know, putting in operational hours onto those activities as well.

20

25

MR DAYSH: Do you think given the buffering and things it is needed? You know, we have got this enabling – again from your knowledge as a planner, do you think operational hours for actually processing on the site are going to achieve any benefit in terms of managing any particular effect?

30

MS ROLTON: It may not. I think for the most part it is the movement of vehicles which are causing the - - -

35

SJH: Yes, but there are two sorts of vehicle movements, there are vehicles arriving with waste, and then there are the vehicle movements which would be extensive within the site.

MS ROLTON: Correct, yes.

40

SJH: And Mr Murray, are you aware, is this a 24/7 operation or are there constraints?

MR MURRAY: No, I mean there are practical constraints, and it is not a night time operation at all.

45

SJH: Look, we will take the adjournment now because someone has to get away, but if you can think on the matters we have raised, although you are under questioning you are free to talk to counsel and talk amongst yourself about this to advance the process.

5

<THE WITNESSES STOOD DOWN **[12.20 pm]**

MS APLEYARD: Yes, I am just wondering how long the adjournment is, I am due in mediation at 1.20 pm, so.

10

SJH: We would not be coming back until 3.00 pm, Ms Appleyard, will you be free by then?

MS APLEYARD: I probably will be finished mediation, if not Mr Brent can stand in for me. Thank you.

15

SJH: All right, okay. So we will adjourn until 3.00 pm. Okay, thanks very much, and Ms Yozin, that gives you some time to think through the contamination one, feel free to talk amongst yourself about that, the hard fill and the liquid waste one, whether that needs to be there or whether that is covered off.

20

MR DAYSH: Sir, there was one other thing that would be quite useful for the planners to ponder that was reasonably significant, it is really on page 7, your Q standard about the rehabilitation closure plan must be submitted for Council approval, it is not really a standard, it is very open ended. What criteria is very open ended, why the date, should it specify some objectives or matters to be addressed, standards to be achieved. So that is quite an unusual permitted activity standard, so could you have a think about that as well before we come back together?

25

30

There was that one and the only other one was R, the as soon as practicable one, we struggle with those sorts of terms, should there be a measurable time in there and, the final one was C1, page 9, this 10 working day turnaround to get comments from quite an extensive range of parties, is that reasonable in your view? So those are the main matters.

35

SJH: Okay, so you can have a look at those, but you can see a lot of it is just tightening up language so there is less to argue about down the track, which is in everybody's interests. Okay, so we will adjourn until 3.00 pm, thank you.

40

ADJOURNED **[12.22 pm]**

45

RESUMED

[2.59 pm]

5 SJH: Thank you. Just to remind you are still on that oath from this morning and I guess the first thing it would be helpful if you just update us where we have got to and perhaps you go first, Ms Rolton.

<MR MURRAY, MS YOZIN AND MS ROLSTON RETURN [3.00 pm]

10 MS ROLTON: Certainly. Well, where we were left off there was mention about the rehabilitation closure plan activities specific standard so we have - - -

SJH: Just a moment we will bring it up so we have got it front of us.

15 MS ROLTON: So that is P1Q.

SJH: Right, off you go.

20 MS ROLTON: So we have drafted a new standard. So that essentially requires the preparation of a rehabilitation closure plan for the zone which must be provided to Council and it specifies matters which it must address which include the capping details, likely contouring and landscaping of the site, ongoing after care and maintenance activities including maintenance of capping and site fencing, timeframes for progressive rehabilitation of areas in the zone once disposal activities are completed in any area, suitable and unsuitable future uses including health and safety matters and responsibility for ongoing care.

25
30 And as a result of that we are also proposing the deletion of P1R which has been sort of subsumed into the above into this new standard.

SJH: All right. You are all in agreement on this?

35 MS ROLTON: We are.

MR MURRAY: We are, yes.

40 MR DAYSH: Just a couple of queries, originally you had September 2016 which I can certainly see the advantage in, you know, having that planned out particularly with the activities looking to finish up in five years or so, do you still see that timing issue as being important? You had September 2016 originally.

