

# Oxford-Ohoka Community Board

## Agenda

**Thursday 5 July 2018**

**7.00pm**

***West Eyreton Hall  
3 Earlys Road  
West Eyreton***

***Members:***

Doug Nicholl (Chair)  
Mark Brown (Deputy Chair)  
Wendy Doody  
James Ensor  
Shirley Farrell  
Kevin Felstead  
John Lynn  
Thomas Robson

**AGENDA FOR THE MEETING OF THE OXFORD-OHOKA COMMUNITY BOARD TO BE HELD IN THE WEST EYRETON HALL, 3 EARLYS ROAD, WEST EYRETON ON THURSDAY 5 JULY 2018 AT 7PM.**

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**RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS COUNCIL POLICY UNTIL ADOPTED BY THE COUNCIL**

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	<b><u>BUSINESS</u></b>	PAGES
1	<b><u>APOLOGIES</u></b>	
2	<b><u>CONFLICTS OF INTEREST</u></b>	
3	<b><u>CONFIRMATION OF MINUTES</u></b>	
		8-13
3.1	<b><u>Minutes of the Oxford-Ohoka Community Board – 7 June 2018</u></b>	
	<i>RECOMMENDATION</i>	
	(a) <b>THAT</b> the Oxford-Ohoka Community Board: <b>Confirms</b> the circulated minutes of the Oxford-Ohoka Community Board meeting, held 7 June 2018, as a true and accurate record.	
4	<b><u>MATTERS ARISING</u></b>	
5	<b><u>DEPUTATIONS AND PRESENTATIONS</u></b>	
5.1	Rosina Rouse (Mandeville Residents Association, MRA and Eyre District Environmental Association Inc., EDEAI) will speak in relation to the Canterbury Landscape Supplies business in Diversion/ South Eyre Roads, Eyreton.	
5.2	Joanne McBride (Roading and Transport Manager) will provide an update on roading priorities for 2018-2019.	
5.3	Simon Markham (Manager Strategy and Engagement) will provide an update regarding the District Development Strategy (DDS).	
6	<b><u>ADJOURNED BUSINESS</u></b>	

## 7 REPORTS

### 7.1 Oxford Area School Pick Up / Drop Off Area on Bay Road– Bill Rice (Senior Transport Engineer)

27-35

#### *RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No 180614066438.
- (b) **Adopts** the attached Amended Second Schedule – Parking Restrictions to the Parking Bylaw 2007 (Trim No 180621069253).
- (c) **Notes** that enforcement of the drop off zone by Police or Council parking staff is likely to be limited.
- (d) **Notes** that the Oxford Area School has indicated a willingness to provide staff to monitor the drop off zone.

### 7.2 Oxford-Ohoka Community Board’s Discretionary Grant Fund 2018/2019 and General Landscaping Fund 2018/2019 - Edwina Cordwell (Governance Adviser)

36-41

#### *RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180619067874.
- (b) **Notes** that the Board’s General Landscaping Budget allocated by the Council for 2018/19 is \$12,160.
- (c) **Notes** that the Board’s Discretionary Grant Funding allocated by the Council for 2018/2019 is \$6,520.
- (d) **Approves** the Board’s 2018/2019 Discretionary Grant Fund Application Criteria and Application Form (Trim No.180621068982).
- (e) **Approves** the Board’s 2018/2019 Discretionary Grant Accountability Form (Trim No. 180621068877).
- (f) **Approves** that Discretionary Grant Fund applications will continue to be considered at each meeting for the 2018/2019 financial year (July 2018 to June 2019).

### 7.3 Application to the Oxford-Ohoka Community Board’s Discretionary Grant Fund 2018/2019 – Edwina Cordwell (Governance Adviser)

42-63 & dkf

#### *RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180621068915.
- (b) **Approves** a grant of \$\_\_\_\_\_ to Ohoka Netball Club towards the cost of new uniforms.

**OR**

- (c) **Declines** the application from Ohoka Netball Club.

7.4 **Approval of the updated Oxford-Ohoka Community Board Plan 2018/19 – Edwina Cordwell (Governance Adviser)**

64-75

*RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180618067171.
- (b) **Approves** the final draft of the Oxford-Ohoka Community Board Plan 2018-2019 (Trim 180523056760) subject to any minor edits discussed and approved by the Board Chairperson.

**8 CORRESPONDENCE**

154

*RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** the memo regarding Canterbury Landscape Supplies Operation in Eyreton (Trim 180625070336).

**9 CHAIRPERSON'S REPORT**

9.1 **Chairperson's Report for June 2018**

80

*RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No 180621068953.

**10 MATTERS FOR INFORMATION**

10.1 **Rangiora-Ashley Community Board meeting minutes – 13 June 2018**  
(Trim No. 180606062470).

10.2 **Kaiapoi Tuahiwi Community Board meeting minutes – 21 May 2018**  
(Trim No.180518054887).

10.3 **Woodend-Sefton Community Board meeting minutes – 14 May 2018**  
(Trim No. 180510051232).

10.4 **Woodend-Sefton Community Board meeting minutes – 11 June 2018**  
(Trim No. 180606062391).

10.5 **Youth Council meeting minutes – 29 May 2018**

10.6 **Environment Canterbury Representation Review – report to Council 3 July 2018** (Trim No 180624069683).

10.7 **Draft Business Zones 1 & 2 Public Spaces Policy report to Council 5 June 2018** (Trim No. 180507049501).

10.8 **Final Utilities and Roading Activity Management Plans 2018 – report to Council 19 June 2018** (Trim No.180521055689).

*RECOMMENDATION*

**THAT** the Oxford-Ohoka Community Board receives the information in items 10.1-10.8

**11 MEMBERS' INFORMATION EXCHANGE**

*The purpose of this exchange is to provide a short update to other members in relation to activities/meetings that have been attended or to provide general Board related information.*

**12 CONSULTATION PROJECTS**

**Business Zones 1 & 2 Public Spaces Policy**

Consultation closes Monday 30 July 2018.

<https://www.waimakariri.govt.nz/have-a-say/lets-talk/consultations/business-zones-1-and-2-public-spaces-policy>

**13 BOARD FUNDING UPDATE**

**13.1 Board Discretionary Grant**

Balance as at 5 July 2018: \$6,520.

**13.2 General Landscaping Fund**

Balance as at 5 July 2018 – 12,160.

**14 MEDIA ITEMS**

**15 QUESTIONS UNDER STANDING ORDERS**

**16 URGENT GENERAL BUSINESS UNDER STANDING ORDERS**

**NEXT MEETING**

The next meeting of the Oxford-Ohoka Community Board is scheduled for Thursday 9 August 2018 commencing at 7.00pm, in the Ohoka Hall.

**Workshop**

- *Members Forum*

**MINUTES FOR THE MEETING OF THE OXFORD-OHOKA COMMUNITY BOARD HELD IN THE OHOKA COMMUNITY HALL, MILL ROAD, OHOKA ON THURSDAY 7 JUNE 2018 AT 7.00PM.**

**PRESENT**

D Nicholl (Chair), M Brown, W Doody, J Ensor, S Farrell, K Felstead, J Lynn and T Robson.

**IN ATTENDANCE**

S Nichols (Governance Manager), S Markham (Manager Strategy & Engagement), G Wilson (Earthquake Prone Buildings), M Harris (Customer Services Manager), Mayor D Ayers and E Stubbs (Minute Secretary).

*The meeting adjourned for a workshop from 7.08pm to 7.14pm.*

*The meeting adjourned for a briefing from 7.25pm to 7.35pm.*

**1 APOLOGIES**

Nil.

**2 CONFLICTS OF INTEREST**

Item 8.4a - T Robson.

**3 CONFIRMATION OF MINUTES**

**3.1 Minutes of the Oxford-Ohoka Community Board – 3 May 2018**

Moved W Doody seconded T Robson

(a) **THAT** the Oxford-Ohoka Community Board:

**Confirms** the circulated minutes of the Oxford-Ohoka Community Board meeting, held 3 May 2018, as a true and accurate record.

**CARRIED**

**4 MATTERS ARISING**

J Lynn requested an update on the Butchers Road Resource Consent process. S Nichols advised the process had been put on hold by the land owner and staff were awaiting further information.

**5 DEPUTATIONS AND PRESENTATIONS**

Nil.

**6 ADJOURNED BUSINESS**

**6.1 Mandeville Sports Club facility as a venue for Community Board meetings – E Cordwell (Governance Adviser)**

S Nichols spoke to the report, which had not changed in the intervening time. In April, S Nichols had written formally to the Mandeville Sports Club Board (MSCB) asking about availability, indicating that October could be a month of interest based on previous discussions. S Nichols noted the reply from the MSCB was included in the

agenda. The Club advised 4 October 2018 was not available as there was already a scheduled meeting. To enable the facility to be used for a Community Board meeting the Board could consider changing the October meeting to another date or leave the meetings as scheduled. The Club had provided two potential available dates, Wednesday 3 October and Monday 15 October.

*The meeting adjourned for a workshop from 7.08pm to 7.14pm.*

Moved K Felstead seconded J Ensor

**THAT** the Oxford-Ohoka Community Board:

- (a) **Notes** the reply from the Mandeville Sports Club Board (Trim No.180529059313).
- (b) **Receives** report No. 180320029482.
- (c) **Resolves** to hold its future 2018 Board meetings at the following venues commencing at 7.00pm on the following dates.
  - Thursday 5 July – West Eyreton Hall
  - Thursday 9 August – Ohoka
  - Thursday 6 September – Oxford Town Hall (A&P Room)
  - Wednesday 3 October – Mandeville Sports Club
  - Thursday 8 November – Ohoka
  - Thursday 6 December – Oxford Town Hall (A&P Room)

**CARRIED**

S Nichols confirmed that staff would make the necessary arrangements for the meeting with the Mandeville Sports Club.

## **7 MATTERS REFERRED**

### **7.1 Road Naming – Waimakariri District Council – S Morrow (Land Information Officer)**

M Harris spoke to the report noting that it was in regards to naming of the new arterial road near Silverstream subdivision, which was on the Community Board ward boundary. At the May meeting of the Kaiapoi-Tuahiwi Community Board the Board had resolved to name the road Ohoka Road and change the name to Skewbridge at the bridge. Kaiapoi-Tuahiwi Community Board recognised that the affected roads were on the ward boundary of the Oxford-Ohoka and so had referred the recommendations to the Oxford-Ohoka Community Board for confirmation.

There was some confusion over the changes to be made and further detail was provided. It was noted that not having the changes recommended by Kaiapoi-Tuahiwi Community Board displayed on an alternative map was confusing.

D Nicholl asked how the changes would fit in with house numbers. M Harris replied that there was not a lot of property access from the roads in question. There was no need to change addresses. S Nichols commented the recommendation created the least disruption.

Moved K Felstead seconded S Farrell

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180509050654.
- (b) **Notes** extract from the unconfirmed Minutes of the Kaiapoi-Tuahiwi Community Board 21 May 2018 Meeting (Trim No. 180529059332).

- (c) **Confirms** the recommendations from the Kaiapoi-Tuahiwi Community Board meeting 21 May 2018:
- **Approves** the road name for the New Arterial Road in west Kaiapoi from the Ohoka Road off-ramp to the centre of Mill Road intersection to be Ohoka Road.
  - **Approves** the name of the road from Mill Road intersection west to the Skewbridge, to be known as Skewbridge Road.

**CARRIED**  
Against W Doody

K Felstead commented that the changes had been raised by the Kaiapoi-Tuahiwi Community Board and they made sense.

S Farrell concurred with K Felstead.

J Lynn believed that having a road changing from Ohoka Road to Skewbridge Road to Flaxton Road along different sections was not ideal.

W Doody did not like the timing, and believed that the report should have gone to both Board's before the recommendation from Kaiapoi-Tuahiwi Community Board so that there could have been more 'to and fro' discussion.

*The meeting adjourned for a briefing from 7.25pm to 7.35pm.*

## 8 **REPORTS**

### 8.1 **Approval to install cattle stops in Carleton Road – A Petrie (Road Compliance Engineer) and J McBride (Roading and Transport Manager)**

S Nichols took the report as read. It was noted that there was no cost to the Council, the proposal created greater road safety, and with the presence of Mycoplasma Bovis it was important to prevent cattle straying.

