

THE PROPOSAL

Overview

[98] The proposal has been modified during the course of the hearings. We have already set out the various parameters of the consents proposed, which give some idea of the scale of the landfill.

[99] It is intended that the majority of waste would be initially received, sorted and assembled by territorial authorities through transfer stations. The waste, being compacted wherever possible, would then be carted by specially designed and/or adapted trucks, to the Kate Valley landfill where there would be an unloading station. The trucks would then remove the containers, which would be emptied at the convenience of the operating staff into large dump trucks, which would then transport the waste to the landfill face.

[100] The landfill would progressively be filled in cells from the lowest point of the valley upwards across a footprint of some 35 hectares. Annexed hereto and marked "G" is a copy of the landfill cell plan showing the basic outline of the footprint and the cells.

[101] Each cell may take some years to be filled and there is comprehensive on site management to ensure that the cell is covered, stabilised and maintained through the ensuing period.

[102] It is anticipated that the landfill will take up to 300,000 tonnes of waste every year and use up the available space at that maximum consumption rate in around 35 years. Depending on whether waste is received at a greater or lesser level through this period, the life of the landfill will be extended or contracted.

[103] All of the evidence given to this Court about the tonnage rates required related to the requirements of the six territorial authorities and the low, medium and high tonnage estimates were based on an extrapolation of these figures.



[104] An essential feature of the landfill is a large toe bund at the base of the landfill footprint which represents the lowest point and is designed to stabilise the entire landfill. It is intended that there be a leachate collection system at the toe bund. Leachate would flow down hill from any point in the landfill above, through waste infiltration, along the liner surface and along leachate collection pathways. It would then be collected and pumped from a sump, stored in tanks on the site and then removed by truck at regular intervals. The quantities of leachate would increase during the life of the landfill as more waste is added and would peak at some point (approximately 20 to 30 years) after the landfill is closed.

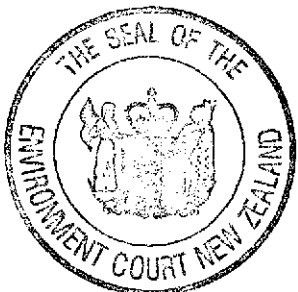
[105] It is also intended that there be a gas collection system and this would be variously flared and, potentially, used to generate electricity in the later years of the landfill life.

[106] It is intended that the landfill eventually be capped with a clay layer and after a settlement and treatment period converted to pasture grasses but not stocked.

[107] The natural streambed downstream of the toe bund would drain to a stormwater detention system which would retain some 30,000 cubic metres of water, continuing thereafter downstream in the natural stream bed until the stream flows into a wetland area below Ella Scarp. That wetland area would contain a further 100,000 cubic metres of water. Thereafter the stream would revert to its natural flow which wends its way through steep gullies and waterfalls to the sea (1.5 to 2 kilometres beyond).

[108] There have been extensive negotiations with the Department of Conservation and others leading to Transwaste now offering to turn some 400 hectares of land surrounding the landfill footprint into a conservation area. The majority of this would be downstream of the landfill footprint and the proposal incorporates extensive replanting in native vegetation and the development of a management plan.

[109] As can be seen by the proposed conditions, the commitment to this conservation area is significant. We accept that, in due course, this conservation area may represent a significant regional asset in its own right. The mere retirement of this land from active



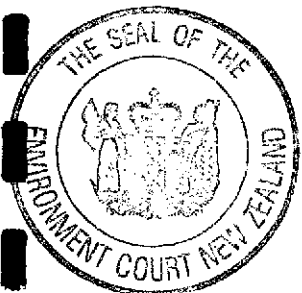
farming is likely to have a significant benefit to indigenous vegetation and the viability of the existing native remnant vegetation on site. There is also the potential for linkages with the Mt Cass Reserve and the Ella Peak Scenic Reserve.

[110] In addition, surrounding the conservation management area, is a general management area and landscape management area which lie immediately around the landfill. These areas total some 900 hectares, including an additional 50 hectares outside the application area but part of Tiromoana Station which Transwaste have agreed with the Department of Conservation will be treated as a reserve. If it cannot be directly included within these areas then Transwaste are proffering provision for its conservation, including the potential for a QEII covenant or similar restrictive covenant over the title. Annexed hereto and marked "H" is a general plan showing the various areas proposed to be dedicated as part of the overall site.

[111] We understand it is intended that the landfill area would be subdivided and separated off in due course with the balance of the Tiromoana Station and, we presume, relevant portions of the Mt Cass Station on-sold in due course. The overall size of the site allows Transwaste to control all aspects of the catchment from the road entry to the site to the final outfall of the stream to the sea.

[112] In addition, there is a significant commitment by Transwaste towards revegetating at least the conservation area. Although there were some questions as to whether or not this was going to be funded from ongoing income from the works or as a capital cost, we understood that overall Transwaste accepted that it would need to commit to a vegetation programme and appropriate management plans (and those costs would need to be met) because most of these works are envisaged to be undertaken prior to and during the operation of the filling period of the landfill.