45 MS ROLTON: I think it is still clear that upon disposal activities commencing this plan must be in place. So I think provided, yes, otherwise there would be non-compliance with that standard. My understanding is that

there is currently a plan as a result of the conditions of the existing consent and so it would be likely that that plan is updated.

5 MR DAYSH: All right. So this is to be a permitted activity you have to have this plan in place?

MS ROLTON: Yes, before disposal.

10 MR DAYSH: Yes, all right.

MS ROLTON: It could be permitted.

MR DAYSH: Yes, that is good, thank you.

15 MS ROLTON: And then following that you raised the 10 working day aspect under C1.

20 MR MURRAY: I can probably comment on that and just give I guess an overview of my experience with that clause to date. That in effect is taken directly from the existing Order in Council and the previous section 27 changes that happened to authorise the current activities. So it is a written comment process, it is not a submission or consultation process. It is in effect part of the streamlined process to allow applications to be prepared and granted in a streamlined fashion.

25 In my experience that 10 working days has proven to be sufficient for giving the named parties an opportunity to provide comment on the proposal. So I am satisfied that that is still appropriate for the activity we are talking about.

30 [3.05 pm]

35 MR DAYSH: So do you think, coming back to that Order in Council, was it the final application that received comments or was it a draft, and then they were dealt with and responded to?

40 MR MURRAY: Interesting enough I should probably point out just a subtlety on that. The Order in Council required written comments to be received, to be requested by the consent authority after lodgement. The section 27 changes required the applicant to seek written comments before lodgement. But the upshot of all of that is that the written comments are just I guess another set of considerations for the decision maker to have in front of them but ultimately leading to the approval of the consent through the controlled process.

45

MR DAYSH: Yes, I suppose my point is, having worked on projects and applications where you go through various drafts and things, it is quite helpful sometimes to produce a final draft for comments and then have the applicant being able to actually comment and response to those in the final application. So I was just trying to work out whether the words “on the application” is that on the final application as received by the Council or would you think it would be more helpful to be on a final draft and then there be some response from the applicant on the comments?

5

MR MURRAY: Well, I guess that is what the Order in Council, the way that was drafted, was intended to achieve because in actual fact the application was lodged and it was at that point that the consent authority sought comment so that deals with that issue. I mean and that works fine, that is appropriate.

10

But, yes, in practice what has happened with the current consent applications is that we go out to the community to these parties with the proposal, we receive written comments and it is not like we lodge, you know, immediately, we respond to those comments, modify the proposal to address the concerns and then lodge.

15

MR DAYSH: Yes, that is my point, when you actually read the specific words “An application for a resource consent arising from this rule must include written comments on the application”. So do you think it should be on the final application and then the consent authority just looks at the application and the comments and considers that in its determination or should it be on a final draft of the application?

20

MR MURRAY: Or could it, to address your point, could it say “written comments on the proposal”?

25

MR DAYSH: Yes, it could, yes. I think that would provide the flexibility because do you agree that it is useful when you get comments from parties as an applicant to be able to close them off for people?

30

MR MURRAY: Yes, I agree, yes.

SJH: That is in fact the process you have been adopting by the sound of it?

35

MR MURRAY: That is exactly it, yes.

MR DAYSH: Yes, so I think “on the proposal” would work and be quite flexible.

40

MR MURRAY: I am happy with that.

SJH: You are all in agreement?

MS ROLTON: Yes.

5

MS YOZIN: Yes.

SJH: Thank you.

10 MS ROLTON: And I think going back to address further matters that were raised before the break, I had a look into the definitions of the activities mentioned in P5, recreation activity, conservation activity and park management activity, and none of those activities include forestry type activities.

15

I also looked into the Open Space Natural proposal which is the zoning in around the Specific Purpose zone and as notified as a permitted activity P8, which provides for existing forestry as permitted with no activity specific standards. However there is a definition associated with existing forestry. This means the tending maintenance and harvesting of forest commercially planted as at 2 May 2015 and replanted within five years of the forestry being completed. Existing forestry shall include any earthworks ancillary there to and wholly contained within the existing forestry boundaries.

