

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of decision: 23 February 2016

Hearing Panel: Hon Sir John Hansen (Chair), Mr John Illingsworth, Ms Jane Huria, Mr Stephen Daysh

DECISION TO MAKE MINOR CORRECTIONS TO DECISION

DECISION 14

Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal — Stage 3

Background

[1] The Hearings Panel ('the Panel') issued its decision on Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal ('Decision 14') on 11 February 2016. We received a memorandum ('the memorandum') from the Christchurch City Council ('the Council') requesting corrections to our Decision 14 on 18 February 2016.¹

¹ Memorandum of counsel for the Christchurch City Council requesting corrections to Decision 14, 18 February 2016.

[2] Clause 16 of Schedule 3 to the OIC provides as follows:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.
- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

Reasons for the corrections

[3] The memorandum sets out the requested corrections in paragraph 9. In short, these relate to numbering errors, and the omission of two words.

Decision

[4] We agree to the corrections sought, and direct changes using our powers under cl 16 of Schedule 3 to the OIC. Decision 14 is hereby amended in accordance with Schedule 1.

For the Hearings Panel:

Hon Sir John Hansen
Chair

Mr John Illingsworth
Panel Member

Ms Jane Huria
Panel Member

Mr Stephen Daysh
Panel Member

SCHEDULE 1

Amend the definitions in Chapter 2 Definitions as follows:**Earthquake waste**

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

Earthquake waste processing activities

means:

- a. the storage, stockpiling, sorting and processing (including recycling) of earthquake waste; and
- b. any ancillary activities (including ancillary buildings) for the purpose of the activities specified in a., including transportation; and
- c. any remediation work required as a result of the effects of the activities specified in a. and b.

Chapter 21.12 Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

21.12.1 Objectives and Policies

21.12.1.1 Objective: Efficient operations

- a. The Burwood Resource Recovery Park and Burwood Landfill are operated efficiently, recognising their significance in supporting earthquake recovery in a way which minimises adverse effects on the environment.

21.12.1.1.1 Policy: Facilitating recovery and disposal of earthquake waste

- a. Provide for the existing and ongoing need for earthquake waste processing and disposal activities as follows:
 - i. Encourage the reduction of earthquake waste by providing for earthquake waste processing activities and sorting of demolition waste from the Canterbury earthquakes at the Burwood Resource Recovery Park.
 - ii. Allow flexibility for permanent earthquake waste disposal sites within the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone.

21.12.1.1.2 Policy: Management of adverse environmental effects

- a. Ensure that earthquake waste processing and disposal activities will be managed to minimise adverse effects on:
 - i. residential amenity and safety;
 - ii. recreational activities;
 - iii. character and quality of the coastal environment; and
 - iv. vehicular access and the road network.

21.12.1.2 Objective: Progressive restoration of the Burwood Landfill

- a. Progressive restoration of the Burwood Resource Recovery Park and Burwood Landfill for open space purposes following the completion of earthquake waste processing and disposal activities.

21.12.1.2.1 Policy: Rehabilitation

- a. Require the progressive rehabilitation of the Burwood Landfill and Burwood Resource Recovery Park following completion of earthquake waste processing and disposal activities.

21.12.2 Rules — Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

21.12.2.1 How to use the rules

- a. The rules that apply to activities in the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone are contained in the activity status tables (including activity specific standards) in Rule 21.12.2.2.
- b. The activity status tables and standards in the following chapters also apply to activities in the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone (where relevant):
 - 6 General Rules and Procedures (where relevant below):
 - 6.1 Noise, to the extent that the residential standards apply at the residential boundary. Activities are exempt from the Open Space standards.
 - 9 Natural and Cultural Heritage
- c. For the avoidance of doubt, the activity status tables and standards of other chapters not listed in 21.12.2.1.b. do not apply to activities within the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone.

21.12.2.2 Activity status tables – Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

21.12.2.2.1 Permitted Activities

In the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone the activities listed below are permitted activities if they comply with the activity specific standards set out in this table.

Activities may also be controlled or non-complying as specified in Rules 21.12.2.2.2 and 21.12.2.2.5.

Activity		Activity specific standards
P1	Disposal of earthquake waste.	<ol style="list-style-type: none"> a. Disposal of earthquake waste shall only occur within the area marked as “Burwood Landfill” and “Site B” in Appendix 21.12.3.1 b. Material disposed shall only be: <ol style="list-style-type: none"> i. residual earthquake waste from the operations at the "Burwood Resource Recovery Park"; or ii. any other earthquake waste. c. Earthquake waste permanently placed shall be : <ol style="list-style-type: none"> i. compacted using specialised compaction equipment; and ii. covered by sand or soil to a minimum depth of 150mm upon completion of filling in any given area. d. Earthquake waste shall at no point be more than 25 metres above the level of the ground as measured at the intersection of Rothesay Road

