

SECTION 42A OFFICER

RESOURCE MANAGEMENT REPORT

Application Reference	RC 050268
Applicant	Transwaste Canterbury Ltd
Application site	Mt Cass Road, Waipara
Legal Description	Secs 1-7 SO18668, Secs 8 and 9, 11-14 SO18669 Sec 15 SO18670 BLKS I II III IV VII Teviotdale SD
Description of Proposal	To cancel/change condition 22 of RC020069 which relates to the number of traffic movements to and from the Canterbury Regional Landfill site.
Zoning	General Management
Hearing	Monday 19 th June, Tuesday 20 th June, and Wednesday 21 st June 2006, Council Chambers, Amberley

PREAMBLE

1. My name is Judith Batchelor and I am a Senior Resource Consents Planner employed by the Hurunui District Council. I have 21 years experience working in local government.
2. I hold the qualification of Bachelor of Science (Geography), University of Canterbury and additional Masters papers obtained in Resource Studies, Lincoln University. I am a graduate member of the New Zealand Planning Institute.
3. I prepared the report for the original hearing of the application and evidence for the Environment Court Hearing for the Kate Valley Regional Landfill. I am also responsible for the ongoing monitoring of the resource consent conditions for the Kate Valley landfill. I have visited the site on numerous occasions since the original applications were lodged with the Council for consent. Since consent was granted by the Environment Court I have visited the site on average every six weeks. I am also the Council's representative on the Community Liaison Group.
4. This report reviews the application for resource consent. It should be emphasised that opinions expressed in this report are those of the author based on the information at hand, and any conclusions reached or recommendations made in this report are not binding on the Commissioner. Accordingly, it should not be assumed that the Commissioner will reach the same conclusion having read and heard all the evidence brought before them at the hearing.

Background

5. In March 2004 a decision by the Environment Court granted resource consents to Transwaste Canterbury Limited to establish a regional landfill at Kate Valley subject to a number of conditions. Two of the consents were from Hurunui District Council RC 020067 and RC 020069.
6. RC020067 related to the upgrading of Mt Cass Road and included a number of conditions in relation to engineering standards for the road. RC 020069 related to the establishment and ongoing operation of the landfill. Condition 22 of RC 020069 requires that

22. The total number of vehicle movements to or from the site in any seven day period shall not exceed 1090, of which no more than 600 shall be heavy vehicles.

For the purpose of this condition heavy vehicle means a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) in which the gross laden weight exceeds 3500kg but does not include an emergency response vehicle designed solely for that purpose.

7. In September 2005 it became apparent that there were more than 600 vehicle movements to or from the landfill in terms of the Council's interpretation of the condition and therefore a change of condition application was required.

APPLICATION

8. The application seeks to change or cancel condition 22. The application indicates that the change or cancellation is required because the site requires additional heavy trips to allow for:
- Heavy vehicles carrying crushed river metal to the landfill for the liner protection layer.
 - Heavy vehicles carrying waste to the site to service the Canterbury area due to the increasing volumes of waste being generated
 - Heavy vehicles removing leachate from the site
9. For the purposes of this application, a trip has been defined as a journey between origin and the Kate Valley Landfill.

NOTIFICATION AND SUBMISSIONS

10. The application was publicly notified on 11 March 2006 in the Christchurch Press and submissions closed on the 7th April 2006.
11. 500 submissions were lodged to the application. 4 were in support and 496 were in opposition. 120 indicated they wished to be heard, however the list was reduced to 96 after the notice of hearing was sent out as parties indicated they no longer wished to be heard.
12. 31 submissions from the following persons were received late. Including some submissions that were only received by Transwaste and not the Council. The Commissioner will need to determine if the late submissions should be taken into account. All the late submissions were in opposition.

Late Submissions

Submiss no	Name		To be heard
458	Nicholas	Allen	N
459	Roger Robin &	Hornblow	N
460	Gertrude	Gould	
461	Karen	Croft	N
462	Douglas	Gardner	N
463	Rex	Mackenzie	N
464	Russell	Mackenzie	N
465	Jean	Mackenzie	N
466	Lynn	Woodyard	N
467	Mollie	Thomson	Y
468	Elizabeth	Thomas	N
469	Nicola	Painter	Y #
470	Alan	Blackie	Y
471	Wayne	Painter	Y #
472	Willem	van den Ende	Y

474	Hamish	Gardener	Y
475	Allan	Henderson	N
476	Valerie	King	N
477	Geoffrey	Combe	Didn't indicate
478	Kathryn	Combe	Didn't indicate
479	Adele	Wilshire	N
480	Duncan	Forbes	Y

No address for service

Submissions Received by Transwaste and not the Council

481	Annabel	Craighead	N
482	Maxme	Dancowe	Y
483	Angela	Davidson	Y
484	Mary	Eaton	N
485	Michael Michael &	Eaton	N Y
486	Annette	Hainblett	
487	Sarah Waipara	Hughes-Games	N N
488	Gardens		
489	Jason	Williams	N

13. Analysis of the submissions highlighted a number of common issues which are summarised below.

OPPOSITION

Life of Landfill

- Life of the landfill will be reduced because with more waste the landfill will fill up quicker. Hurunui will have another dump on its doorstep.
- Councils will have no incentive for waste minimisation and working towards zero waste targets.
- Christchurch City Council should stick to its zero waste targets.
- Lack of comprehensive waste volume forecast.