Moved M Brown seconded W Doody

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180517054232.
- (b) **Approves** the construction of two cattle stops and associated fences and gates on Carleton Road at the locations shown on the attached plan (Doc. 180517054315) for the purpose of enabling the safe and efficient movement of cows across Carleton Road while at the same time keeping the road accessible and safe for road users.
- (c) **Approves** the attached Draft Licence to Occupy Agreement (Doc. 180517054320).
- (d) **Notes** that all costs associated with the construction and the maintenance of the cattle stops, fences and gates will be met by the property owner.
- (e) **Notes** that the property owner will be required to remove the cattle stops, fences and gates if and when they cease dairy farming operations or if they change their method of operation that does not require the regular movement of cows across Carleton Road.
- (f) **Circulates** this report to the Utilities & Roading Committee.

**CARRIED**



8.2 **Building (Earthquake Prone Buildings) Amendment Act 2016 – G Wilson (Building Inspector) and L Beckingsale (Policy Analyst)**

G Wilson spoke to a handout 'Earthquake Prone and Priority Buildings' (Trim No 180620068323) and provided an overview of where the process was going. He commented on the new legislation - The Building (Earthquake Prone Buildings) Amendment Bill 2016. Waimakariri was included in areas classified as 'High Risk' (with a seismic Hazard co-efficient >0.30).

Building owners within Waimakariri had 15 years to get their building up to a minimum of 34% of the new building code or demolish. A change with the new legislation was identifying individual elements rather than the building as a whole.

G Wilson commented on the process for effected business owners, which involved one on one discussions with effected business owners to allow engagement, discussion and hear concerns. Property owners would then receive a formal letter with the Council's position.

G Wilson outlined requirements around 'priority buildings'. Public consultation was required to identify priority buildings. The length of time for those buildings to be strengthened was less. There were very few unreinforced masonry (URM) buildings in the District that met the criteria, in particular there were none in the Oxford-Ohoka Ward. G Wilson noted the three plans included in the report showing priority routes in Rangiora and Kaiapoi. There would be public consultation on those routes in August/September 2018. The routes did not limit emergency access however, they were high volume pedestrian areas.

In the district there were nine URM buildings meeting criteria and G Wilson believed seven of those would be made above code within the next few years and noted that building owners had been outstanding in making the financial commitment. A building consent had been issued for strengthening of the old Kaiapoi BNZ building.

G Wilson commented that the Waimakariri District was significantly further ahead than most other Councils in New Zealand in relation to the new legislation as they had committed to carrying out assessments, including for every hall in the district. Any building identified as earthquake prone had to have a plaque to allow an informed decision for people to enter.

J Lynn referred to the Kaiapoi Mill noting it had Category 1 heritage. G Wilson advised that it had been well constructed in the 1880's and there was a proposed plan to strengthen it to 67% of code.

S Farrell asked about the Jaycee Rooms in Oxford which were low use. G Wilson advised there was a paper going to the Council shortly. Elements of the rooms were below 34%. There was provision in the legislation for low use buildings to not require strengthening. The Council had made a commitment for all community buildings to be 67% of code or better.

J Ensor asked about the old hospital in Rangiora. G Wilson noted it was not a priority building and it was well above 34%. He noted that while the threshold was 34%, there were commercial factors including insurance and tenant confidence that was driving building owners to increase strengthening to over 67%.

J Ensor asked if any schools were in the low range. G Wilson advised that there were none that were URM and less than 34%. The Ministry of Education were going through Canterbury on a building by building case.

G Wilson noted that the Council was going through its own buildings with engineers to ensure the 'little' things were completed such as proper securing of lights and heaters.

K Felstead asked about Oxford Hospital and G Wilson advised that it was not earthquake prone. G Wilson noted that he believed the Cust Bell required addressing and was working with engineers.

S Farrell asked about churches in the district. G Wilson commented that timber churches were fine. There were only a couple of missing detailed engineering reports for churches in Rangiora.

S Markham approved of the approach outlined in the report commenting it had been an extraordinary commitment from G Wilson over a number of years working with building owners to get the district to the shape it was in. Small communities around New Zealand were challenged by their stock of older buildings. While there was a long lead time to requirements, tenants would not move into buildings less than 90% of code.

Moved K Felstead seconded W Doody

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No: 180514052613.
- (b) **Notes** consultation with affected property owners is being undertaken.

**CARRIED**

8.3 **Application to the Oxford-Ohoka Community Board's Discretionary Grant Fund 2017/2018 - Oxford RSA – E Cordwell (Governance Adviser)**

S Nichols spoke briefly to the report.

Moved W Doody seconded M Brown

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No.180418042006.
- (b) **Approves** a grant of \$449 to Oxford RSA towards the costs of a bronze cap/plaque to seal the Oxford Cenotaph time capsule.

**CARRIED**

8.4 **Applications to the Oxford-Ohoka Community Board's Discretionary Grant Fund 2017/2018 – E Cordwell (Governance Adviser)**

S Nichols spoke to the report drawing attention to the \$326 that would be left in the Discretionary Grant balance if both applications were approved. Options for that funding was to carry over unspent funds to the following year or to split the funds between both groups to spend the full allocation this financial year.

The application from the Christchurch Western Riding Association would also benefit other clubs who used the Mandeville Sports Centre.

J Lynn commented that the funds requested by both groups would not cover the costs of what they were trying to do and asked if the groups would be covering some of the funds as well. S Nichols commented that it was not unusual for projects to exceed the \$500 funding cap and that grants from the Board were a contribution. There would be other fundraising.

J Lynn asked how did the Board know the job would be completed if there was still funds to raise. S Nichols explained that groups were required to complete an accountability form, reporting back to Council staff, who updated the Board six monthly. If the project could not be completed funds were returned. The requirements were laid out in the grant criteria.

J Lynn asked about the driveway repairs as it had not been completed with the sealing of North Eyre Road. S Nichols was not sure why that area had not been completed. J Ensor commented on the survey at the location.

Moved S Farrell seconded K Felstead

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180517054235.
- (b) **Approves** a grant of \$663.27 to Oxford Community Trust towards the costs of a heat pump for the Oxford A & P building.
- (c) **Approves** a grant of \$663.27 to Christchurch Western Riding Association towards the cost of shingle to improve the driveway entrance to Mandeville Sports Centre.

**CARRIED**

S Farrell commented that the Oxford A&P building was the only community building in Oxford with a wooden floor and needed further improvements.

8.5 **Allocation of the balance of the Oxford-Ohoka Community Board's 2017/18 Discretionary Grant Fund – E Cordwell (Governance Adviser)**

S Nichols noted the zero-balance remaining in the Discretionary Grant Fund following the previous reports.

Moved J Ensor seconded T Robson

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180522056319.

**CARRIED**

**9 CORRESPONDENCE**

Nil.

**10 CHAIRPERSON'S REPORT**

10.1 **Chairperson's Report for May 2018**

Moved W Doody seconded M Brown

**THAT** the Oxford-Ohoka Community Board:

- (b) **Receives** report No 180524057199.

**CARRIED**

W Doody thanked D Nicholl for the voluntary work he undertook to complete the fencing around the Gate Keepers Lodge in the Ohoka Domain.

**11 MATTERS FOR INFORMATION**

11.1 **Rangiora-Ashley Community Board meeting minutes – 11 April 2018** (Trim No. 180404035432).

11.2 **Rangiora-Ashley Road and Reserve Naming Committee meeting minutes – 4 April 2018** (Trim No. 1801409037877).

11.3 **Rangiora-Ashley Community Board meeting minutes – 16 May 2018** (Trim No. 180515052911).

11.4 **Kaiapoi Tuahiwi Community Board meeting minutes – 16 April 2018** (Trim No.180410038481).

11.5 **Woodend-Sefton Community Board meeting minutes – 9 April 2018** (Trim No. 180327032677).

- 11.6 **Youth Council meeting minutes** – 1 May 2018
- 11.7 **Delegation to Solid and Hazardous Waste Working Party Authority to Approve Engagement Methodology and Materials for Solid Waste Services** Report to Council 1 May 2018 (Trim No. 180403034992).
- 11.8 **Submission on Government Policy Statement on Land Transport 2018** Report to Council 1 May 2018 (Trim No. 180410038161).
- 11.9 **Register of Interests Policy** Report to Council 1 May 2018 (Trim No. 180419042965).
- 11.10 **Capital Projects Report for the period ended 31 March 2018** Report to Audit and Risk Committee 22 May 2018 (Trim No. 180424044711).
- 11.11 **Libraries Update** Report to Community and Recreation Committee 22 May 2018 (Trim No. 180511051846).
- 11.12 **Oxford Surveillance Cameras** Report to Council 29 May 2018 (Trim No. 180517054436).
- 11.13 **Fees and Charges for Community Facilities** Report to Council 29 May 2018 (Trim No. 180514052641).
- 11.14 **Funding and Budget Options Kaiapoi River Dredging Proposals** Report to Council 29 May 2018 (Trim No. 180514052211).
- 11.15 **Multi Use Sports Facility** Report to Council 29 May 2018 (Trim No. 180430046651).
- 11.16 **Siena/Sillano Drainage Works** Report to Council 1 May 2018 (Trim No. 180419042535).

Moved J Ensor seconded M Brown

**THAT** the Oxford-Ohoka Community Board receives the information in items 11.1-11.16.

**CARRIED**

## **12 MEMBERS' INFORMATION EXCHANGE**

### J Ensor

- Attended a portion of the Long Term Plan Council meetings and was impressed with the staff reports and debate. Noted approved work to relive serious flooding issues.

### J Lynn

- Attended annual Drainage Board session at the Council.
- Attended Neighbourhood Support Meeting.
- Gatekeepers Lodge – were receiving advice from Historic Places Trust in terms of renovation, including how to approach Health and Safety.

### T Robson

- Oxford Promotions Association – upcoming Winter Lights Festival and Garage Sale Trail.
- Ashley Gorge Reserve Advisory Group – contractor selected for the Log Cabin. Trapping had slowed over winter, a number of possums, stoats, rats and hedgehogs had been trapped.
- Council approved the Youth Development Grant in the Long Term Plan.
- The Youth Development Strategy was under review and the Youth Council had developed a survey as part of that. T Robson encouraged responses.

### S Farrell

- Attended the annual Drainage meeting.
- Attended Oxford Museum meeting and was pleased to see the new entrance going ahead.

### M Brown

- Attended Mandeville Sports Centre Board meeting.
- Noted new well head at West Eyreton was unfenced and requested staff follow up.

D Nicholl noted that the Board was well represented at the annual Drainage meeting.

### K Felstead

Commented on the Council meeting

- Disposal of Lots remaining after realignment at Ashley Street/Red Lion corner, Rangiora.
- Settlement pattern for Greater Christchurch Partnership. Spread of Rangiora and Kaiapoi population – was the start of a long process.
- Draft Business 1&2 Public Spaces – set out where signage/concessions food, smokefree outside dining etc.
- Submission to Productivity Commissioner low emissions economy.
- Bin ownership – there will be a choice. Recommend that the Contractor own bins initially and at the end of the contract the ownership goes to the Council.
- Transfer Stations – operation and maintenance up for renewal.

S Farrell asked how the Board submission had been received in the Long Term Plan process. K Felstead noted the minutes would be available shortly. All the drainage work in Mandeville had been approved, with some early works in the 10-year plan and some later. Decisions would be formally signed off by the Council on 19 June.

J Ensor noted the Siena/Sillano Drainage Works report and commented there had been good progress.

D Ayers commented that there was money in the budget some time ago for Mandeville drainage in a 10 year program which was ongoing.

K Felstead noted there was funding to address flooding issues in Station Road, Oxford.

S Nichols advised that K Simpson would be attending the August Board meeting to provide an update on water related matters including where they were at with the flooding program.

K Felstead noted the 4.7% average rate increase across the district.