Activity	Activity specific standards
	<p>and Bower Avenue, and shall merge with the natural ground level of the terrain at the outer edge of the landfill.</p> <p>e. As long as earthquake waste disposal activities are occurring within the area marked as "Burwood Landfill" in Appendix 21.12.3.1, screen planting in the form of at least three parallel rows of trees, capable of meeting 8m in height, shall be maintained from the southern boundary of this area.</p> <p><i>General</i></p> <p>f. Movement of vehicles within the "Burwood Landfill" shall take place between 0500 and 2100 hours Monday through to Saturday, unless exceptional circumstances apply.</p> <p>g. Delivery of earthquake waste shall occur only between 0530 and 1830 hours Monday through to Saturday.</p> <p>h. The site shall not operate on Sundays and public holidays.</p> <p>i. Mesh fences and screens shall be maintained around working areas to contain windblown waste, and any material blown beyond this containment area shall be collected on a weekly basis, or more frequently if required.</p> <p>j. Dust arising from activities, roads or unconsolidated sand, soil or earth is to be suppressed in windy conditions.</p> <p>k. Birds and vermin shall be controlled to avoid nuisance within and adjacent to the site.</p> <p>l. Access shall be provided for fire appliances through boundary planting areas and a water supply shall be available to assist with fire fighting both within the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone and in the adjoining Bottle Lake Forest Open Space Natural Zone.</p> <p>m. Public access to the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone shall be confined to:</p> <ol style="list-style-type: none"> i. vehicles owned by or under contract to the Christchurch City Council; ii. vehicles of any other local authority approved by the Christchurch City Council; iii. vehicles carrying compacted waste; iv. vehicles carrying hardfill or other materials unsuited to compaction; v. vehicles carrying cover material; and vi. recreational use as provided for by Rule 21.12.2.2.1 P5. <p>n. All earthquake waste shall be transported in a container or covered, except where because of the nature of the load and/or method of securing it, no problem of litter or dust can arise.</p> <p><i>Transport</i></p> <p>o. For the duration of the operation of the Burwood Resource Recovery Park and Burwood Landfill:</p> <ol style="list-style-type: none"> i. the only access shall be as shown in Appendix 21.12.3.1; and ii. the noise bund and acoustic fence shall be maintained, as shown in Appendix 21.12.3.2.

Activity		Activity specific standards
		<p>p. Vehicle movements shall not exceed more than 50 vehicle trips per peak hour or 250 heavy vehicle trips per day (whichever is met first). 'Peak hour' are those hours between 3 pm and 7 pm on a weekday.</p> <p><i>Rehabilitation</i></p> <p>q. A rehabilitation / closure plan for the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone shall be provided to the Council which includes:</p> <ol style="list-style-type: none"> the final capping details, likely contouring and landscaping of the site; any on-going aftercare and maintenance activities, including maintenance of capping and site fencing; timeframes for progressive rehabilitation of areas within the zone once disposal of waste is completed in any area; suitable and unsuitable future use, including any relevant health and safety matters; and responsibility for on-going aftercare. <p><i>Flood Management Areas</i></p> <p>r. Disposal of earthquake waste shall not take place within a Flood Management Area.</p>
P2	Earthquake waste processing activities.	<p>a. The activity specific standards (g) to (q) outlined under P1 also apply to this activity.</p> <p>b. Following completion of activities the site shall be cleared of all machinery and plant used for earthquake waste processing activities and reinstated.</p>
P3	Erection of buildings	<p>a. Any erection of buildings:</p> <ol style="list-style-type: none"> shall be ancillary to Burwood Resource Recovery Park or Burwood Landfill operations; shall not exceed a total of 200 m² gross floor area; and shall be removable/ relocatable at completion of operations.
P4	Stockpiling and use of fill material for the purpose of rehabilitation of the disposal areas	<p>a. Any contaminated fill material shall meet the recreational standards for contaminants in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</p>
P5	Recreation activity, conservation activity, park management activity and plantation forestry activity	<p>a. Activities shall only take place in areas where rehabilitation has been completed and appropriate measures are in place to prevent public access to operational areas.</p>

21.12.2.2.2 Controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved, as set out in the following table.

Activity	The matters over which Council reserves its control:
<p>C1 Activities P1-P3 involving earthquake waste, in Rule 21.12.2.2.1, that do not comply with any one or more of the activity specific standards.</p> <p>Any application arising from this rule will not require written approvals and shall not be publicly or limited notified.</p> <p>An application for resource consent arising from this rule must include written comments on the proposal, or evidence of 10 working days having been provided for those comments to be made, from the following parties:</p> <ol style="list-style-type: none"> Te Rūnanga o Ngāi Tahu and any relevant Papatipu Rūnanga identified by Te Rūnanga o Ngāi Tahu; Canterbury District Health Board; Burwood-Pegasus Community Board; Parklands Residents Association; Queenspark Residents Association; Owners and occupiers of land adjacent to the Burwood Landfill and Burwood Resource Recovery Park. 	<ol style="list-style-type: none"> Effects on the amenity of residences along the designated access route. Effects in terms of traffic, dust and noise, also taking account of the hours of operation. Effects on the coastal environment. The extent to which the proposed rehabilitation addresses the matters in P1 (q) (i)-(v). Mitigation of effects as they impact flooding, surface drainage and flood storage capacity, including any compensatory storage.