20

25

And I guess my view at the moment is whether these areas have been deforested longer than that existing forestry definition allows but, yeah, but it is certainly, in terms of whether or not forestry should be provided for within the zone, I do not see any reason to limit or restrict that given that next, in that Open Space Zone the areas are being forested and that has just given the fact that these temporary storage areas are, you know, are still needed.

30

[3.10 pm]

35

MR DAYSH: Yes. Would we have scope to do that, do you think? Perhaps I should, it seems like something perhaps to check on.

MS ROLTON: Yes, I certainly thought I had scope to include other activities which I thought were appropriate so in terms of – I don't see any difference between that, so - - -

40

MR DAYSH: I think I have heard it somewhere in some of the evidence - - -

45 SJH: Yes, it is there, it has been and I think it is within scope but if we can cover it off in closing by counsel anyway.

MS ROLTON: We also discussed about the, whether or not there should be hours specified for the earthquake waste processing activities. My view is I cannot see any reason to restrict those through a standard in the plan given the current standards I am not quite sure what effect the further standards would manage or control and that is where I have got to with - - -

SJH: What do the other two think of that subject?

MR MURRAY: Look, I agree, I do not think there is any evidence in front of the Panel to suggest beyond the controls that are already in place that putting in our hours of operation restriction would manage any additional effects so I think the standards as they sit continue to be appropriate.

MS YOZIN: And I am happy with the standards as they are in the sense of the delivery and the movement of vehicles within the zone.

MS ROLTON: And upon looking at the standards relating to operational hours, I did note that under P2A, the activity specific standards, F to Q also apply but I think that should possibly be G to Q given that the movement of vehicles that is specifically within the Burwood Landfill rather than, yeah, so it relates purely to that disposal activity and not the waste processing activity.

And then in terms of the - - -

SJH: Sorry, just pause a minute. Thank you.

MS ROLTON: And my understanding is in terms of the P1B aspects that were raised, I think we are in agreement that the wording possibly be amended to say “material disposed shall only be residual earthquake waste from operations of the Burwood Resource Recovery Park or any other earthquake waste.”

SJH: So that should be under II, though, already under earthquake - - -

MS ROLTON: Yes, yes.

SJH: - - - and the rest can be deleted?

MS ROLTON: Yes, that is true.

SJH: Okay.

MS ROLTON: And then I think the final matter then comes back to the policy 21.12.1.1.2 in relation to whether there should be reference to land contamination. I am still of the view that there has been no reference to land contamination given my earlier views that I expressed given the
5 type of activity that is taking place is essentially contamination of contaminating land but I also think that that is managed adequately through the Regional Council plans.

SJH: And that is your view still, Mr Murray?

10 MR MURRAY: Yes, that remains - - -

SJH: Now, Ms Yozin, where have you landed?

15 MS YOZIN: My concern was that I just, I would of expected to see a reference to contamination in the policy framework for a zone that provides for these activities and I have been speaking with the other planners around my concerns and I think some of the other policies addressed those things around location that I was concerned of and to a
20 degree any other plan changes to provide for an end use would also deal with the contaminated land as an end use and obviously another resource consent processing under the NES or even the regional plan would basically result in that there is no gap when it comes to contamination.

25

[3.15 pm]

30 Like I will be surprised to not see it in there but from a management point of view it is not like it has not been managed indirectly and we even looked at other ways to draft it, and I think that it probably is fine without putting it in.

SJH: So it may be deleted?

35 MS YOZIN: Yes, where they had ground water contamination I was saying, land contamination I think it would just be, just go straight to the 2 to 5 I think, yes, 2 to 5.

40 SJH: Sorry, I do not follow, are you just saying that 1 should be deleted or not?

MS YOZIN: Yes.

45 SJH: And then it is simply renumbering?

MS YOZIN: Yes.

SJH: Okay.

5 MR DAYSH: I think that sounds – I am appreciative of the reconsideration of
that in the talkback because it is quite important in this sort of zone to
have that logic to work through, so I will leave it at that.