Accuracy of original application

- Estimates of waste volumes, traffic volumes and leachate volumes provide by the applicant at the consent hearing are now wrong. This raises serious questions about the basis for the operation of the landfill.

Traffic

- Waste trucks creating hazards on Sate Highway 1 and Mt Cass Road intersection.
- There are too many waste trucks now travelling through Woodend, Waikuku and Amberley.
- Noise and inconvenience of extra traffic.
- Queues of trucks waiting at entrance gate to enter the site.

- Access onto the state highway is dangerous because of the amount of traffic.
- Shopping in Amberley is becoming hazardous because of the number of trucks, dangerous crossing the road and parking.
- On site difficulties at the Shell service station where the trucks are refuelling.
- Concerns about impact of additional traffic on Mt Cass Road and State Highway 1 intersection.
- Affect on amenity values of the residents on Mt Cass Road through increased traffic noise and effects on traffic safety.
- Extra waste should be carried by rail.
- Amenity effects of traffic – eating a meal with waste trucks going past.
- Councils will allow private contractors to use the landfill and establish private transfer stations.
- Need to review/increase the maintenance contribution for maintenance of Mt Cass Road.
- Increased traffic on Mt Cass Road with this application and the Tiromoana Bush project and Mt Cass walkway, should put in a passing lane by the Omihi Stream bridge and consideration should be given to upgrading SH 1 and Mt Cass Road intersection.
- Safety of the school bus on Mt Cass Road.
- More trucks increasing fuel consumption.
- Transwaste trucks have caused broken windscreens and are ruining the roads.
- Cartage should be at night so as not to disturb the local traffic.
- Speed of trucks and lack of passing lanes between Amberley and Christchurch.
- Likely to be increased incidents of road rage.
- Risk of toxic spills from leachate transporters.
- Increased greenhouse gases and use of fossil fuels.
- Speed of trucks through Amberley.
- Not necessary to include petroleum trucks in the condition.
- Amend condition to only include waste and leachate trucks.
- Effect of extra trucks on Waipara's clean green image.
- Traffic should bypass Amberley by using Broad Road and Georges Road.

SUPPORT

- Not granting consent will compromise the ability of the landfill to accept all residual waste from the Canterbury local authority areas.
- Volume of waste is not under the control of Transwaste.
- Waste trucks make up a small percentage of heavy vehicles on the State Highway.
- Community education and the development of a regional coastal reserve should not be compromised by limits on heavy vehicle numbers.

14. The issues raised in the submissions will be considered in later sections of this report and many of the traffic issues are considered in Mr Williams's traffic report attached to this report.

STATUTORY REQUIREMENTS

15. Section 127 of the Resource Management Act states:

127. Change or cancellation of consent condition on application by consent holder –

- (1) The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent (other than any condition as to the duration of the consent).
 - (3) Sections 88 to 121 apply, with all necessary modifications, as if –

the application were an application for a resource consent for a discretionary activity; and

the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.
 - (4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –

made a submission on the original application; and

may be affected by the change of condition.
16. Case law indicates that in deciding whether an application for variation is in substance, a new application, the consent authority should compare any differences in the adverse effects likely to follow from the varied proposal with those associated with the activity in its original form. Where the variation would result in a fundamentally different activity or one having materially different adverse effects, a new application may be required
 17. It is my opinion that the application for change of condition should be treated as a change of condition rather than a fresh application, as the scope of the application is not extending the nature of the application. The application being sought is not for an activity which is materially different in nature to the existing landfill activity on the site. The original consents were to establish and operate a landfill and changing or cancelling this condition will not change the nature of that activity. As the following discussion will show the change or cancellation of condition in my opinion will not have materially different adverse effects to the original application.

DISTRICT PLAN

18. The District Plan in Section C1.2.4 (d) (i) identifies specific criteria for assessing landuse consent applications in relation to consents that have traffic generation issues. The specific criteria are set out in detail in Appendix 2 of Mr Williams traffic report so I do not propose to replicate them in my report. While not specifically referred to again in this report these criteria are considered throughout the following discussion of the application.