### W Doody

Tabled her Councillor's Report (Trim No 180620068322). Points noted were

- Recent refurbishment of Carleton Historic Railway Sign.
- Improvements at Swannanoa Domain.
- North Canterbury Swim Club success.
- Continued improvements to accessibility.
- The Papers Past website.
- Driver licensing for migrants.
- Tender approved for Heritage Pavilion at Ashley Gorge.
- Retirement of Ken Stevenson, Roding Manager.

## **13 CONSULTATION PROJECTS**

### **Alcohol in our District**

Consultation closes Monday 11 June 2018.

<http://www.waimakariri.govt.nz/have-a-say/lets-talk/consultations/alcohol-in-our-district-reducing-the-harm>

S Nichols noted that based on feedback the Board would not be making a formal submission however that did not preclude members making their own submission.

#### **14 REGENERATION PROJECTS**

##### **14.1 Town Centre, Oxford**

Updates on the Oxford Town Centre projects are emailed regularly to Board members. These updates can be located using the link below:

<http://www.waimakariri.govt.nz/your-council/district-development/oxford-town-centre>

#### **15 BOARD FUNDING UPDATE**

##### **15.1 Board Discretionary Grant**

Balance as at 7 June 2018: \$0.

##### **15.2 General Landscaping Fund**

Balance as at 7 June 2018 - \$0.

New allocation from the Council 1 July 2018.

S Nichols noted that both funds now had a zero balance. The allocations would be confirmed with a report to the Board in July.

#### **16 MEDIA ITEMS**

Funding grants to groups to be celebrated.

#### **17 QUESTIONS UNDER STANDING ORDERS**

Nil.

#### **18 URGENT GENERAL BUSINESS UNDER STANDING ORDERS**

Nil.

##### **NEXT MEETING**

The next meeting of the Oxford-Ohoka Community Board is scheduled for Thursday 5 July 2018 commencing at 7.00pm, at the West Eyreton Hall.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 8.47pm.

CONFIRMED

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**

**FILE NO and TRIM NO:** RDG-28 / 180614066438

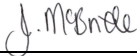
**REPORT TO:** Oxford Ohoka Community Board

**DATE OF MEETING:** 5<sup>th</sup> July 2018

**FROM:** Bill Rice

**SUBJECT:** Oxford Area School Pick Up / Drop Off Area on Bay Road

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)



Department Manager



Chief Executive

**1. SUMMARY**

1.1 This report requests that the Oxford Ohoka Community Board recommends to Council that it amends the parking Bylaw 2007 as follows:

1. Changes the existing P5 Loading Zone outside Oxford Area School on Bay Road to a P2 zone.
2. Extends the loading zone southwards to incorporate the existing No Stopping area at the schools southern entrance

1.2 The existing P5 loading zone is not currently marked on the road. There are no signs for the loading zone or the no parking area. The broken yellow lines indicating the no parking area are quite worn. Compliance with the no parking and loading zones is poor.

1.3 The school has requested a drop off zone on Bay Road at the school entrance. This proposal will meet that request and tidy up existing signage and markings.

1.4 Enforcement of the drop off zone by Police and Council parking staff is likely to be limited. The school has indicated a willingness to monitor the drop off zone, and remind drivers of the parking restrictions.

**Attachments:**

- i. Draft Amended Parking Bylaw 2007 Second Schedule (TRIM No 180621069253)

**2. RECOMMENDATION**

**THAT** the Oxford Ohoka Community Board recommends:

**THAT** the Council:

- (a) **Receives** report No 180614066438.
- (b) **Adopts** the attached Amended Second Schedule – Parking Restrictions to the Parking Bylaw 2007 (TRIM No 180621069253)
- (c) **Notes** that enforcement of the drop off zone by Police or Council parking staff is likely to be limited.

- (d) **Notes** that the Oxford Area School has indicated a willingness to provide staff to monitor the drop off zone.

### **3. BACKGROUND**

- 3.1 The Oxford Area School has requested a drop off area be provided for parents to pick up and drop off pupils before and after school.
- 3.2 The school is located on the eastern side of Bay Road. The land to the west of Bay Road is rural, and there is no kerb and channel on this side of the road. There is, however, a comparatively deep drainage channel.
- 3.3 The eastern side of Bay road is urban, and includes kerb and channel and a footpath past the school.
- 3.4 Bay Road has a seal width of approximately 12.3m. This is marked with a vehicle lane and parking lane in each direction.
- 3.5 The following parking restrictions are present on Bay Road outside the school:
- No restrictions on the western side;
  - 87m of bus stop for school buses on the eastern side. The bus stop restriction is only applicable during school time.
  - 37m of “No Stopping” on the eastern side at the middle and southern school gates. This is marked with dashed yellow lines, but does not include any signage.
  - A 5 minute loading zone between the two No Stopping restrictions. There are no pavement markings or signs to indicate the presence of this restriction. Consequently it is not complied with or enforced.
- 3.6 The school has indicated that staff are encouraged to park on the western side of Bay Road, opposite the school. This results in the parking on the eastern side of the road, immediately outside the school, being available for the picking up and dropping off of pupils, thereby minimising the number of pupils needing to cross Bay Road.
- 3.7 Showgate Drive runs to the east of the school between the school and the A&P showgrounds. It is separated from the school by a 25 to 30m wide strip of land which is occupied by a number of A&P association buildings. There is a small sealed area adjacent to the school boundary which is used for parking.
- 3.8 Showgate Drive provides access to the showgrounds and the rear of the school. It does not include kerb and channel or footpath, and the seal width varies from less than 6m to more than 9m.

### **4. ISSUES AND OPTIONS**

- 4.1. The operation of Bay Road outside the school was observed at school pick up time on the afternoon of Tuesday 19<sup>th</sup> June. The following observations were made:
1. There was significant congestion on Bay Road. This can lead to a level of frustration amongst drivers and pedestrians, and can make it more difficult for pedestrians and drivers to see each other. Younger children, who are shorter, can be particularly difficult to see in this sort of environment.



These factors can combine to result in a higher level of risk taking. This risk taking is offset, to an extent, by the lower speeds resulting from the congestion. However motor vehicles can inflict significant injuries on pedestrians.

2. Parked vehicles (including buses) associated with the school extended for up to 200m either side of the main school gate.
  3. Most parents and caregivers arrived before 3:00pm (school finish time) and either waited in their cars or walked to one of the school gates and waited for the pupils there.
  4. Some of those collecting pupils parked their vehicles on Bay Road and went into the school grounds to meet the pupils, or maybe to meet staff.
  5. A small number of pupils waited outside the school gates to be picked up by an adult, who was able to stop their vehicle, pick up the pupil(s), and drive away immediately.
  6. Compliance with the “No Stopping” marking was poor. The entire length of “No Stopping” was parked on for a period. The majority of those who parked on the “No Stopping” waited in their vehicles. A small number left their vehicles.
  7. Some drivers parked on the western side of Bay Road (opposite side to the school). All of the drivers who were observed parking on the western side of the road left their vehicles and crossed the road to meet the pupils they were picking up. None were observed waiting in their vehicles for a pupil to cross the road to meet them.
- 4.2. These observations are typical of roads outside schools throughout New Zealand at school pick up time.
- 4.3. Many of these observations are likely to also be applicable at Oxford Area School drop off times in the mornings. However, the following key differences are often observed at morning school drop off times:
1. A significant proportion of drivers drop pupils off and leave immediately, resulting in a much quicker turnover for those vehicles. Parents or caregivers are only willing to do this if they are confident that the pupils will get into the school safely.
  2. Some drivers escort pupils to the gate or the classroom, and may take the opportunity to meet staff and/or other parents or caregivers.
- 4.4. The following two options have been considered to address these issues:
1. Formalising parking in the area behind the school
  2. Providing a pick up / drop off area on Bay Road outside the school.

#### **Formalising Parking Behind the School**

- 4.5. There is an existing sealed area behind the school, adjacent to the gymnasium. This area is currently used for occasional parking, although there are no marked parking spaces.
- 4.6. The estimated cost of marking these spaces would be approximately \$2,500.
- 4.7. Approximately 27 parking spaces (3 rows of 9 spaces) could be marked in this area. These spaces would be more than 300m from Bay Road. Once this parking area is full, drivers would need to find alternative parking. The Showgate Drive sealed carriageway is not wide enough to accommodate parking on the sealed road. Vehicles parked on the adjacent grass are likely to infringe on the carriageway. The sealed width of Showgate Drive is likely to result in conflict between inbound, outbound, and parked vehicles.

- 4.8. It is therefore likely that drivers will continue to find it more convenient to pick up and drop off pupils on Bay Road if this parking was provided.
- 4.9. This parking area could be set aside for all day staff parking. This has the potential to free up some parking on Bay Road for pick up and drop off. However, staff are currently encouraged to park on western side of Bay Road. Freeing up parking on this side of Bay Road may result in more pick up and drop off from this side of the road, which in turn would result in more pupils crossing Bay Road.
- 4.10. The option of formalising parking behind the school is therefore not recommended.

**Providing a Pick Up / Drop Off Area on Bay Road**

- 4.11. This option involves the provision of a pick up / drop off area on Bay Road outside the school. A sketch of this option is shown in Figure 1. This option encompasses the existing P5 loading zone and the “No Parking” restriction at the southern end of the school. The estimated cost of this option is approximately \$1,000



*Figure 1 Sketch of Proposed Drop off Zone*

- 4.12. The option would include hatched pavement marking in the area shown on the sketch in Figure 1. Signs would also be installed in the drop off zone with wording to read:

**Drop off Zone**  
**8:30 to 9:00am**  
**2:45 to 3:15pm**  
**School Days**

- 4.13. The existing bus stop and no parking area will be remarked and new signs installed where they are missing.
- 4.14. Neither the Police nor the Council parking enforcement team are likely to have the resources necessary to regularly enforce this drop off zone. The school has indicated that they would be prepared to provide staff to monitor the zone. These staff would not have the authority to formally enforce the zone. Their powers would be limited to reminding drivers that it is a drop off zone, and encouraging them to move on when necessary.
- 4.15. This option would provide an area for parents and caregivers to safely drop off pupils close to the school gate, and move on promptly. It is therefore likely to provide some relief to the traffic congestion outside the school in the mornings when a significant portion of pupils are likely to be dropped off and the driver leaves immediately.
- 4.16. It is less likely to provide relief in the afternoon, when parents and caregivers are more likely to wait for pupils to leave school.
- 4.17. The effectiveness of this proposal is largely dependent on the school being effective in encouraging parents and caregivers to not stop in the drop off area for extended periods. As noted above, the school has indicated a willingness to provide staff to monitor the drop off zone. Regular and ongoing communications through the school newsletter, social media, and any other communication methods will help to reinforce this method.
- 4.18. This option is expected to have some (albeit limited) effect in reducing the congestion, and associated safety effects on Bay Road at school start and finish times. It is, however, a comparatively low cost intervention. The following recommendations are therefore made:

**THAT** the Oxford Ohoka Community Board recommends:

**THAT** the Council:

- (e) **Receives** report No 180614066438.
- (f) **Adopts** the attached Amended Second Schedule – Parking Restrictions to the Parking Bylaw 2007 (TRIM No 180621069253)
- (g) **Notes** that enforcement of the drop off zone by Police or Council parking staff is likely to be limited.
- (h) **Notes** that the Oxford Area School has indicated a willingness to provide staff to monitor the drop off zone.
- 4.19. The Management Team have reviewed this report and support the recommendations.

## **5. COMMUNITY VIEWS**

- 5.1. **Groups and Organisations:** The Oxford Area School has requested a pick up and drop off zone on Bay Road outside the school.
- 5.2. **Wider Community:** The recommended measures are expected to have little effect on the number of vehicles stopped on Bay Road at school start and finish times. The school

is the only property which is expected to be affected by the parking restrictions immediately outside the school property.

## 6. **IMPLICATIONS AND RISKS**

- 6.1. **Financial Implications:** This proposal is estimated to cost \$1,000. This is able to be met from the Minor Improvements budget.
- 6.2. **Community Implications**
- 6.3. **Risk Management**
- 6.4. **Health and Safety**

## 7. **CONTEXT**

### 7.1. **Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2. **Legislation**

- 7.2.1. The Parking Bylaw was drafted under powers in the Local Government Act 1974 (section 684) and the Transport Act 1962 (section 72 (1)(k)). Amendments are similarly authorised. These matters are unchanged by the Local Government Act 2002.