10 MR ILLINGSWORTH: Yes, just one question please, I think it is for you, Ms
Rolton around D, P1D, there is a clause in there that says there is at
least three parallel rows of trees, can I ask is it intended to be for visual
reasons or is it intended to be for noise retention reasons?

15 MS ROLTON: That standard has come through from the operative plan. My
understanding, I probably could not say whether or not it was specific
when that was introduced then to control a visual or noise but in terms
of why I thought it was appropriate to bring it through to the
Replacement Plan was more in relation to the visual aspect.

20 MR ILLINGSWORTH: Because I guess some of the landowners may be
concerned that allows the block of trees that stands between them and
the zone to be removed and whether or not that creates any noise
increase and I think one of the things that I have found a bit difficult
was that I was unable to really understand what the noise at the
boundary is now because there is not any factual information that I can
see saying at the moment it is 50 dB or at the moment it is 20.

25 I guess that was my concern and whether it is not an issue or not, do
you know what the noise levels at the boundary is at the moment?

30 MS ROLTON: No, I do not know what the current measurements are.

35 SJH: See the problem is Mr Camp's evidence was based on a hypothetical
situation involving a concrete crusher which is not even there and in a
logarithm basis it would be all right at the boundary but it is a little like
the evidence we heard from in the quarrying stuff to be honest, it is
around hypotheses rather than reality.

40 MR ILLINGSWORTH: I think from my point of view I can leave it there, but
your basic answer to the question is that primarily you think it is there
for visual reasons?

MS ROLTON: Yes, I do.

45 SJH: I seem to recall with some screening where rural areas meet industrial
areas and such like we heard in the south of the city, it seems to be a
similar sort of rules. I think it is probably reasonable to assume that it
is about visual amenity as opposed to anything else?

5 MS ROLTON: Yes, and just in relation to noise that is why I was very hesitant to not have any noise standards applying to activities taking place in the zone and wanted to ensure that the residential noise standards did apply at the boundary for these activities.

[3.20 pm]

10 SJH: Right.

MS ROLTON: So the activities do need to comply with the general rules, Chapter 6.1 Residential Noise Standards, and if they do not then that triggers the consent process.

15 SJH: So if all those trees were removed by logging and there were only the three rows, and the noise was too high, they would have to adjust their management practices to allow it, higher than the residential standard?

20 MS ROLTON: Yes, or obtain a consent for restricted discretionary.

SJH: Yes.

25 MR DAYSH: I think the discussion should bring the relief the standard itself, because I haven't looked at that in detail, but it is pretty loose, isn't it? Sort of three parallel rows of trees, where are they going to be capable of meeting 8 metres in height should be maintained, is that at the southern boundary or the south-western boundary or?

30 SJH: But usually they provide for off-set planting and all sorts of different things.

MR DAYSH: Yes, so I think there is potential to perhaps tighten that up.

35 SJH: It is actually just saying that when log it someone has got to arrange that they leave three lines of trees three, isn't it?

MR ILLINGSWORTH: And I was assuming that was on the boundary with the residential property.

40 MS ROLTON: Yes, and that would be what I would expect as well.

MR ILLINGSWORTH: Yes, because if everywhere it might sort of mean they can cut and log trees, when there is value, so - - -

45 SJH: So you accept there is room to some tightening up there?

MS ROLTON: Yes.

SJH: To make it plain, because presumably it must be directed at the interface with the residential.

5

MS ROLTON: Yes, and my understanding it would be specifically that southern boundary of the existing landfill site.

SJH: I do not know the name of the road, but it is along the road line is it?

10

MS ROLTON: Well no, I think it would be the row of trees within the existing special purpose landfill.

SJH: So just outside the yellow line.

15

MS ROLTON: Yes.

SJH: So they can only log within four rows of trees south of the yellow line. But if that is what it is saying it needs to say it much more specifically.

20

MS ROLTON: So these provisions - - -

SJH: Because it means you better get planting on the right hand side, on the eastern side anyway, because there is no trees along that bit. And we did hear from somebody that that area on the south-western south bottom has in fact already been logged I think. So I hope they have left three rows otherwise they will fall fowl of your provisions.