EFFECTS OF THE ACTIVITY ON THE ENVIRONMENT

19. As the application is for either a change to condition 22 or a cancellation of condition 22 a discussion of both options is necessary.
20. Before assessing the effects of the proposal it is necessary to discuss the increase in traffic numbers that are being sought. The increase is set out in the application documents – pages 6 and 7 of Appendix A Review Of Heavy Vehicle Generation by Kate Valley Landfill.

Total Heavy Vehicle Return Trips/Movements

Vehicle Type	Original Application Peak 7 day period	Original Movements	Projection – this application	Projected Movements
Refuse	299	598	459	918
Leachate	7	14	42	84
Gravel	0	0	135	270
Contractors	20	40	20	40
Visitors	4	8	4	8
Non Landfill	0	0	125	250
Total	330	660	785	1570

Trip – a movement of a motor vehicle to the landfill **and** a return movement from the landfill is a trip.

Movement – movement of motor vehicle either onto the landfill site **or** off the landfill site

21. Condition 22 provides for a maximum of 600 heavy vehicle movements in any seven day period. No change is requested in respect of the number of light vehicles therefore this report will not involve any discussion on light vehicle movements.
22. The numbers proposed in the change of condition include the traffic counts of other activities including forestry activity on adjacent Ngai Tahu Forest Estates, Tiromoana farming activity, petroleum exploration activity and DOC access to coastal reserves. It is my view that while these vehicles are captured by the traffic counter in the road which is explained in Mr Pinkham's evidence the focus of the assessment should only be on landfill traffic. The other activities referred to are not subject to any resource consent and in the case of the oil exploration would require a resource consent once the

threshold of Rule A1.2.19 of the District Plan is met. Rule A1.2.19 allows less than 4 heavy vehicle movements and 20 other vehicles as a permitted activity.

Vehicle movement is defined in the District Plan as follows

means the movement of motor vehicles onto or off a site over a 24 hour day, averaged over any one week (seven days)

23. It is therefore my opinion that the focus of the consent should be on the traffic associated with the operation and ongoing construction of the landfill. This is an increase in the number of trips from 330 a week to 665 a week (600 movements consented to - 1320 movements proposed.)

Traffic

24. The submitters have raised a number of issues which will be addressed throughout this report. The most significant effect is traffic. A separate traffic report from Nigel Williams addresses the traffic effects of the proposal.
25. In my opinion the traffic issues generally fall into 1 of 3 categories
- State Highway 1 traffic
 - State Highway 1/7 and Mt Cass Road intersection
 - Mt Cass Road

State Highway

26. As shown in the above table the increase in traffic trips on the state highway is from 330 to 525 (excludes gravel cartage on Mt Cass Road and other vehicles). An increase from 600 heavy vehicle movements consented to, to 1050 waste and leachate trucks. Many of the submitters have expressed concern about the traffic safety effects of additional trucks on the State Highway. No evidence has been provided that shows that an increase in heavy vehicle traffic increases the proportion of truck accidents above the proportion of accidents for all other traffic on the road. This is further analysed in Mr Williams report. Case law is clear that community perceptions of potential adverse effects on the environment and risk, are not in themselves effects on the environment and can only be given weight if established by qualified expert evidence.
27. I therefore have concluded that an increase in traffic numbers proposed in the application or further a cancellation of the traffic condition will not have an adverse effect on traffic safety on the State Highway. This view is further supported by discussions with Transit New Zealand staff who advised that Transit did not lodge a submission on the application as they did not consider that the proposal would have an adverse effect on traffic safety or the functioning of the State Highway.
28. Some submitters have raised concerns about the amenity effects of additional traffic on the State Highway such as eating a meal while waste trucks are going past. I do not agree that there is any difference in a waste truck going past to any other truck. Waste is fully enclosed within containers; there is no odour or loss of material. The Canterbury Waste Services (CWS) trucks meet

stringent emission and noise standards. While there may be some loss of amenity through an increase in heavy trucks in general on the state highway it is important to recognise the importance of the state highway network particularly its function of serving the regional heavy transport needs of the wider Canterbury area.

State Highway 1/7 and Mt Cass intersection

29. Conditions on the original consent required seal widening on the corner and an acceleration lane towards the Waipara River Bridge. The Council has considerable concerns about the whole intersection including the intersection of State Highway 7 to Hanmer Springs and continues to work with Transit to progress improvements to the intersection. Some minor improvements to the alignment of State Highway 7 have been carried out. It is my view that this application doesn't trigger a need for further upgrading; however it is my opinion that the overall alignment and configuration of the intersection requires further investigation.
30. Additional traffic numbers could increase the likelihood of stacking of trucks on the State Highway in the right hand lane. CWS do not propose to increase the number of trucks in the transportation operation so stacking is unlikely. Every attempt should be made by CWS to ensure that wherever possible trucks arrive at the landfill at staggered intervals. I appreciate that trucks arrive from at least 6 different locations which make co-ordination difficult, but it is my view that staggering the arrival of trucks would reduce some of the concerns of submitters.