*“Transport Act 1962*

*72. Bylaws as to the use of roads—*

*Subject . . . to the provisions of this Act or of any other enactment in respect of any of the matters referred to in this subsection, any Minister of the Crown in respect of any roads under his control, or any local authority in respect of any roads under its control, may from time to time make bylaws for any of the following purposes:*

*[(k) Prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles; and providing that a vehicle used for the time being for any specified purpose shall be deemed for the purposes of the bylaw to be of such class or description as is specified in the bylaw, notwithstanding that the vehicle may belong to any other class or description for any other purpose:]”*

- 7.2.2. The Parking Bylaw clause 4 permits the Council, by resolution, to amend parking restrictions.

*“4 The Council may from time to time by resolution impose parking standing or stopping restrictions on any road or other area controlled by the Council...”*

### 7.3. **Community Outcomes**

#### ***There is a safe environment for all***

- Harm to people from natural and man-made hazards is minimised. <sup>1,2,3,4</sup>
- Crime, injury and harm from road crashes, gambling, and alcohol abuse are minimised. <sup>1,3,4</sup>

#### ***. Transport is accessible, convenient, reliable and sustainable***

7.4. **Delegations**

7.4.1. The Board, under delegation S-DM 1042, has specific jurisdiction for:

*“Approving traffic control and constraint measures on streets, including parking”*

**Second Schedule – Parking Restrictions**


Item	Town	Street	Location	Side of Street	Parking Restriction	Qualifying Remarks	Comments for consideration by and the information of the Council	Amendment Date
123	Oxford	Bay Rd	from 55m North of northern entrance to school to 24 m South of that entrance	East	Bus Stop	8.20am to 9.30am, 2.30pm to 3.20pm school days	Existing	
124	Oxford	Bay Rd	for 20m outside middle entrance to school	East	No Parking	8.20am to 9.30am, 2.30pm to 3.20pm school days	Existing	
125	Oxford	Bay Rd	From no parking area outside middle entrance to school <del>to no parking area outside southern entrance to school</del> <u>to 6m south of southern entrance to school</u>	East	Loading Zone, <u>5-2</u> minutes	<del>8.20am to 9.30am, 1.45pm to 3.20pm</del> <u>8:45 to 9:15am, 2:45 to 3:15pm</u> school days	Requested by school. <del>Times different from usual to allow for junior school pupils.</del>	
<del>126</del>	<del>Oxford</del>	<del>Bay Rd</del>	<del>for 40m outside southern entrance to school</del>	<del>both</del>	<del>No Parking</del>	<del>8.20am to 9.30am, 2.30pm to 3.20pm school days</del>	<del>Existing</del>	
127	Oxford	Burnett St	North boundary of "Fire Station Reserve" to South side of Town Hall entrance.	East	No Parking		Existing	
127a	Oxford	Main St	Queenette Dairy to Redwood Place	East	P30			September 2007


**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**

**FILE NO and TRIM NO:** GOV-26-10-06 /180619067874  
**REPORT TO:** Oxford-Ohoka Community Board  
**DATE OF MEETING:** 5 July 2018  
**FROM:** Edwina Cordwell – Governance Adviser  
**SUBJECT:** Oxford-Ohoka Community Board's Discretionary Grant Fund 2018/2019 and General Landscaping Fund 2018/2019

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)

  
\_\_\_\_\_  
Department Manager

  
\_\_\_\_\_  
Chief Executive

**1. SUMMARY**

1.1. This report provides information regarding the Board's 2018/2019 General Landscaping Fund, 2018/2019 Discretionary Grant and for the Board to consider and approve the Discretionary Grant Criteria, Application Form and Accountability Form.

Attachments:

- i. Draft Oxford-Ohoka Community Board 2018/2019 Discretionary Grant Application Criteria and Application Form (Trim No. 180621068982).
- ii. Draft Oxford-Ohoka Community Board 2018/2019 Discretionary Grant Accountability Form (Trim No. 180621068877).

**2. RECOMMENDATION**

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180619067874.
- (b) **Notes** that the Board's General Landscaping Budget allocated by the Council for 2018/19 is \$12,160.
- (c) **Notes** that the Board's Discretionary Grant Funding allocated by the Council for 2018/2019 is \$6,520.
- (d) **Approves** the Board's 2018/2019 Discretionary Grant Fund Application Criteria and Application Form (Trim No.180621068982).
- (e) **Approves** the Board's 2018/2019 Discretionary Grant Accountability Form (Trim No. 180621068877).
- (f) **Approves** that Discretionary Grant Fund applications will continue to be considered at each meeting for the 2018/2019 financial year (July 2018 to June 2019).

**3. BACKGROUND**

3.1 The Council allocates General Landscaping funds to each of the Community Boards to be expended on appropriate projects and initiatives in the Board's community area in

partnership with relevant Advisory Groups and the Council's Greenspace team. This is not a contestable fund.

- 3.2 The Discretionary Grant Fund is a contestable fund enabling community groups and organisations meeting the relevant criteria to seek funding for various events, initiatives and projects.

#### **4. ISSUES AND OPTIONS**

- 4.1. The **General Landscaping Fund** 2018/2019 allocation approved by the Council for the Oxford-Ohoka Community Board is \$12,160.
- 4.2. An initial workshop is scheduled for August 2018 for the Board and the Council's Greenspace manager to identify a range of potential projects for funding. A report seeking the Board's formal approval for funding will then be presented to a subsequent Board meeting.
- 4.3. The **Discretionary Grant Fund** 2018/2019 allocation approved by the Council for the Oxford-Ohoka Community Board is \$6,520.
- 4.4. The Board reviewed its Discretionary Grant Fund Criteria and Application Form at a workshop on 7 June 2018. Similar workshops have been undertaken with the other three Community Boards and all have re-affirmed the current criteria for applications. A few minor editorial changes were suggested at these workshops which have been incorporated. All Boards noted that every application is to be assessed on its own merits as pertaining at that time.
- 4.5. Not all eligible groups may be aware of the fund so it is anticipated that Community Board members will continue to be pro-active in this regard, through networking and community groups they interact with.
- 4.6. It is recommended that the Board regularly review the remaining balance of the fund to ensure that it is on track to be spent or to take any other necessary action.
- 4.7. Staff will periodically advertise the Discretionary Grant through the Community Notice Board page in the Northern Outlook and Chatter. Application forms are available on the Council website, from Service Centres or by contacting the Governance team.
- 4.8. The Management Team have reviewed this report and support the recommendations.

#### **5. COMMUNITY VIEWS**

5.1. **Groups and Organisations**

Not sought.

5.2. **Wider Community**

Not sought.

#### **6. IMPLICATIONS AND RISKS**

6.1. **Financial Implications**

That the Discretionary Grant fund is underspent at the end of the 2018/2019 financial year and community benefits may have been limited as a consequence.



6.2. **Community Implications**

As above.

6.3. **Risk Management**

Not applicable.

6.4. **Health and Safety**

Not applicable.

**7. CONTEXT**

7.1. **Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Legislation**

Not applicable.

7.3. **Community Outcomes**

There are wide ranging opportunities for people of different ages to participate in community and recreational activities.

7.4. **Delegations**

The Community Boards have delegated authority for both funds.

Edwina Cordwell  
Governance Adviser

## Information to assist groups with their application

The purpose of the Board discretionary grants is to assist projects that enhance community group capacity and/or increase participation in activities.

When assessing grant applications the Board consider a number of factors in their decision making. These include, but are not limited to; type of project, time frame, benefits to the community and costs being contributed. The more information you as a group can provide on the project and benefits to participants the better informed the Board is. You are welcome to include a cover letter as part of your application. The decision to grant funds is the sole discretion of the Board.

The Board cannot accept applications from individuals. All funding is paid to non-profit community based organisations, registered charities or incorporated societies. Council funding is publicly accountable therefore the Board need to demonstrate to the community where funding is going and what it is being spent on. This is one of the reasons the Board require a copy of your financial profit/loss statements and balance sheet for the previous/current financial year. Staff cannot process your application without financial records.

The Board encourages applicants, where practically possible, to consider using local businesses or suppliers for any services or goods they require in their application. The Board acknowledges that this may result in a higher quote.

It would be helpful to the Board to receive an expense summary for projects that cost more than the grant being requested to show the areas funds are being spent and a paragraph on what fund raising the group has undertaken towards the project, or other sources considered (ie voluntary labour, businesses for supplies).

### Examples (but not limited to) of what the Board cannot fund:

- ✗ Wages
- ✗ Debt servicing
- ✗ Payment for volunteers (including arrangements in kind eg petrol vouchers)
- ✗ Stock or capital market investment
- ✗ Gambling or prize money
- ✗ Funding of individuals (only non-profit organisations)
- ✗ Payment of any legal expenditure or associated costs
- ✗ Purchase of land and buildings
- ✗ Activities or initiatives where the primary purpose is to promote, commercial or profit-oriented interests
- ✗ Payment of fines, court costs or mediation costs, IRD penalties

### Examples (but not limited to) of what the Board can fund:

- ✓ New equipment
- ✓ Toys/educational aids
- ✓ Sporting equipment
- ✓ Safety equipment
- ✓ Costs associated with events
- ✓ Community training

## Criteria for application

- Grant applications will be considered every month by the Oxford-Ohoka Community Board. Applications are recommended to be received three weeks prior to Board meeting dates for processing.
- Generally funding grants will be a maximum of \$500 in any one financial year (July 2018 to June 2019) but the group can apply up to twice in that year, providing it is for different projects.
- The grant funding is limited to projects within the Board area or primarily benefiting the residents of the ward.
- Applications will only be accepted from non-profit community-based organisations, registered charities or incorporated societies.
- The group should have strong links with the Oxford-Ohoka community.
- The applications should clearly state the purpose for which the money is to be used.
- The applicants should submit a 1-2 page balance sheet and an income and expenditure statement which shows their current financial assets and liabilities. Applications cannot be processed until financial information is received.
- Where possible, or feasible, applicants must declare other sources from which funding has been applied for, or granted from, for the project being applied to the Oxford-Ohoka Community Board.
- The Board support a wide range of community activities but the application will only be considered if it is deemed of the nature listed in the table of examples of what the Board can fund (see previous page).
- An accountability form must be provided to Council outlining how the funds were applied, within six months of the grant being allocated, when funds are spent, or prior to a new application. A new application will not be accepted until the previous accountability form has been completed and returned. The group should maintain accurate records around the grant including, but not limited to: receipts, banks statements and invoices. In the event that funds are not spent on the project or activity applied for the recipient may be required to return the grant funding to the Council.
- If the activity/event for which funds have been granted does not take place **or** if the group does not provide the information to enable the grant to be paid within six months of approval of the grant being notified, then in both cases the application will be regarded as closed and funds released for reallocation by the Board.

### What happens now?

Return your completed application form (with financial records and any supporting information which you believe is relevant to this application) to:

Governance Team  
Waimakariri District Council  
Private Bag 1005  
Rangiora 7440

Email: [records@wmk.govt.nz](mailto:records@wmk.govt.nz)

Or hand deliver to:

- Oxford Library & Service Centre, Pearson Park Pavilion, Oxford
- Rangiora Service Centre, 215 High Street, Rangiora
- Ruataniwha Kaiapoi Civic Centre, 176 Williams Street, Kaiapoi

### What happens next?

- Your application will be processed and presented to the Board at the next appropriate meeting.
- Following the meeting a letter will be sent to notify you of the Board decision and if successful an invoice and your organisation's bank account details will be requested.
- On receipt of this information payment will be processed to your organisation's bank account.

**Groups Applying for Board Discretionary Grants 2018/2019**

Name of Group:

Address:

Contact Person within Organisation:

Position within Organisation:

Contact phone number:  Email:

**Describe what the project is and what the grant funding be used specifically for? (Use additional pages if needed)**

What is the timeframe of the project/event date?