21.12.2.2.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

There are no restricted discretionary activities.

21.12.2.2.4 Discretionary activities

The activities listed below are discretionary activities.

There are no discretionary activities.

21.12.2.2.5 Non-complying activities

The activities listed below are non-complying activities.

	Activity
NC1	Any activity not listed in Rule 21.12.2.2.1.
NC2	Activities P4 in Rule 21.12.2.2.1 that do not comply with any one or more of the activity specific standards in 21.12.2.2.1 P4.

	Activity
NC3	Activities P5 in Rule 21.12.2.2.1 that do not comply with any one or more of the activity specific standards in 21.12.2.2.1 P5.

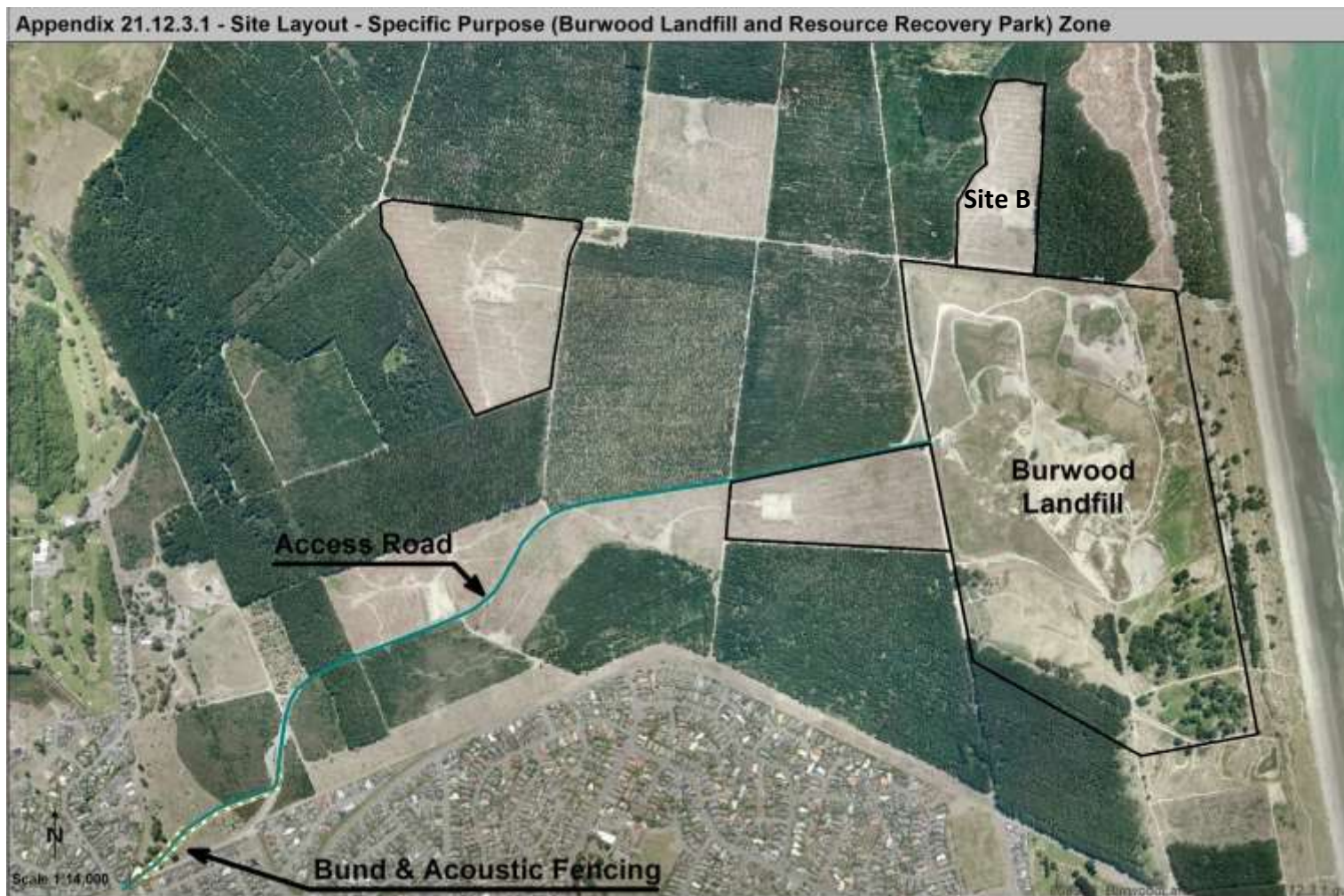
21.12.2.2.6 Prohibited activities

The activities listed below are prohibited activities.

There are no prohibited activities.

21.12.3 Appendices

21.12.3.1 Site layout – Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone



Specific Purpose Zones (Part) Burwood Resource Recovery Park — Stage 3
Minor Corrections to Decision

21.12.3.2 Noise bund and acoustic fencing