Mt Cass Road

31. The increase in traffic numbers will have a significant effect on Mt Cass Road. Including the gravel trucks there will be an increase in landfill traffic from 600 movements as consented to, to 1320 movements on Mt Cass Road. Of this 270 gravel trucks will be on an intermittent basis.
32. It is beyond my expertise to comment on the capacity of the road to cope with the additional traffic and I leave this to others to comment on. It is the view of the Manager Engineering Services - Bruce Yates that extra traffic isn't going to shorten the life of the road and that the road has been built to a design that can carry the additional road traffic as proposed in this application.
33. In the original consent decision Condition 46 required Transwaste to pay the Council \$5850 (plus GST and inflation adjusted) every year of the landfill's life for "maintenance, resealing and reconstruction" of the 5.2 km of Mt Cass Road to the intersection with the landfill access road.
34. The figure was based on the Districts average cost of \$2000 per km for routine maintenance and a 16 year resealing cycle, and on the assumption that Land Transport New Zealand's financial assistance rate for the Council remains at 50%.

i.e.	Routine maintenance @2000/km (5.2kms)	\$10,400
	Resealing costs (2 reseals in life of landfill)	
	(ie 5200 x 7 x 2.50 x 2 ÷ 35)	<u>\$5200</u>
	Sub Total	\$15600
	Less subsidy from LTNZ	<u>\$7800</u>
	Sub Total	\$7800
	Assume Transwaste share of costs is 75%	
	and local share is 25%	\$5850

35. Mr Yates has advised that these figures are still appropriate however with an increase in traffic numbers the Transwaste share should perhaps be increased to 90 %. This would result in the maintenance contribution increasing. This percentage calculation will be further analysed with recent traffic counts for Mt Cass Road and will be clarified at the hearing
36. There will be a change to the amenity values by increasing the traffic movements along Mt Cass road and these will be significant to the residents on Mt Cass Road. There are two residences on the lower section of Mt Cass road not owned by Transwaste that will be affected and three residences beyond the landfill access road intersection that will be affected. Twice a day the school bus also travels along Mt Cass Road. Mr Williams has considered the level of service and quality of service issues in his report and concluded that Mt Cass Road does have sufficient carrying capacity for the anticipated traffic volumes. Mr Williams has also concluded that there will be adverse amenity effects for the Mt Cass Road residents.
37. It is my view that existing conditions of consent controlling noise, emissions from landfill traffic; restrictions on hours of transportation; and access to the site and the formation of the road minimise these adverse effects.
38. The application seeks to either change condition 22 to increase the number of heavy truck movements or to cancel the condition. In considering whether to cancel the condition the following factors should be considered
- The heavy vehicle traffic capacity of the route.
Mr McKenzie concludes in his evidence that the heavy vehicle capacity is at least 95 vehicles per hour both ways and that if the landfill carries out the majority of its activities during a ten hour period during weekdays and a eight hour period during weekends, then the total vehicle movements that could be adequately accommodated during a typical week would be some 8300(both ways). The applicant's projections are that there would be a maximum of 1320 movements of landfill traffic a week.
 - The quality of service
Increased heavy traffic volumes increases delays to light vehicles travelling on the steeper sections of the road where there are limited

passing opportunities. The environment has a feeling of being busier and this has an adverse effect on the amenity values of residents. The two residences on the lower section of the road are less affected with dwellings well set back from the road and a short distance to travel on Mt Cass Road. The residents living past the landfill access road are affected when they are traversing the road but as the road doesn't pass their dwellings are less affected by amenity effects such as noise. However these residents have a significantly improved road than prior to the establishment of the landfill, allowing faster travelling speeds to the landfill access road intersection which is a positive effect for the road users.