Overall Cost of Project: \$  Amount Requesting: \$

How many people will directly benefit from this project?

Who are the range of people benefiting from this project? (You can tick more than one box)

People with disabilities (mental or physical)       Cultural/ethnic minorities       District

Preschool       School/youth       Older adults       Whole community/ward

Provide estimated percentage of participants/people benefiting by community area:

Oxford-Ohoka  %      Rangiora-Ashley  %      Woodend-Sefton  %      Kaiapoi-Tuahiwi  %

Other (please specify):

If this application is declined will this event/project still occur?     Yes     No

If No – what are the consequences to the community/organisation?

# OXFORD-OHOKA COMMUNITY BOARD DISCRETIONARY GRANT APPLICATION

What are the direct benefit(s) to the participants?

What is the benefit(s) to your organisation?

What are the benefit(s) to the Oxford-Ohoka community or wider district?

Is your group applying under the umbrella of another organisation (that is Charity/Trust registered?)  Yes  No

If yes, name of parent group

What is the relationship between your group and the parent group?

What other fundraising has your group undertaken towards this project/event? List any other organisations you have applied or intend to apply to for funding this project and amount applied for this project:

Have you applied to the Oxford-Ohoka Community Board or any other Waimakariri Community Board for other project funding in the past 18 months?  Yes  No

If yes, please supply details:

- Enclosed**  Financial Balance Sheet and Income & Expenditure Statement (*compulsory – your application cannot be processed without financial statements*)  
 Supporting costs/quotes (*not compulsory*)  
 Other supporting information

*I am authorised to sign on behalf of the group/organisation making this application.*

*I declare that all details contained in this application form are true and correct to the best of my knowledge.*

*I accept that successful applicants will be required to report back to the Community Board by completing a simple Accountability Report.*

*I accept that information provided in this application may be used in an official Council report available to the public.*

**PLEASE NOTE** - If submitting your application electronically, entering your name in the Signature box below will be accepted as your signature:

Signed:

Date:

# Oxford-Ohoka Community Board

## Accountability Form for 2018/2019 Discretionary Grant Recipients

For funding provided during the period July 2018 – June 2019

This form is to tell the Board what you spent the money on

The purpose of the accountability form is to provide transparency in relation to public funds granted to community groups to provide the Board with feedback on the event/project and its impact in the community.

Please complete when the project is completed and return within six months of funds being granted. You must return this form in order to be eligible for future funding. The Board would also appreciate any photos, where practically possible, of the event/project. The information provided will be used in a report to the Board that will be publically available.

Name of group: .....

Date: ..... Amount allocated: \$.....

Purpose for grant .....

*Please give details of how money was spent:*

..... \$ .....

..... \$ .....

..... \$ .....

*A description of the activities undertaken and benefits that have been achieved with these funds. Please include, where possible, photographs and the number of people who attended or were assisted:*

.....

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.....

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.....

*(Use additional pages if necessary)*

*Two authorised signatories to complete the details below:*

Date .....	Date .....
First contact name.....	Second contact .....
Signature .....	Signature .....
Position .....	Position .....
Phone .....	Phone .....
Address .....	Address .....
.....	.....

**Return to:** Governance Team  
Waimakariri District Council  
Private Bag 1005  
Rangiora 7440

**Com.Board@wmk.govt.nz**

**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**

**FILE NO and TRIM NO:** GOV-26-10-06 /180621068915  
**REPORT TO:** Oxford-Ohoka Community Board  
**DATE OF MEETING:** 5 July 2018  
**FROM:** Edwina Cordwell – Governance Adviser  
**SUBJECT:** Applications to the Oxford-Ohoka Community Board’s Discretionary Grant Fund 2018/2019

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)

  
\_\_\_\_\_  
Department Manager

  
\_\_\_\_\_  
Chief Executive

**1. SUMMARY**

1.1. The purpose of this report is to consider an application for funding received from:

<b>Name of Organisation</b>	<b>Purpose</b>	<b>Amount Requested</b>
Ohoka Netball Club	Towards the cost of purchasing new uniforms	\$500
<b>Total</b>		<b>\$500</b>

Current balance is \$6,520.

Attachments:

- i. Application from Ohoka Netball Club (Trim No. 180620068362).
- ii. Spreadsheet showing previous two years grants.
- iii. Board funding criteria 2018/2019 (Trim No. 180621068982).

**2. RECOMMENDATION**

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180621068915.
  - (b) **Approves** a grant of \$\_\_\_\_\_ to Ohoka Netball Club towards the cost of new uniforms.
- OR**
- (c) **Declines** the application from Ohoka Netball Club.

### **3. BACKGROUND**

- 3.1 The Ohoka Netball Club is one of North Canterbury's largest netball clubs and has been in existence for more than 60 years. The club caters for all ages and abilities, consistently having between 16 and 17 teams competing from Premier Grande through to Future Fern years, with 150 to 170 active players of whom approximately 60% are from the Board's community area.

### **4. ISSUES AND OPTIONS**

- 4.1. Ohoka Netball Club is seeking to purchase 90 playing dresses and bibs for the junior grade teams.
- 4.2. The Club has experienced a big increase in numbers since the Canterbury earthquakes of 2010/2011 and has tried to match resources including coaches/managers and equipment to meet these demands.
- 4.3. The club has struggled to provide uniforms that are both tidy and fit the players. The current playing dresses are dated and the style does not suit all body shapes/types. Many are worn, faded and carrying repairs. This does not engender club pride nor encourage new players.
- 4.4. North Canterbury Netball only permits two club playing uniform variants which have already been reached by the Ohoka Club through mixing and matching existing skirts/tops. It is therefore not possible to introduce new uniforms (which are of a further different style) on a phased basis as this would be regarded as a third and non-permitted variant.
- 4.5. The club has therefore decided that it must fully replace all 140 uniforms at a full cost of between \$12,000 and \$14,000. The club has been fundraising and has secured a grant to fund 50 dresses, but still has a shortfall of over \$6,000. The club seeks \$500 towards this shortfall. Financial information has been supplied. The project will continue even if funds are declined.
- 4.6. The Management Team have reviewed this report.

### **5. COMMUNITY VIEWS**

#### **5.1. Groups and Organisations**

Not applicable

#### **Wider Community**

Not applicable

### **6. IMPLICATIONS AND RISKS**

#### **6.1. Financial Implications**

The Annual Plan for 2018/19 includes budget provision for the Oxford-Ohoka Community Board to approve grants to community groups up to a total of \$6,520.

The current balance of the fund is \$6,520.

The application criteria specify that grants are normally limited to a maximum of \$500 in any one financial year (July to June) but the group can apply up to twice in that year, providing it is for different projects. GST is paid to appropriately registered groups where applicable above the Board resolved values.



6.2. **Community Implications**

Not applicable.

6.3. **Risk Management**

Not applicable.

6.4. **Health and Safety**

Not applicable.

7. **CONTEXT**

7.1. **Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2. **Legislation**

Not applicable.

7.3. **Community Outcomes**

People are friendly and caring, creating a strong sense of community in our District.

There are wide-ranging opportunities for people of different ages, abilities and cultures to participate in community life and recreational activities.

7.4. **Delegations**

Community Boards have delegated authority to approve such grants.

Edwina Cordwell

Governance Adviser

**OXFORD-OHOKA COMMUNITY BOARD DISCRETIONARY GRANT APPLICATION**

**Groups Applying for Board Discretionary Grants 2017/2018**

Name of Group: Ohoka Netball Club

Address: % Mandeville Sports Centre, 431 Mandeville Rd Swanscombe Nth Cant

Contact Person within Organisation: Colleen Bloxham

Position within Organisation: Grants + Sponsorship

Contact phone number: 0272217711 Email: ohokanetball@gmail.com or bloxham@tra.co.nz

**Describe what the project is and what the grant funding be used specifically for? (Use additional pages if needed)**

Purchase of new playing uniforms as attached.

WAIMAKARIRI DISTRICT COUNCIL

RECEIVED 20 JUN 2018

To: Edwina.

What is the timeframe of the project? 2018/2019

Overall Cost of Project: \$12-14,000 Amount Requesting: \$500=

How many people will directly benefit from this project? 140+

Who is the range of people benefiting from this project? (You can tick more than one box)

- People with disabilities (mental or physical)
- Cultural/ethnic minorities
- District
- Preschool
- School/youth
- Older adults
- Whole community/ward

Provide estimated percentage of participants by Ward:

Oxford-Ohoka 50-60% Rangiora-Ashley 35-40% Woodend-Sefton 5% Kaiapoi-Tuahiwi 5%

Other (please specify): City based players - many ex Nth Cant Region

If this application is declined will this event/project still occur?  Yes  No

If No – what are the consequences to the community/organisation?

**OXFORD-OHOKA COMMUNITY BOARD DISCRETIONARY GRANT APPLICATION**

What are the direct benefit(s) to the participants?

Increased pride in club  
More playing comfort

What is the benefit(s) to your organisation?

Consistency of appearance.  
Lower repair bills!!

What are the benefit(s) to the Oxford-Ohoka community or wider district?

May help us retain player & attract new ones =  
increased fitness, mental wellbeing & community involvement

Is your group applying under the umbrella of another organisation (that is Charity/Trust registered?)  Yes  No

If yes, name of parent group

What is the relationship between your group and the parent group?

What other fundraising has your group undertaken towards this project/event? List any other organisations you have applied or intend to apply to for funding this project and amount applied for this project:

We have received Pub Charity Grant, have held a musical quiz night, Disco etc.

Have you applied to the Oxford-Ohoka Community Board or any other Waimakariri Community Board for other project funding in the past 18 months?  Yes  No

If yes, please supply details:

- Enclosed**  Financial Balance Sheet and Income & Expenditure Statement (compulsory – your application cannot be processed without financial statements)  
 Supporting costs/quotes (not compulsory)  
 Other supporting information

I am authorised to sign on behalf of the group/organisation making this application.  
 I declare that all details contained in this application form are true and correct to the best of my knowledge.  
 I accept that successful applicants will be required to report back to the Community Board by completing a simple Accountability Report.  
 I accept that information provided in this application may be used in an official Council report available to the public.

**PLEASE NOTE** - If submitting your application electronically, entering your name in the Signature box below will be accepted as your signature:

Signed:

Date:

**TO: The Grants Committee, Oxford Ohoka Community Board**

Ohoka Netball are one of North Canterbury's largest Netball clubs and have been going for more than 60 years. We happily cater for all ages and abilities, consistently having between 16 and 17 teams (150-170 active players) competing from Premier 1 Grade right through all Future Fern years.

We also offer pathways for those interested in becoming Umpires, assistance for Coaches and have many players going onto play in the North Canterbury Representative teams.

Like many Canterbury Clubs, we have experienced big growth in player numbers since the earthquakes of 2010/2011. As a result, we have worked hard to ensure our resource levels including both coaches/managers and equipment are maintained; but have struggled to ensure all players are provided with uniforms that are tidy and fit comfortably. Not only are our playing dresses somewhat dated, the style does not suit all body shapes/types and many are well worn; faded and carrying repairs. Not ideal for engendering Club pride and growing player numbers, particularly youth/teens!

The issue with replacement is also compounded because North Canterbury Netball only allows each Club to have 2 playing uniform variants and with our mix of dresses and skirts/tops we are already at this level. This means we cannot introduce a 3<sup>rd</sup> option (updated dresses) on a drip feed basis doing 1-2 teams at a time as finances allow. Ideally, we need to replace ALL dresses (140) at once. We have been fortunate in securing a grant for 50 dresses plus additional fundraising has given us a further \$1500-2000 but currently have a short fall of over \$6,000

To this end, we would really, really appreciate receiving the \$500 discretionary grant offered by the Community Board to local Clubs.

We are more than happy to acknowledge that support through

- Regular mentions on our Facebook page, email updates to members etc
- Verbal and/or visual acknowledgement at prize giving, registration, fundraising and social event
- Press release to local paper, radio station etc when new uniforms are launched

Thank you for your consideration of our request and we look forward to your positive response!