25

MS ROLTON: Of the existing Operative Provisions.

30

SJH: Well, look can that be looked at and tidied up and there is one or two other comments I am sure we have, but if we get final agreed version from the three of you by say close of business tomorrow?

35

MS ROLTON: Yes.

MR MURRAY: That is fine.

SJH: You have a couple of other minor things?

40

MR DAYSH: Yes, I have got a couple of minor things that I did not get in before lunch, sorry. It is really towards the – perhaps can we turn to P4 which is on page 9. I suppose I have got a question and a comment, so I will deal with the question first. In P4 A, “the fill material must meet landfill waste acceptance requirements” – is that defined or is that in relation to some documentation, do you know?

45

MS ROLTON: To my knowledge it is not defined in the Replacement District Plan. I received feedback from the operator that material needs to meet landfill waste acceptance guidelines.

5

SJH: Surely it must be defined somewhere.

MS APLEYARD: There is – it comes out of the Kate Valley Landfill, I actually consented that site. I think it is an MFE document, I can't remember, but there is a document on it, so if we can get the reference - - -

10

SJH: So the reference is a document should go in or it should be - - -

15 MS APLEYARD: Or it should be defined.

SJH: Yes. Because there must be something to refer to.

MS APLEYARD: Yes, there is, I just cannot remember what it is off the top of my head, but I am pretty sure it's an MFE document.

20

SJH: Yes, thank you.

MR DAYSH: Okay. And just really my comment was P4 B seems to have referenced the NES for assessing and managing contaminants in soil that effect human health, so that is a particular standard which actually relates to – actually meant to meet the recreational standards for those contaminants, so in relation to that discussion does that have relevance about the policy point we were discussing previously, Mr Murray it sounds like you know - - -

25

30

[3.25 pm]

MR MURRAY: I was actually going to suggest upon reflection that with 'B', I wondered whether 'A' was even necessary, because that 'B' would in effect control or manage the extent of contamination that would be - - -

35

SJH: Well you need to have double check that that is the same as "not less than" whatever the land fill waste acceptance requirements are, do you not - - -

40

MR MURRAY: Yes.

SJH: - - - before you commit yourself to that, Mr Murray? – you probably right but it should be double checked, shouldn't it?

45

MR MURRAY: Okay, I am happy to do that.

5 MR DAYSH: All right, two brief matters, really in relation to the matters for control in C1, the first question I have is about, so these matters are for control, we know that controlled activities cannot be declined and can only deal with conditions around fine matters with control.

I am just wondering the intention of 'D' was to propose method of site rehabilitation, is that – thinking back to the - - -

10 SJH: The plan.

MR DAYSH: The plan or should that be talking about the management, you know propose management of site rehabilitation or something like that, it seems that could do with a bit of a tweak as well perhaps.

MS ROLTON: Yes, the terminology might not be quite right.

20 Yes, I think ideally it is through that rehabilitation plan that where the management measures will come through.

MR DAYSH: Because you would need to update that would you not? I think if there is one in establishment and you got a resource consent relying on these controlled activity provisions - - -

25 SJH: Is it almost a cross-reference to this?

MR DAYSH: I think that - - -

30 MS ROLTON: It - - -

SJH: Because that is what it is trying to say, is it not, that you have to have this?

35 MS ROLTON: Yes, well I guess the control is that there is, yes, some way to manage how the site will be rehabilitated and the standard is saying that that will be done through the plan.

40 MR DAYSH: But this is a matter of controls, so it is not - - -

MS ROLTON: Yes.

MR DAYSH: - - - standard is it, so - - -

45 MS ROLTON: No.

MR DAYSH: - - - it seems like – so the planners agree that there needs to be some improvement that wording and what it is intended to do?

5 MR MURRAY: Look, I certainly think it could do with some tweaking, and I do think - - -

SJH: Well you need to say that otherwise we will ask you what it means.

10 MR MURRAY: I agree that it needs to really come back to what the standard is trying to achieve, and the control matters are around your contouring your vegetation, your monitoring and your aftercare responsibilities, so it could be improved by simply including tweaking those standards into matters of control.