- **Cost of maintaining Road**
The current condition has a related condition (Condition 46) that apportions maintenance costs for maintaining Mt Cass Road. If Transwaste were to meet all the maintenance costs of maintaining Mt Cass Road for the life of the landfill then the condition would be unnecessary.
- **State Highway 1**
It is the function of the state highway to provide a corridor for strategic arterial traffic and the State Highway has sufficient capacity to deal with increased traffic without compromising the safety or efficiency of the state highway network.
- **Volume of waste**
There also needs to be a consideration as to whether there are already controls in place which limit the amount of waste that can go to the landfill. In particular condition 3 of Canterbury Regional Council consent CRC021913 which requires that only residual Municipal Solid Waste be accepted for disposal. Residual waste is defined as

Waste that meets the Landfill Acceptance Criteria

Where the relevant territorial authority has certified to Transwaste that:

- *the territorial authority has adopted and implemented a Waste Management Plan in terms of Section 531(a)(1) of the Local Government Act, which incorporates provision for the collection and reduction, reuse, recycling, recovery, treatment or disposal of waste in the District in terms of section 539(2)(a) of the Local Government Act; and that*
- *the territorial authority is regularly monitoring its own progress and implementation of the plan: and that*
- *any relevant requirements of the plan have been implemented with respect to waste and that the disposal of waste is consistent with any policy or policies embodied in such a plan.*
-

That is generated within the Canterbury region of New Zealand.

- Controls of traffic effects
Considering all the above matters may result in the conclusion that the condition restricting truck numbers is unnecessary, however removing traffic limits restricts the ability of the consent holder to review the traffic effects of the proposal in the future if increasing numbers create unforeseen environmental effects. Removal of the condition would limit any review under Section 128 of the Resource Management Act.

39. It is my opinion that the Commissioner should consider these issues and apply the appropriate weighting in determining whether the condition should be cancelled.

Life of Landfill

40. Submitters have raised concerns that granting consent to this proposal to either change condition 22 or cancel condition 22 will have an adverse effect on the life of the landfill. That is the landfill will fill up quicker and a new landfill will have to be built. Submitters also suggested that by cancelling the condition there will be no incentive for the participating authorities to continue zero waste and waste minimization policies.
41. This is a matter which is relevant under Part II of the act and in particular 7(b) efficient use and development of natural and physical resources. The landfill is a physical resource and therefore its efficient use is a relevant consideration. Section 7 requires that “ particular regard be had to the matters such as efficiency but this is just one of the matters that needs to be considered and that all the relevant competing considerations have to be weighed up in the final decision making process.
42. In the Commissioners decision, it was stated that the most efficient use of the landfill would be to extend its life for as long as possible. A number of conditions were imposed in part in relation to this:
- the limit on total volumes going into the landfill by way of limits on heavy vehicle numbers;
 - a requirement to only accept non-special waste from transfer stations where the separation of hazardous waste has occurred;
 - prohibition of separated green waste beyond 2008; and
(this part of condition was removed in the Environment Court decision)
 - a review condition allowing the Regional Council to review whether the Best Practicable Options conditions were required in light of future technologies if they became available and in the context of any significant adverse effects which may arise.
43. Limiting the vehicle numbers to the site limits waste volumes going to the landfill. However conditions relating to waste volume or composition must be based on the purpose and principles of the Act and in particular effects. Waste minimization has not been incorporated into Part II of the Act and

provided that only residual waste is going to the landfill the consent authority cannot impose requirements on Transwaste to ensure that third parties including the participating Councils act in a particular way. Waste minimization is the statutory responsibility of the relevant authorities under the Local Government Act 1974 and is beyond the control of Transwaste Canterbury Ltd.

44. The Commissioners concluded in their decision that it was inevitable that Canterbury will have a considerable quantity of residual waste for some years to come. Residual waste is the volume that remains after the participating Council's have undertaken whatever minimization, reuse, recycling and recovery that the respective Council considers necessary. This will be determined by the Solid Waste Management Plan that each Council has adopted.
45. It is therefore my view that concerns about individual Council's waste policies contributing to the landfill filling up quicker can not be considered in this application.
46. At paragraph 59. of Mr James evidence, there is a discussion on the life of the landfill that explains that the initial calculations for compacted waste density were conservatively assessed and that current compaction levels are significantly higher. Furthermore no account was taken of long term waste settlement and that in Mr James opinion, based on field data this could add 20% to 30% to the initially assessed capacity. Mr James concludes that the landfill probably could accept up to 14 million tonnes of waste rather than the 12 million tonnes estimated in the original consent. Mr James however does not say whether the additional truck movements proposed in this application mean that the landfill will still have a 35 year life.

Positive Effects

47. It is my opinion that it is important to consider the positive effects of granting consent to changing the condition to allow additional traffic movements. The reality is that Canterbury is generating more waste that needs to be disposed of in the landfill despite increased recycling efforts. There are no other options for dealing with the residual waste at the present time. By granting the consent, waste of the Canterbury Region can be disposed of safely.