[113] Overall the application has been presented to the Court as a package. Discernable benefits to the wider environment of Kate Valley and to the region as a whole are proposed as part of this total package. Thus in any consideration under Part II and in the integration necessary under section 5, these benefits are advanced as a critical feature.



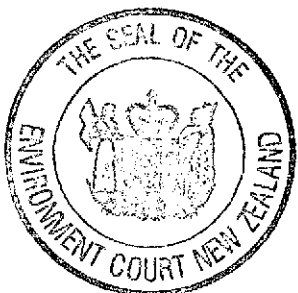
Access

[114] It is intended that a new road be formed from Mt Cass Road to an area at the top of Kate Valley overlooking the landfill site. This area would include an unloading station, with room for the storage of emptied containers and those waiting to be emptied, dump trucks not in use and for other facilities necessary for the operation of the site. This platform will be a permanent feature throughout the life of the landfill. It is intended that there will also be facilities for staff – lunchroom, ablutions and the like, and no doubt storage for other machinery, staff vehicles, materials and tools that are needed for the landfill operation. The existing public road will intersect with this area near the unloading station.

[115] However Transwaste's proposal as to how it will maintain security of the site while at the same time maintaining the public road was unclear. There is no proposal before the Court for closing this road and accordingly we are proceeding on the assumption that public access will remain available along the public road around the outside of the landfill. We note that Transwaste intends to have a viewing area available near the unloading station. The precise details of how public access is going to be controlled were not clear to us. The current public road built around the outside of the landfill footprint does not follow the legal alignment in all places. We understand that there is an intention to alter the alignment of the road, and again we have assumed that it will continue to be public road although providing access to the landfill workface itself at the toe bund or other positions. The alignment of this road will no doubt change as the development proceeds, particularly as new access ways on the landfill footprint itself are required at various times.

Landfill footprint

[116] The landfill footprint is intended to be developed progressively over the life of the Plan, with stripping and benching of the soils and subsoils. It is intended that there will be geological inspection of the subsoils at the time of stripping and benching before the sub-base is compacted or liners are laid. We understand it is now Transwaste's proposal to incorporate subsoil layer drainage throughout the footprint of the landfill.



We understand that this drainage is still to be undertaken in stages and the method will, at least for Stage 1, be addressed by Transwaste at the final design phase.

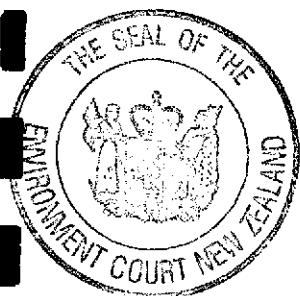
[117] Because the landfill footprint is within a valley, the valley sides would be benched, with the major toe bund being constructed and compacted at the same time. The subsoil would be compacted to a low permeability level, with geosynthetic liner with encapsulated Bentonite material then installed. As the waste is placed in the landfill, it would be covered with subsoil and the landfill would be progressively infilled from the lowest point to the highest point. There would need to be an ongoing management plan in relation to the design to deal with such issues as leachate control and air discharges. Details of these were given in the applications.

[118] Once the landfill is completed, a clay cap would be put over the entire landfill and the site would be managed for a continuing period, probably in the order of fifty years. It is intended that the site may eventually be utilised for fodder and/or other cropping but not used for stock grazing. In the conservation management area extensive works are proposed.

[119] It is not intended that this general description substitute for the far more detailed information given in the application.

Planting

[120] The intention is to plant an area of some 40 hectares in indigenous forest species utilising, in part, seed and plants propagated from Remnant A, as well as an additional black beech area. The intention is to extend the existing Remnant B and thereby to establish a larger, and arguably, more viable indigenous vegetation area. It is intended that the detention pond and wider wetland area would also add significant fauna and flora values. In conjunction with extensive replanting plans, the long term objective is to create a large natural area which may be available for access by the general public in due course. There is also potential to link with existing reserves managed by the Department of Conservation and potentially to consolidate and/or expand these areas.



Off-site changes

[121] It is necessary to improve Mt Cass Road by widening, sealing and improving the horizontal and vertical road alignments to enable trucks to access the site more readily. The majority of the land on both sides of the road is owned by the applicant or its associates and, at the hearing, no particular issue was taken with these road improvements. It is intended that there would be between 10,000 and 16,000 vehicle round trips per year (ie x 2 for movements), with approximately half that number for light vehicles. There does not appear to be a dispute as to the imposition of the maximum trip numbers imposed by the Commissioners. The Court accepts that there will be peak periods at which there will be more traffic than the average given.

KEY ISSUE 1 - DEFINITIONS

[122] The three issues with respect to definitions are:

- (a) source of waste;
- (b) definition of residual waste;
- (c) definition of special waste.

[123] Because these affect the ongoing approach of the Court, we deal with those now.

The source of waste

[124] The application was submitted as a series of Regional and District Council resource consent applications. In summary, the proposal is for:

The development and operation of a modern, engineered regional landfill to dispose of municipal solid waste within the subject site. [Emphasis added]

[125] Applications to both Councils include a further statement:

A more detailed description of the proposal is included in the Assessment of Effects on the Environment attached as Volumes 2 to 30 and shown on the