15 MR DAYSH: Well, certainly if the other planners agree I would be very comfortable for you to sort of leave to suggest some improvement there.

20 SJH: You all agree that - - -

MS ROLTON: Yes.

SJH: - - - it needs a tighten up?

25 MS YOZIN: Yes.

SJH: Okay, yes.

30 MR DAYSH: And the last comment I had is really in relation to ‘E’ which seems an unusual control, again the wording, if you like to read that through, there are two themes there, I do not think the last thing about “propose benefits” is a control, it is more of an effects assessment or something you demonstrate in your application, so if you would like to have a good at starting with that?

35 MS ROLTON: I drafted that matter of control and in doing so I took direction from the decision on the natural hazards proposal. It is certainly not word for word from that and I guess the matter being controlled is ensuring effects from flooding are mitigated if filling takes place in flood management areas.

40 I guess that second aspect about benefits arising, enabling a reasonable use of a site is that, yes, I was probably thinking in terms of the recovery aspect, you know that benefits in terms of – and reasonable use of the site is really for the purpose of disposing of earthquake waste.

45

[3.30 pm]

5 SJH: Are they a trade off against mitigation or a trade off against flooding? I mean the first but I think, I cannot recall, we may well have done it but I cannot recall the second but in Natural Hazards, that is all.

MS ROLTON: Okay, I do not think I can take credit of thinking of it.

10 SJH: I am not saying it is not there by any means.

MS ROLTON: No, it was not, it was not something that I thought of myself.

15 MR DAYSH: Perhaps in a caring sharing way between planners, I wonder if any other planners have any thoughts on that just as, you know, this is a matter of control, do you agree that the second part at least is more of an assessment?

20 MR MURRAY: Yes, my view is that everything after the “and proposed benefits aspect” is unnecessary as a matter of control and could be struck out.

MS YOZIN: Yes, it is – for when you look at the list it does not quite fit in the sense of being a matter of control, so it can be struck out - - -

25 SJH: So you wanted it limited to the Council being able to take account in what mitigation has been put into place regarding flooding, surface drainage and flood storage full stop, or can anyone see a purpose for the last bit, even if we have got it in natural hazards?

30 MR MURRAY: Look, I do not see how the Council controls through conditions proposed benefits, so I do not think it is necessary.

35 SJH: I mean, as a matter of course we look across other when we get a final draft of this, we look across the other side of chapters to make sure that there is consistency and if that is there we will have to consider why it is there but at the moment is everyone in agreement that it should be deleted, the last bit after the comma?

40 MS ROLTON: Yes.

MS YOZIN: Yes.

SJH: Okay, thank you.

45 MR DAYSH: For this I am satisfied, thank you.

SJH: All right.

MR ILLINGSWORTH: No questions.

5 SJH: Ms Appleyard, do you have anything arising?

MS APLEYARD: No, not anything specific other than perhaps
(INDISTINCT 2.45) from a planner was to, I think we have got a note
10 in the things that would helpful for, in closing and maybe a timetable
for doing - - -

SJH: No, I really meant we had been, it is hot tubbing in a sense but it has
also been questioning and I just wanted to know if you had any, and I
will go through the others as well.

15 MS APLEYARD: Just in relation to this P1Q, that was my drafting but I just
wanted to - - -

SJH: Well we cannot read it.

20 MS APLEYARD: That is exactly why I said – I will get that typed for you
but it is actually just a variation of the wording in the current consent as
to what is required in the plan other than the asterisk one is actually
new so we specifically put in that issue around timeframes for
25 progressive rehabilitation so that is where that comes from but the
asterisk one is a new addition that we added into deal with the deletion
of what was R.

SJH: So the reference to September 2016 and such - - -

30 MS APLEYARD: Yes, and I think the reference to 2016 as I read it actually
brings the date back because in order to rely on these provisions as
permitted activity, you have to have it in place so it effectively brings it
forward.

35 SJH: The one thing we did not get a response to which of course is relevant
with the petition that we see, is even allowing for the fact that you
cannot get timing perfectly correct as the predictions for this would
prove. Should it have some sort of end date, this provision? I mean
40 your view is – all of you are of the view that it has got to be left to a
plan change or the next review or whatever because of the uncertainties
around timing.