Alternatives

48. A number of submitters have suggested that the waste should be transported to the site by alternative means i.e. rail. The Fourth Schedule of the Act requires an applicant to set out its consideration of alternatives where the proposal will have significant adverse effects on the environment.
49. It is my opinion that the proposal to change or cancel the condition will not have significant adverse effects on the environment and therefore it is not necessary to consider alternatives. There was considerable debate about the need to consider alternative methods of waste disposal in the Commissioner hearing and the Commissioners concluded a detailed analysis of alternative

methods was not required as the Commissioner's concluded that the proposal would not have significant adverse effects on the environment.

OBJECTIVES AND POLICIES

50. Section 104 (1) (c) requires consideration of any relevant provisions of
- (i) a national policy statement,
 - (ii) a New Zealand coastal policy statement,
 - (iii) a regional policy statement or proposed regional policy statement.
 - (iv) a plan or proposed plan

National Policy Statement and New Zealand Coastal Policy Statement

51. There are no national policy statements and given that the coast is at least 2.5km from the sedimentation pond and would not be affected by any increase in traffic numbers the New Zealand Coast Policy Statement is not considered relevant to this application.

Regional Policy Statement

52. The Canterbury Regional Policy Statement 1998 is the relevant regional policy document and in particular Section 15 Transport. The objectives are to
- enable a safe and efficient and cost effective transport system to meet regional, inter-regional and national needs for transport
 - avoid remedy or mitigate the adverse effects of transport use and provision.
53. Associated policies seek to protect the existing transport infrastructure and land transport corridors and promote transport modes that have low adverse environmental effects. Also to promote changes which achieve a safe efficient and cost effective use of transport infrastructure and reduce the demand for transport.
54. Methods to achieve the policies include regional plans and the Regional Land Transport Strategy. Mr Nigel Williams has a comprehensive analysis of the Regional Land Transport Strategy in his report.
55. It is my view that the application to change condition 22 is in accordance with the Regional Plan as Mt Cass Road has sufficient design capacity for the additional traffic movements and while there will be adverse effects on the residents of Mt Cass Road, overall these are concluded as minor. I have concluded that the proposal will not have an adverse effect on roading infrastructure. With respect to the arterial traffic, the State Highway has sufficient capacity to deal with the increased traffic and therefore it is my opinion that the proposal will not generate adverse effects, which could undermine its ability to safely and efficiently enable those services to be provided.
56. With respect to effects on amenity values through noise and vibration, conditions have been imposed controlling hours of operation to minimise these effects and to ensure the efficient functioning of Mt Cass Road.

District Plan

57. The District Plan sets out a number of Objectives and Policies which are considered relevant to the application and these are also referred to in Mr Williams Traffic Report.
58. For completeness the Objectives and Policies that I consider relevant to the proposal are set out in full in Annexure 1. There are other Objectives and Policies which are relevant to the establishment and operation on the landfill but for the purpose of this report I have confined my analysis to the objectives and policies that are relevant to the traffic effects of changing or cancelling condition 22.

Objective 10

59. Objective 10 and its supporting policies seek to maintain environmental quality so that the community's quality of life is protected. Poor levels of environmental quality such as air pollution and overly dense settlement can degrade the quality of life. The environment needs to be maintained in such a way that peoples health is not adversely affected by landuse activities. The policies seek to encourage development which fosters a healthy and safe built environment and to avoid remedy or mitigate the adverse effects of activities on amenity values. The District Plan has incorporated standards into the District Plan to achieve these policies. These include standards for vehicle activity which are appropriate to the character of the area.
60. As concluded above the proposal will not have an adverse effect on amenity values through noise and vibration as conditions have already been imposed controlling hours of operation to minimise these effects and to ensure the efficient functioning of Mt Cass Road.

Objective 12

61. Objective 12 and its supporting policies recognises that infrastructure is an essential part of the District's physical resources and the maintenance of the District's infrastructure is essential to the social cultural and economic wellbeing of its people as well as to their health and safety. Policy 12.10 in particular seeks to promote the safe and efficient use and development of the transportation network. The explanation identifies that the transportation infrastructure is a major physical resource in the District providing for accessibility into, through and out of the District and it connects the District with other regions; however the transport system needs to be maintained and developed without creating significant effects on the community and the general environment.
62. This indicates a need to balance the importance of transportation networks and in particular the state highway with the effects on community's to which the state highway passes and in particular of relevance to this application, possible effect on the township of Amberley. Transit has indicated that it does not consider there to be any traffic safety effects or potential adverse effects on the functioning of the Sate Highway from an increase in the truck numbers through Amberley. Certainly some submitters consider there to be adverse

amenity effects of the additional traffic and this is also the conclusion of the traffic engineer Mr Williams.

63. However it is my opinion that the policy requires there to be a weighting of the importance of the state highway network against possible adverse amenity effects. It is my view that on balance the minor adverse amenity effects will be outweighed by the considerable importance of the state highway network.