Colleen Bloxham Christiansen  
Fundraising Co-ordinator



*C/o MANDEVILLE SPORTS CENTRE  
431 MANDEVILLE ROAD, SWANNANOA, NORTH CANTERBURY  
CLUB PRESIDENT – MARGARET JOHNSTON 021 100 2813*

### **FUNDING RESOLUTION**

**OHOKA NETBALL CLUB resolved that a request be made to OXFORD OHOKA COMMUNITY BOARD for the amount of \$500 to be used towards the purchase of 90 X playing dresses and bibs for Grade/Junior teams.**

**I certify that the above is a true and correct copy of a resolution of the committee of Ohoka Netball Club, made at meeting of 8th May 2018.**

**Dated: 28<sup>th</sup> May 2018**

---

A handwritten signature in black ink, appearing to read 'Margaret Johnston', is written over a horizontal line.

**Margaret Johnston**

**President**

**OHOKA NETBALL CLUB**



*C/o MANDEVILLE SPORTS CENTRE  
431 MANDEVILLE ROAD, SWANNANOA, NORTH CANTERBURY  
CLUB PRESIDENT – MARGARET JOHNSTON 021 100 2813*

**OWNERSHIP AND STORAGE OF EQUIPMENT PURCHASE**

**On behalf of OHOKA NETBALL CLUB I certify that all uniforms purchased through Oxford Ohoka Community Board are stored in a locked up, secure shed located at the Mandeville Sports Centre, 431 Mandeville Road, Swannanoa. Ownership of all uniform items is retained by Ohoka Netball Club.**

**I further certify that Ohoka Netball is fully and financially affiliated to North Canterbury Netball and Netball New Zealand.**

**Dated: 28<sup>th</sup> May 2018**

A handwritten signature in black ink, appearing to read 'M Johnston', is written over a horizontal line.

**Margaret Johnston**

**President**

**OHOKA NETBALL CLUB**

Preferred Quote / Supplier

DIRECT SPORT LIMITED  
 130 Bush Road  
 Albany, AUCKLAND  
[www.BLKSPORT.co.nz](http://www.BLKSPORT.co.nz)

Jamaine Limu-Franklin  
[jamaine@blkspport.co.nz](mailto:jamaine@blkspport.co.nz)

GST: 103-010-020

**QUOTE**

Date  
 Quote Number

Product Code	Description	Unit	Qty	Price	Extended Amount
TWDR0104	Ladies netball dress	EA	50	\$70.00	\$3,500.00
TWDR0104	Girls Netball dress	EA	40	\$70.00	\$2,800.00
TWMI0101	Netball bib set	EA	16	\$50.00	\$800.00
TOTAL (exc GST)					\$7,100.00
GST					\$1,065.00
TOTAL (inc GST)					\$8,165.00

All quotes are valid for 90 days from their issue date

\*artwork to be approved\*

**Delivery is 8 Weeks from receipt of order confirmation and signed off artwork**

**OHOKA NETBALL CLUB INCORPORATED**  
**STATEMENT OF INCOME AND EXPENDITURE**

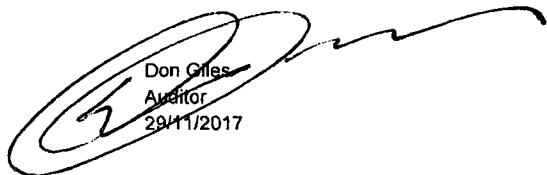
FOR THE PERIOD 1 OCTOBER 2015 TO 30 SEPTEMBER 2016

<u>INCOME</u>	<u>2016</u>	<u>2017</u>	<u>EXPENDITURE</u>	<u>2016</u>	<u>2017</u>
Subscriptions	23872.00	28767.50	Audit Fee		400.00
Late Registration fee	15.00	170.00	Bank Fees	0.01	
Interest	48.80	11.44	Advertising	88.29	79.35
Hoodies	2271.10	1629.70	1st Aid Kits	232.67	34.90
Donations	1520.00	1927.00	Chocolates	4680.00	2880.00
Wine Evening	1507.43		Sub Refunds	90.00	220.00
Chocolates	6170.00	3197.00	Registration NC Netball	15725.00	15533.00
MSC Refund	388.99		Sports Shop - Balls	1640.00	
Hoodies for Team			Coaching Course	220.00	240.00
Uniforms	764.94	218.25	Gear	8102.49	1471.26
Hypnotist		1224.00	General Expenses	387.24	11.99
Trust Grants			Uniforms Etc	2731.05	5949.16
Entertainment Books (Net)	1500.00	1885.00	Tournament Fees	400.00	120.00
Photos	1069.00	767.00	Bibs	358.57	192.35
Cricket Club - Lock Share)	244.37		Hoodies	2163.39	1601.67
			Prizegiving	1971.15	828.97
Sponsorship		4900.12	Rent - Mandeville	3765.00	4094.96
Umpire Refunds			Engraving & Repairs	46.01	605.20
Umpire Reimbursement		60.00	Umpiring - NCNC		120.00
Unpresented Cheque		38.18	Drink Bottles (Spons)		198.95
			Future Ferns Disco		54.00
			Computer Expenses		68.94
			Ohoka Hall Hire		150.00
			Insurance		417.46
			Awards - Volunteers		2011.36
			Photos	1395.50	1261.00
			Hypnotist		1400.00
			Entertainment Bookd		150.00
Excess Expenditure	4624.74		Excess Income		4700.67
	<u>\$ 43,996.37</u>	<u>\$ 44,795.19</u>		<u>\$ 43,996.37</u>	<u>\$ 44,795.19</u>

<b>Cheque Account 03-0674-0103305-00</b>	
Balance as at 1 October 2016	3932.84
Excess Income	4700.67
<b>Balance as at 30 September 2017</b>	<b>\$ 8,633.51</b>
Statement Balance	9067.72
Deposits Due	230.75
Payments U/P	664.96

<b>On Line Saver 03-0674-0103305-25</b>	
Balance as at 1 October 2016	8803.80
Transfers In - From '00 Acct'	0.00
Interest Received	7.12
RWT Paid	
<b>Balance as at 30 September 2017</b>	<b>\$ 8,810.92</b>
<b>Statement Balance</b>	<b>\$ 8,810.92</b>

**Cashbook Balance** **\$ 8,633.51**



Don Giles  
 Auditor  
 29/11/2017



### Board Discretionary Grants July 2017 - June 2018

	Month considered	Group	Project	Amount Requested	Amount Granted
Woodend-Sefton Community Board 10.138.100.2410					\$3,170
	August	Reflections Community Trust	towards costs of a sign for the 2017 Waimakariri Light Party		\$ 234
	August	SIIG You Me We Us	towards the costs of Welcome bags		lie on table
	September	SIIG You Me We Us	towards the costs of Welcome bags	\$ 500	\$ 500
	September	Pegasus Residents Association	towards the costs of Christmas on the Lake	\$ 500	\$ 500
	March	Waimakariri Arts Trust - Kaiapoi Art Expo	towards running costs in particular advertising in NC News and provision of music	\$ 500	\$ 300
	June	Sefton Community Newsletter	towards the cost of delivery of newsletter	\$ 385	\$ 500
	Total for grants allocated: \$2,034 Total unallocated: \$1,135.97				
					\$12,264.04
	July	Rotary Club of Rangiora	Towards the costs of building a Fitness Trail/Circuit of up to 12 stations along the Rakahuri Trail.	\$ 500	\$ 500
	July	Southbrook School Parent Teacher Association	Towards the costs of a cordless scanner for the school library.	\$ 500	\$ 500
	August	North Canterbury Musical Society	Towards the costs of signage for Costume hire service	\$ 350	\$ 350
	August	Reflections Community Trust	Towards the costs of Children's Magic Theatre - light festival 31 October 2017	\$ 300	declined
	August	SIIG You Me We Us	Towards the cost of Welcome Bags	\$ 500	declined
	September	International Day Older Persons	towards afternoon tea to celebrate International Day of older persons	\$ 350	\$ 350
	October	Kidsfirst Kindergartens Bush Street	Towards costs of replacing books and purchase of new large books for group stories	\$ 300	lie on table

Rangiora-Ashley  
Community Board  
10.137.100.2410

November	Kidsfirst Kindergartens Bush Street	Towards costs of replacing books and purchase of new large books for group stories	\$ 300	\$ 300
December	Rangiora Croquet Club	Towards costs of a new dishwasher	\$ 500	\$ 500
December	SeniorNet North Canterbury	Towards promotion of courses and workshops	\$ 500	\$ 500
December	Lions Club Rangiora	Towards the costs of two shelters for the Millton Memorial Dog Park	\$ 500	\$ 500
December	Loburn School	Towards the costs of Year 8 participating in the William Pike Challenge Award	\$ 500	\$ 500
December	Presbyterian Support	Towards the costs of Suicide Prevention Event 28 February 2018	\$ 500	\$ 500
December	Trinity Methodist Mainly Music	towards the costs of creating lockable storage room for sound and musical equipment	\$ 500	\$ 500
February	Cust Bowling Club Inc	to purchase a second hand mower	\$ 500	\$ 500
April	Waimakariri Arts Trust - Kaiapoi Art Expo	towards the costs of the Kaiapoi Arts Expo and Schools Expo particularly advertising in the Northern Outlook	\$ 500	\$ 500
June	Rangiora Districts Early Records Society Inc	replace scanner	\$ 500	\$ 500
June	Okuku Pony Club	coaching training	\$ 500	\$ 500
June	McAlpines Canterbury Pipe Band	towards the costs of new flashes for the band uniforms	\$ 500	\$ 500
June	North Canterbury Athletics Club	towards the costs of club singlets for 7 to 14 year olds	\$ 427	\$ 427
June	Rangiora Playcentre	towards the costs of sensory and touch based play materials	\$ 500	\$ 500
June	Ashley Playcentre	towards the cost of ink cartridges	\$ 500	\$ 500
June	North Canterbury Academy of music	towards the end of year concert	\$ 500	\$ 500
June	Friends of Rangiora Town Hall	towards the costs of auditorium CCTV and backstage screen to assist with productions	\$ 500	\$ 500
June	North Canterbury Academy of Music	towards the costs of replacement drum kit	\$ 420	\$ 420

Total for grants allocated: \$10,347 Total unallocated: \$1,917.04					
Kaiapoi-Tuahiwi Community Board 10.136.100.2410					\$4,960
	July	Kaiapoi Cricket Club	Towards costs of signage to promote the Cricket Club's 150 <sup>th</sup> Jubilee in late September 2017	\$ 600	\$ 200
	July	Reflections Community Trust	Towards the costs of pre and post event advertising for the Waimakariri Light Party 2017	\$ 460	\$ 460
	August	Kaiapoi Borough School	Sports equipment	\$ 500	declined
	August	Kaiapoi Riverside Bowls	towards the cost of a new set of bowls	\$ 420	\$ 400
	August	Kaiapoi Community Watch	towards the cost of uniforms	\$ 500	\$ 500
	August	You Me We Us	towards the cost of the Spring Festival	\$ 500	\$ 500
	September	Kaiapoi Pony Club	costs of events and coaching to improve the skill of young riders	\$ 500	declined
	September	Clarkville Play Centre	towards the costs of indoor tents and tunnels	\$ 317	declined
	September	Pines Karaki Beach Association Inc	towards the costs of a celebration to mark the opening of the new hall	\$ 500	\$ 500
	March	Waimakariri Arts Trust - Kaiapoi Art Expo	towards the running costs of Kaiapoi Art Expo and Schools Art Expo in particular advertising in the Kaiapoi Advocate, venue hire and set up costs	\$ 500	\$ 500
	April	Clarkville play centre	towards the costs of playdough equipment and wooden puzzles	\$ 442	declined
	May	KYDz (YouMeWeUs Youth Group)	towards advertising and promotion of 'KYDz Mud Fest' event	\$ 300	\$ 300
	June	Karanga Mai Early Learning Centre	towards the costs of a new heavy duty washing machine	\$ 439	\$ 439
Total for grants allocated: \$3,799 Total unallocated: \$1,161					
				\$5,400	
July	Waimakariri Gorge Golf Club	Towards costs of tree replacement following the September/October 2013 storm, taking place between winter 2017 and winter 2018	\$ 500	\$ 500	