45 MS APLEYARD: Yes, I think the answer to that in a legal submission sense
would be that it sort of, recovery needs to take its course and putting
timeframes on dates by which recovery have to take place when we

have got it wrong already once is sort of the opposite of recovery and in any event if it happens earlier the rehabilitation and the recreation is permitted in any event - - -

5 SJH: It cuts in as soon as they - - -

MS APPLEYARD: Yes.

SJH: The earthquake waste is finished?

10

MS APPLEYARD: Is finished, that is permitted and that can occur so but a date would be, a date would be for the purpose of driving recovery to occur by a certain date and I do not think that would be consistent with - - -

15

SJH: Yes, I think it is important though we highlight that for the petitioner's point of view and the decision as opposed to the provisions.

MS APPLEYARD: Yes, thank you.

20

[3.35 pm]

SJH: Ms Mehlhopt, is there any comments you have got around this, there is nothing that impinges in any way upon ECan's interest?

25

MS MEHLHOPT: No, I am happy with everything that has been discussed today, sir.

SJH: All right, thank you, Mr Allen, anything?

30

MR ALLEN: No, thank you, sir.

SJH: Mr McNamara?

35 MR McNAMARA: No, thank you, sir.

SJH: All right, well that was not quite so bad was it, you can now resume your seats at the back. I take it you would prefer to file written closings?

40

<THE WITNESSES WITHDREW

[3.35 pm]

MS APPLEYARD: Yes, we would.

SJH: Crown and your client, Ms Appleyard, there is a lot on at the moment, I was going to say close of business Friday but that might be a bit, you are the one who has requested an urgent decision?

5 MS APPLEYARD: Well when I mean urgent we - - -

SJH: I was going to say that, what do you mean - - -

10 MS APPLEYARD: What we mean is a decision that lines up with the Minister so if we can indicate to you that we have had a decision from the Minister and then fairly quickly after that we could have some response to you so you do not need to do anything unless you hear from us that the Minister has made a - - -

15 SJH: So in terms of a drop dead date with your resource consents and that when are you talking of, roughly?

20 MS APPLEYARD: Well Mr Murray had got an application ready to go for the extension of site A but that is going to be processed under the existing Order in Council so – that is correct, is it not?

MR MURRAY: The existing section 27 changes, yes.

25 MS APPLEYARD: Yes, so a drop dead date, we understand that if the Minister misses today that it is going to be six or seven weeks before we get a response out of the Minister and we cannot move on the other consents until he has dealt with the regional consents because some of the activities are prohibited.

30 SJH: If we were ready to go by late January that is going to meet what you are talking about?

35 MS APPLEYARD: Yes, and we will undertake to update you as soon as we hear from the Minister.

SJH: Okay, thank you. Closing submissions say close of business Wednesday next week?

40 MS APPLEYARD: Yes, I have got evidence coming in on Natural Heritage.

SJH: Well you have got a very generous extension.

45 MS APPLEYARD: Thank you, sir. I think we have just dealt with some of it at mediation so, yes Wednesday would be helpful, thank you.

SJH: All right, and the same for the Crown?

MR ALLEN: Thank you sir.

SJH: Have you filed a closing, Ms Mehlhopt just to tidy it up?

5

MS MEHLHOPT: I can if that would suit, sir.

SJH: Yes, I do not think you need to go in any great length but just something brief and a response for the Council, Friday of next week?

10

MR McNAMARA: Yes, that sounds fine.

SJH: All right, we will make it close of business on each of those days, thanks to everybody on this and thank you to the planners, it has been a good process getting you in the front row and talking to you and we are grateful for that. It has certainly made our task a lot easier and I will adjourn this hearing until 10 am on Monday morning, thank you.

15

If we do not see any of you again before Christmas, have a decent break, we are not.

20

**MATTER ADJOURNED AT 3.38 PM UNTIL
MONDAY, 14 DECEMBER 2015 (Flat Land Recovery Zone hearing)**