Objective 13

64. Objective 13 provides for the safe disposal and minimal production of waste within the District and has associated policies that seek to ensure that landfills are managed in a way that avoids remedies or mitigates adverse effects.

As discussed above all of the participating Councils are required under the Local Government Act to have Waste Management Plans and the goals of these plans include minimising waste. In addition conditions on the Environment Canterbury consents require that the landfill can only accept residual waste. Residual waste is defined as

Waste that meets the Landfill Acceptance Criteria

Where the relevant territorial authority has certified to Transwaste that:

- *the territorial authority has adopted and implemented a Waste Management Plan in terms of Section 531(a)(1) of the Local Government Act, which incorporates provision for the collection and reduction, reuse, recycling, recovery, treatment or disposal of waste in the District in terms of section 539(2)(a) of the Local Government Act; and that*
- *the territorial authority is regularly monitoring its own progress and implementation of the plan: and that*
- *any relevant requirements of the plan have been implemented with respect to waste and that the disposal of waste is consistent with any policy or policies embodied in such a plan.*

That is generated within the Canterbury region of New Zealand.

65. It is my opinion that there are adequate controls already as conditions of consent that mean that the landfill is managed in a way that is in accordance with objective 13. Additional traffic movements will not compromise the ability of the landfill to operate in accordance with this objective and its associated policies.

Objective 15

66. Objective 15 seeks to minimize the risk of damage to people, communities and the environment from hazardous activities and the use of hazardous substances and associated policies seek to control the transportation of hazardous substances.
67. Only very small concentrations of hazardous waste that are found in domestic waste will be disposed of in the landfill. A Transport Contingency Plan (TCP) has been prepared by Canterbury Waste Services (CWS) of which the primary purpose is to assist the CWS to have transport operations that avoid

incidents and to minimise the impact of any incidents that do occur. The Plan sets out the actions to be taken in the event that an incident occurs during the transportation of non-Dangerous Goods waste to and leachate (Class 6 Dangerous Goods) from the landfill. The TCP is in accordance with standards New Zealand (SNZ HB 76:2003) Dangerous Goods Initial Emergency Response Guide and Land Transport Rule: Dangerous Goods (1999).

68. It is therefore my view that there will be minimal risk from the increase in the transportation of leachate, and that adequate mitigation measures as discussed above are in place to minimise any potential adverse effect.

PART II

69. Section 6 and for that matter the balance of Part II, sections 7 and 8 fall to be considered in the context of assessing whether the purpose of the Resource Management Act has been met. Sections 6, 7 and 8 must be considered against the stated purpose of the Act, that of sustainable management referred to in section 5. All of the relevant competing considerations must be weighed and then a value judgement on behalf of the community as a whole be made.
70. Because of the emphasis, either express or by implication, on the effects of a proposal on the environment, many of the Part II matters have already been considered, either directly or indirectly, in the earlier discussions on the effects of the proposal
71. Having regard to sustainable management in section 5(2) I am of the opinion that the landfill will enable people and communities to provide for their economic wellbeing through the provision of a well designed waste disposal facility which will continue to meet the needs of the six participating authorities in the Canterbury Region for approximately 35 years.
72. The landfill is a physical resource and I am satisfied that in regard to section 5(2)(a) the resource will be sustained. I do not consider that the proposal will affect the ability of natural resources associated with the activity to be sustained.
73. With regard to section 5(2)(b), the life supporting capacity of the soils and ecosystems will continue to be safeguarded. Mitigation measures imposed as part of the original consent and monitoring provisions will safeguard the life supporting capacity of the natural ecosystems.
74. Overall I have concluded that the design on the roading network will ensure that adverse effects of traffic generation will be avoided and remedied. Associated conditions will mitigate adverse effects pursuant to section 5(2) (c) of the Act.
75. With regard to Section 6 issues there are no matters of national importance that are affected by the proposal. With respect to Section 7 issues of efficiency in respect of the efficient use of the landfill as a physical resource

have been discussed. This includes prolonging the life of the landfill as much as possible. Mr James evidence concludes that the increase in waste volume projected can still be accommodated within the 35 year life of the landfill. Efficiencies in compaction have extended the airspace of the landfill. Based on this evidence I have concluded that the proposed condition change will promote the efficient use of the landfill.

76. Section 7(c) requires the maintenance and enhancement of amenity values. I have concluded that there will be some adverse effects on the amenity values of the residents of Mt Cass Road but this predominantly relates to the quality of their driving experience on Mt Cass Road. Existing conditions relating to road construction standards eg bus lay-bys, hours of operation, noise and emission standards mitigate to a degree these adverse effects. Conditions in relation to the maintenance of Mt Cass Road will also maintain amenity vales.
77. It is my opinion that there are no Section 8 matters of relevance to this application. The applicant maintains regular liaison with the Runanga in respect to the landfill construction and operation.