Oxford-Ohoka Community Board 10.139.100.2410	August	SIIG You Me We Us	Welcome bags		lie on table
	September	SIIG You Me We Us	Welcome bags	\$ 500	declined
	October	Oxford ICONZ (Boys and Girls Brigade)	Towards paint-balling supplies	\$ 550	\$ 500
	October	Oxford Night Patrol Group	Towards the cost of reflective magnetic signs to identify patrollers using private vehicles	\$ 239	\$ 239
	October	Oxford Community Mens Shed	Towards costs of the Spring into Oxford event	\$ 500	\$ 500
	December	West Eyreton School	towards the cost of books focussing on healthy eating for the school library	\$ 385	\$ 385
	March	Waimakariri Arts Trust - Kaiapoi Art Expo	promotional advertising in the Oxford Observer and Oxford Bulletin	\$ 500	\$ 500
	April	Ohoka School PTA plant sale sub committee	towards the costs of 'children size' gloves, garden tools, wheelbarrows and other items.	\$ 500	\$ 500
	May	Eyreton PonyClub	Fencing to enclose learner rider area	\$ 450	\$ 500
	June	Oxford Community Trust	towards the cost of a heat pump for the A&P Building	\$ 500	\$ 663
	June	Christchurch Western Riding Association	towards the cost of gravel for the entranceway	\$ 500	\$ 663
	June	RSA	bronze cap -time capsule	\$ 450	\$ 450
Total for grants allocated: \$5,400 Total unallocated: \$0					

## WAIMAKARIRI DISTRICT COUNCIL

### REPORT FOR DECISION

**FILE NO and TRIM NO:** GOV-26-10-06/180618067171

**REPORT TO:** Oxford-Ohoka Community Board

**DATE OF MEETING:** 5 July 2018

**FROM:** Edwina Cordwell, Governance Adviser

**SUBJECT:** Approval of the updated Oxford-Ohoka Community Board Plan 2018/19.

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)

  
\_\_\_\_\_  
Department Manager

  
\_\_\_\_\_  
Chief Executive

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#### 1. SUMMARY

1.1 This report seeks the Board's approval of the Oxford-Ohoka Community Board Plan which has been updated for 2018/19.

Attachments:

i. Final Draft of the Oxford-Ohoka Community Board Plan 2018/19 (Trim 180523056760).

#### 2. RECOMMENDATION

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 180618067171.
- (b) **Approves** the final draft of the Oxford-Ohoka Community Board Plan 2018-2019 (Trim 180523056760) subject to any minor edits discussed and approved by the Board Chairperson.

#### 3. BACKGROUND

3.1 The current Community Board Plan was developed by the Oxford-Ohoka Community Board following the 2016 election and approved in March 2017.

3.2 The plan is subject to an annual update which has just been completed for 2018/19.

#### 4. ISSUES AND OPTIONS

4.1. The Community Board Plan is a document that sets out the objectives and goals the Board has for its community area during its term. Revised approximately annually, it also reports on the achievements of the Board as well as providing general information about the discretionary grant and Council facilities.

4.2. The Plan is one tool to connect the Board with its community. As well as being available to take away freely from locations such as public libraries and service centres, it is also available at citizenship ceremonies.

4.3. The current plan was discussed at a Board workshop on 7 June 2018 and changes made to reflect the achievements of the Board and to ensure that the information as regards the

Board's Discretionary Grant Funding allocations, General Landscaping Fund initiatives and 2018 meeting dates were updated.

4.4. If any further minor editorial corrections are needed staff request that the Board consider approving the Chairperson to finalise the document on its behalf.

4.5. The Management Team have reviewed this report and support the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1. Groups and Organisations**

The plan may assist qualifying groups to identify projects that may meet the Discretionary Grant criteria.

### **5.2. Wider Community**

The Plan highlights the objectives of the Board and progress towards these. It includes meeting dates and information regarding local services and elected members. It is a further channel to enable local democracy to be more visible and relevant.

## **6. IMPLICATIONS AND RISKS**

### **6.1. Financial Implications**

None.

### **6.2. Community Implications**

Supports wider visibility of local issues.

### **6.3. Risk Management**

None.

### **6.4. Health and Safety**

None.

## **7. CONTEXT**

### **7.1. Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2. Legislation**

Local Government Act 2002 Clause 52

Delegation to Community Boards, Part 3, S-DM 1041, Issue 10, as at 25 October 2016.

### **7.3. Community Outcomes**

There are wide ranging opportunities for people to contribute to the decision making that effects our District.

### **7.4. Delegations**

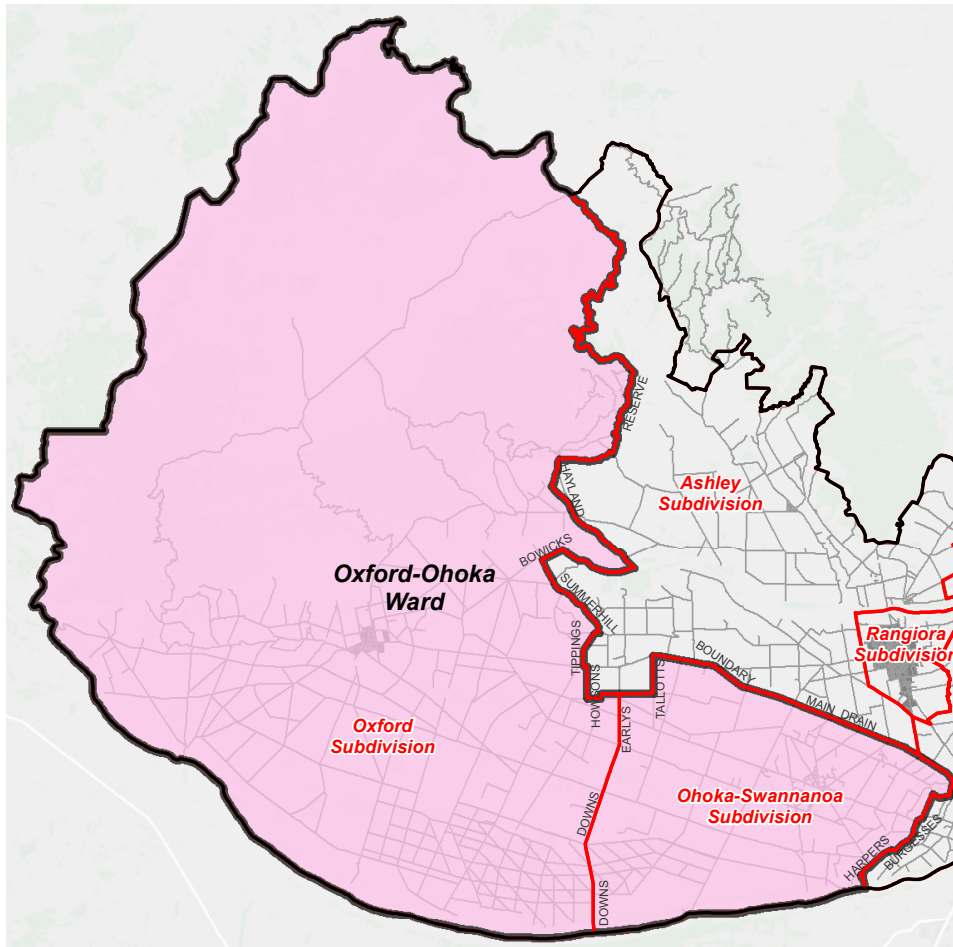
Not applicable.

# Oxford-Ohoka Community Board

## Community Plan 2018 – 2019

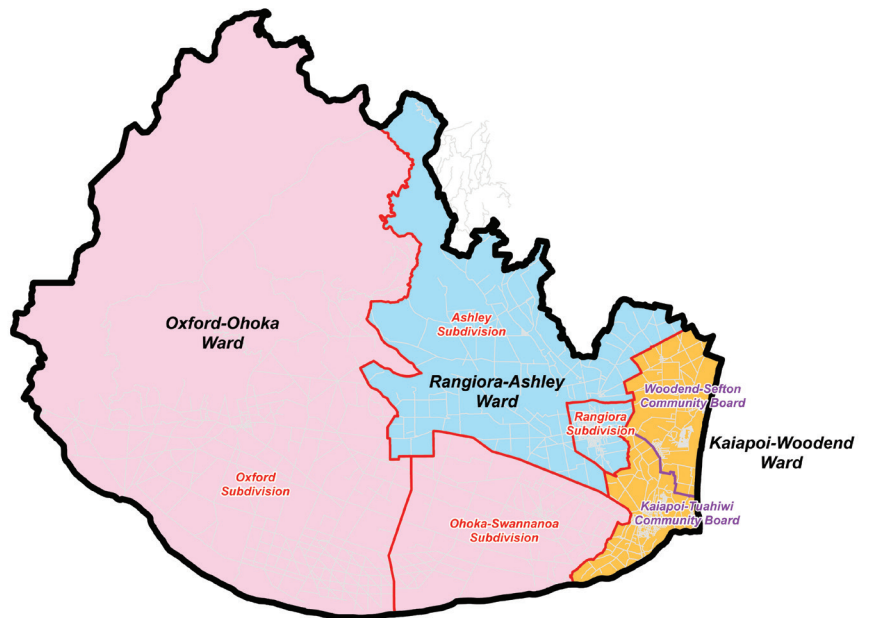


# The Oxford-Ohoka Community Board area



## Insert shows Waimakariri district

Ward	Population
Rangiora-Ashley Ward	23,900
Oxford-Ohoka Ward	11,650
Kaiapoi-Woodend Ward	23,800
Woodend-Sefton	7,200
Kaiapoi-Tuahiwi	13,600



\*Population number as at 30 June 2015 Statistics NZ

\* Cover page from top to bottom: Ohoka Farmers Market, Swannanoa Fair and Oxford Farmers Market



Dear Residents

*This is the 2018/19 update of the Community Plan for the Oxford-Ohoka ward, which was developed by the elected Oxford-Ohoka Community Board following the election in 2016. This is a living document which will be reviewed annually during the term of this Board through to October 2019. This document will be the vehicle by which we can input into the Council's Annual Plan and Long Term Plan. It will ensure that our community's needs are presented to the Council in a consistent and planned manner.*

*By maintaining good working relationships with Council staff we can fulfil one of our key roles of working for present and future residents, and groups who live, work and play in our community.*

*The Oxford-Ohoka Community Board wishes to build relationships with the community. There are a lot of good community based groups and projects in progress and yet to be established; the Board is here to advocate and support your projects.*

*Over the last year the Board has been involved with a range of issues affecting our communities including quarrying and contentious resource consents. We have also been out and about attending events and meeting people to gain first hand knowledge of what's important to you.*

*On behalf of my fellow Community Board members, we welcome your input to the Board's plan which we hope will benefit the communities of the Oxford-Ohoka area. We are here to serve the community to the best of our abilities and to encourage you all to make use of our local knowledge and to convey your thoughts and ideas to the Council. Together we can all make a positive difference to the community area we live in.*

Sincerely

Doug Nicholl  
Chairperson Oxford-Ohoka Community Board



## Our community

**The Waimakariri district is divided into three wards with Oxford-Ohoka ward covering predominantly the southern to south-western area of the Waimakariri district. Bordered by the Waimakariri River, the community areas include Mandeville, Ohoka, Eyreton, West Eyreton, Swannanoa, Oxford through to the northern foothills, Ashley Gorge, and across to Lees Valley.**

The community area of Oxford-Ohoka comprises a diverse mix of properties and people, ranging from small to medium sized urban settlements to rural farms. As the largest geographic ward in the district, the community area plays an important role in the economic growth and character of the district.

While farming and land based industry are the traditional economic activities, there has been notable recent growth in dairying, construction and manufacturing. It is also has one of the largest small holdings (lifestyle) populations nationally.

## What is a Community Board?

**The Oxford-Ohoka Community Board is the district's newest Community Board, elected for the first time in the October 2016 Local Body elections. It is comprised of six elected members, plus two Councillors of the Waimakariri District Council, giving a total of eight members.**

The Local Government Act (2002), states that the role of a Community Board is to represent and advocate for the interests of its community. The Waimakariri district is currently divided into three wards, and the Oxford-Ohoka Community Board provides feedback, leadership and support to residents within the community area.

