

enhancing the life-supporting capacity of the water, soil and ecosystems in the medium to long term.

[270] Finally we consider that the effects that have been identified can be adequately avoided, remedied or mitigated by appropriate conditions. Accordingly, subject to finalisation of the conditions applicable, we have concluded that a grant is appropriate.

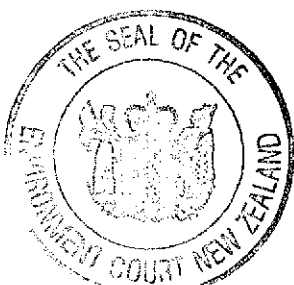
### OVERALL OUTCOME

[271] This Court confirms the grant of consent to Transwaste for the proposal as outlined before this Court and largely contained within the various volumes produced with the application. There have however been a number of substantial changes as a result of this case and we have concluded that the design is significantly better, both from a technical and social impact point of view.

[272] We consider that the cases in opposition to this application have been advanced appropriately and with supporting evidence. All the parties constrained the range of their arguments by agreement and evidence advanced was pertinent to the points before the Court. Transwaste has made a number of changes to conditions which we consider deliver a considerably better outcome for the region.

[273] We were aware both prior to this hearing and through the course of the hearing of a sense of frustration by counsel for Transwaste at what was perceived as being unreasonable delays in the processing of the application. Although we do not preclude any applications for costs, we would suggest, in the circumstances, the process has achieved the outcome desired in terms of the Resource Management Act, namely:

- (a) it has been public and participatory. The parties have had a full opportunity to address their concerns before the Court, supported by appropriate expert evidence.
- (b) the majority of the time in this case was occupied with the case for Transwaste and the Councils. There can be no suggestion of inappropriate conduct by counsel in the conduct of their cases or the cross-examination of other witness.

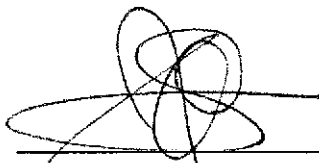


- (c) all parties have been successful to some extent. Issues relating to source of waste and the HDPE liner design were matters of some importance.

[274] We have largely confirmed the changes to conditions as sought by the applicant and as attached as annexure C. There will however need to be minor variations to incorporate our conclusions in respect of Remnant A, and in respect of the source of waste and residual definitions. We direct that the changes be circulated to the other parties within twenty working days, and any comments to be forwarded to the Transwaste counsel within ten working days thereafter. If the changes are not agreed, then Transwaste is to forward the draft conditions, together with any comments by all parties thereon to the Court within ten working days thereafter. The Court will then issue final directions in terms of the wording of the consents.

[275] An application for costs is not encouraged but if any party seeks to make an application for costs, the same is to be filed within fifteen working days, a reply thereto within ten working days and a final reply within five working days. In the event no application is made within time, costs will lie where they fall.

**DATED** at CHRISTCHURCH this 19<sup>th</sup> day of March 2004.



**J A Smith**  
**Environment Judge**

Issued<sup>16</sup>: **22 MAR 2004**