Conclusion

78. My conclusions are necessarily based on a broad overall assessment of the matters from a district planning perspective. My conclusions are reached on a careful consideration of the information provided with the application, and the evidence available to date.
79. Having balanced the relevant issues I have concluded that while there will be adverse effects on the residents on Mt Cass Road in the quality of service travelling Mt Cass Road, overall balancing the positive effects of the proposal, any adverse effects of the proposal will be minor.
80. With respect to the gravel trucks, it is my view that consideration should be given to not including them in the traffic condition but make them subject to a separate condition. As gravel cartage is not a continuous operation, including them in the traffic condition distorts the traffic associated with the operation of the landfill. Gravel cartage is a construction issue. I suggest that such a condition should not limit the number of trucks but would restrict the hours of operation including no cartage during the school bus times and that the residents and Council be advised prior to any period of cartage, the expected duration of the cartage event.
81. While arguably outside the scope of this application, consideration should be given by Transwaste to sealing the remaining sections of Mt Cass Road from the landfill access road to the carpark at the entrance to the walking track of Tiromoana Bush. The basis for this suggestion is that Tiromoana Bush was offered as a mitigation measure during the Environment Court hearing and that the walking track is expected to generate additional traffic. Sealing the remaining section of road may provide some mitigation of traffic effects and improve the quality of service for the residents.

82. I have no view as to whether the condition should be changed or cancelled. If the condition is changed, it is my view the traffic numbers referred to in the condition should only relate to landfill traffic associated with the operation of the landfill. If the condition is to be cancelled I have identified a number of issues that need to be considered before reaching such a conclusion. These in particular relate to the maintenance of Mt Cass Road.

83. Overall I have concluded that the application to change the condition is in accordance with the purpose and principles of the Act and on balance any adverse effects of the change would be minor. It is my view that a change to the condition should be allowed but the appropriate wording of the condition needs determination.

Judith Batchelor
June 2006

Annexure 1

OBJECTIVE 10

A healthy and safe environment within the district and the maintenance and/or enhancement of amenity values which the community wishes to protect.

POLICY 10.1

To foster environmental health for the wellbeing of the district's residents.

POLICY 10.3

To maintain and enhance environmental amenity by ensuring that the development and distribution of facilities and services avoids, remedies or mitigates adverse effects.

POLICY 10.4

To encourage development which fosters a healthy and safe built environment.

POLICY 10.5

To avoid, remedy or mitigate the adverse effects of activities on amenity values.

POLICY 10.6

To manage subdivision, residential and other development adjacent to intensive productive rural activities in a way that avoids or mitigates significant potential cross-boundary adverse effects on amenity values, without unreasonably inhibiting the continued use and development of existing productive rural land uses.

POLICY 10.9

To control noise emissions at levels acceptable to the community.

POLICY 10.10

To ensure that air quality within the district is maintained or enhanced to protect amenities.

OBJECTIVE 12

An environmentally sustainable infrastructure and pattern of development, meeting both the needs of today's community and the reasonable foreseeable needs of future generations.

POLICY 12.1

To provide for essential utilities and services that meet environmental standards.

POLICY 12.4

To require an assessment of alternative methods and sites for proposed infrastructure developments with significant implications for resource use or adverse environmental effects.

POLICY 12.5

To promote the appropriate co-siting of compatible infrastructural facilities where technically viable.

POLICY 12.10

To promote safe and efficient use and development of the transportation network.

OBJECTIVE 13

The safe disposal and minimal production of waste within the District.

POLICY 13.1

To encourage adoption of waste management practices which implement the concepts of cleaner production and which employ the following hierarchy:

- 1. reduction,*
- 2. reuse,*
- 3. recycling,*
- 4. recovery, and*
- 5. residue management.*

POLICY 13.2

To ensure the District's landfills and other waste disposal facilities are managed in a way that avoids, remedies or mitigates adverse effects.

POLICY 13.3

To identify disposal sites no longer in use and seek to ensure that existing and proposed uses are appropriate for the type and level of contaminant present on the site.

POLICY 13.4

To promote the use of the Waste Analysis Protocol within the Hurunui District.

POLICY 13.5

To identify major generators of waste within the District and encourage them to take responsibility for the by-products of their activities.

POLICY 13.6

To ensure that, in managing the disposal of waste in the District, the relationship of tangata whenua with the District's natural and physical resources is not undermined.

OBJECTIVE 15

Minimised risk of damage to people, communities and the environment from hazardous activities and the use of hazardous substances

POLICY 15.4

To control the potential adverse effects of the use of land for the storage, use, disposal or transportation of hazardous substances.