The Community Board is not the Council nor is it a committee of the Council. The Board works collectively with the Council to achieve community goals. The Board is also responsible for any areas delegated to it by the Council, some of which include:

- Taking an overview of the Council's services and projects affecting the community area including water supply, sewerage, stormwater drainage, parks, recreational facilities, community activities and roading and traffic management projects
- Advocating to the Council on key issues and priorities for the community area, especially through the Annual and Long Term planning and budgeting process

- Granting of leases or licences on reserves
- Engaging with residents, groups, other Community Boards and the Council in seeking the best outcome for the areas' communities
- Providing grants to community organisations.

The Board works closely with local community groups and residents to understand their priorities and concerns. The Board advocates for your interests through submissions, feedback and discussion with the Council and other decision making authorities.

If you are a resident or part of a local community group who wishes to raise any concerns or issues, please do not hesitate to contact a member of the Board for advice and help (see pages 6 & 7 for contact details).



Ashley Gorge Swimming Area

**PHOTO TO BE PLACED HERE**

## Objectives - 2019

**The Oxford-Ohoka Community Board is made up of people who have a passion for their diverse communities and believe in working together to bring positive change to them through:**

- Developing and promoting the Community Board as a vehicle for local residents to seek assistance and advocacy in accessing Council services and consultation processes
- Maintaining positive working relationships with key Council staff and management
- Promoting closer links and relationships with key groups in the Oxford-Ohoka ward, as well as with significant district wide organisations
- Being an effective cohesive voice in representing the community viewpoint at meetings and hearings
- Actively participating in Council business and the annual budget process to ensure equitable spending across the district whilst being mindful of rates affordability
- Working closely with each community to identify and encourage attractive streetscapes which enhance the visual profile of that community
- We will listen and advise, as appropriate, of options for the hopes of our communities.

**Some of the projects the Board has been involved in over the past year include:**

- Supporting the relocation of the Gatekeeper's Cottage to the Ohoka Domain and the proposed upgrade of the domain planned for 2018/19.
- Submitting to the Long Term Plan advocating for action including: prevention of flooding issues in and around Mandeville, an upgrade to the skate park, reduced speed limits, electric vehicle charging points, the remediation of German and Browns Rock Road and attention to Mounseys Road, sealing of Ashworths Road, Ohoka footpaths, water management and the possibility of festive lighting and flags in Oxford for Christmas 2018.
- Continuing to support local community groups through Board grant funding with Board members actively attending events to promote the funds that are available.
- Providing funding for predator traps at Ashley Gorge and walkway.
- Advocating for local residents to ensure that the Ready Mix Concrete Quarry was relocated away from properties.
- Approving the removal of parking spaces outside of Fresh Choice supermarket to improve safer exiting and entry to the car park and Main Street.
- Welcoming the opening of the Oxford library and service centre.
- Continuing to monitor proposals for a campground on Butchers Road and how this would impact on the local community.
- Opposing the Canterbury Landscapes resource consent to establish a composting operation and achieving significant changes and mitigation to the original proposals.



Pearson Park, Oxford



Migrant Night, Oxford Town Hall



***Doug Nicholl (Chair)***

Phone: 03 327 6705  
Mobile: 027 439 4961  
Email: [doug.nicholl@wmk.govt.nz](mailto:doug.nicholl@wmk.govt.nz)

Responsibility and representation on outside organisations:

- Ohoka Domain Advisory Group
- Ohoka Rural Drainage Advisory Group



***Cr Wendy Doody***

Mobile: 027 515 8372  
Email: [wendy.doody@wmk.govt.nz](mailto:wendy.doody@wmk.govt.nz)

Responsibility and representation on outside organisations:

- Creative Communities NZ Assessment Committee
- Mandeville Sport Club Committee
- North Canterbury Sport and Recreation Trust
- Oxford Promotions Action Committee
- Waimakariri Road Safety Co-ordinating Committee
- Waimakariri Safe Community Governance Group
- Waimakariri Access Group



***James Ensor***

Phone: 03 312 6728  
Mobile: 0274 346 949  
Email: [james.ensor@wmk.govt.nz](mailto:james.ensor@wmk.govt.nz)

Responsibility and representation on outside organisations:

- Waimakariri Health Advisory Group
- Mandeville Sports Club
- Christchurch International Airport Liaison Community Group



***Shirley Farrell***

Phone: 03 312 4382  
Email: [shirley.farrell@wmk.govt.nz](mailto:shirley.farrell@wmk.govt.nz)

Responsibility and representation on outside organisations:

- Pearson Park Advisory Group
- Oxford Historical Records Society Inc. Committee



**Mark Brown (Deputy Chair)**

Phone: 03 312 5545

Email: mark.brown@wmk.govt.nz

Responsibility and representation on outside organisations:

- Eyreton Community Action Group (formerly Eryeton Domain Advisory Group)
- View Hill Domain Advisory Group
- Oxford Rural Drainage Advisory Group



**Cr Kevin Felstead (Deputy Mayor)**

Mobile: 027 439 4603

Email: kevin.felstead@wmk.govt.nz

Responsibility and representation on outside organisations:

- CRC – Ashley Pest Management Liaison Committee
- Associate Trustee Passchendaele Trust



**John Lynn**

Phone: 03 312 6414

Mobile: 027 448 1430

Email: john.lynn@wmk.govt.nz

Responsibility and representation on outside organisations:

- Ohoka Residents' Association
- North Canterbury Neighbourhood Support
- Grey Power North Canterbury Group



**Thomas Robson**

Mobile: 022 100 4744

Email: thomas.robson@wmk.govt.nz

Responsibility and representation on outside organisations:

- Ashley Gorge Reserve Advisory Group
- Oxford Promotions Action Committee
- Pearson Park Advisory Group

## Community directions and opportunities

### *Some issues we think are important and wish to discuss with our communities are set out below:*

- Support the Council Local Economic Development Strategy to encourage business growth across the community area
- Advocate for the improvement of storm water management across the community area through the Long Term Plan
- Advocate for the improvement of existing footpath and kerb and channel deficiencies in Oxford
- Encourage more traffic calming measures in close proximity to our rural schools and built up residential areas
- Advocate for continual upgrades of plantings, parks and reserves, and community facilities across the community area through the Long Term Plan and Annual Plan processes
- Engage with local schools, community and advisory groups and offer encouragement for their projects and provide assistance where practical
- Advocate for community concerns regarding safer roads and intersections
- Support all water supply upgrades proposed for the Oxford-Ohoka ward, in particular the Rural Water Scheme No.1 & No.2 upgrade
- Identify and advocate for footpath needs within the community area
- Explore means of the Board consulting with local communities, and engaging with residents
- Develop and promote the Community Board as a vehicle for local residents to seek assistance and advocacy in accessing Council services and consultation processes
- Advocates for community concerns regarding rural land uses.



Oxford Skate Park, Pearson Park

## Where and when are meetings held?

Meetings are currently held on the first or second Thursday of the month at 7pm at different venues within the community area; anyone is welcome to attend. Venues and dates are advertised in local newspapers and on the Waimakariri District Council website.

If you would like to speak at the meeting, please contact

the Chairperson or Governance team a few days prior to a scheduled meeting. You are always welcome to contact members to discuss Council and community related matters.

Agendas are available on the Council website two working days before a meeting: <http://www.waimakariri.govt.nz/your-council/meetings/meeting-agendas-and-minutes>.

## The next meetings are scheduled for:

Meeting Date (Thursday)	Location	Time
5 July 2018	West Eyreton Hall, cnr North Eyre and Earlys Roads, West Eyreton	7pm
9 August 2018	Ohoka Community Hall, Mill Road, Ohoka	7pm
6 September 2018	A&P Meeting Room, Oxford Town Hall, Main Street, Oxford	7pm
3 October 2018 ( <b>WEDNESDAY</b> )	Mandeville Sports Club, 431 Mandeville Road, Swannanoa <b>(NOTE: Wednesday meeting)</b>	7pm
8 November 2018	Ohoka Community Hall, Mill Road, Ohoka	7pm
6 December 2018	A&P Meeting Room, Oxford Town Hall, Main Street, Oxford	7pm

2019 meetings will be included and published on the Council's website in January 2019

The next Local Body elections will be held in October 2019.

Board members often take part in the activities of community organisations within the ward. If you would like to invite a Board member onto your organisation's Committee or to a meeting please contact the Chairperson, or contact a Board member directly. Contact details are outlined on pages 6 & 7.

## Governance team contact details

Phone: 0800 965 468 (0800 WMK GOV)

Email: [com.board@wmk.govt.nz](mailto:com.board@wmk.govt.nz)

Post: 215 High Street, Private Bag 1005, Rangiora 7440



Pearson Park

## I would like to stand for the Community Board, what do I do?

Elections are held every three years in October. The next triennial election will be held in October 2019. Nominations for elections will open mid-July. To be elected you must be nominated and seconded by a person living in the ward you wish to stand in. The candidates with the highest number of votes are elected to the Board for the three year term. Councillors will be appointed to the Board by the Council.

Community Board members are paid a small honorarium for their service.

If you would like more information, please contact:

Sarah Nichols, Governance Manager/Deputy Electoral Officer

Phone: 0800 965 468 (0800 WMK GOV)

Email: [sarah.nichols@wmk.govt.nz](mailto:sarah.nichols@wmk.govt.nz)

## Oxford-Ohoka Community Board discretionary grant

The Oxford-Ohoka Community Board has up to \$500 available for grants to non-profit community-based organisations. Applications are considered bi-monthly.

For application forms contact the Governance Team at the Rangiora Service Centre, 215 High Street, phone 0800 965 468 or at the Oxford Service Centre. Alternatively an application form can be printed, downloaded or completed electronically from the Council website:

<http://www.waimakariri.govt.nz/community/funding-and-grants/board-funding>.

Applications are considered monthly by the Board. You will be notified of the Board's decision following the meeting.

### Grant funding criteria

Applications will only be accepted from non-profit community-based organisations, registered charities or incorporated societies.

- The group should have strong links with the community of Oxford-Ohoka
- The grant funding is limited to projects within the Board area or primarily benefiting the residents of the community area
- The applications should clearly state the purpose for which the money is to be used
- The Board support a wide range of activities but the application will be declined if it is deemed of the nature listed in the examples of what is not funded, as listed within the criteria information on the application forms
- The applicants should submit a 1-2 page balance sheet and an income and expenditure statement which shows their current financial assets and liabilities. Applications cannot be processed until financial information is received
- Where possible, or feasible, applicants must declare other sources from which funding has been applied for, or granted from, for the project being applied to the Oxford-Ohoka Community Board
- Generally funding grants will be \$250 per project, to a maximum of \$500 in any one financial year (July to June), but the group can apply up to twice in that year, providing it is for different projects
- An accountability form must be provided to the Council outlining how the funds were applied, within six months of the grant being allocated, when funds are spent, or prior to a new application. A new application will not be accepted until the previous accountability form has been completed and returned. The group should maintain accurate records around the grant including, but not limited to, receipts, bank statements and invoices. In the event that funds are not spent on the project or activity applied for, the recipient may be required to return the grant funding to the Council.



Eyreton Pony Club



## Grants

*The following grants have been made by the Oxford-Ohoka Community Board in the financial year 1 July 2017 - 30 June 2018:*

Waimakariri Gorge Golf Club	Towards costs of an ongoing tree replacement programme, following the winter storm of September/October 2013	\$500.00
Oxford ICONZ (Boys' and Girls' Brigade)	Towards paintballing supplies	\$500.00
Oxford Night Patrol Group	Towards the costs of reflective magnetic signs to identify patrollers using private vehicles	\$239.05
Oxford Community Men's Shed	Towards the costs of the Spring into Oxford event	\$500.00
West Eyreton School	Towards the costs of books focusing on healthy eating for the school library	\$384.76
Waimakariri Arts Trust	Towards the costs of promotional advertising in the Oxford Observer and Oxford Bulletin for the Kaiapoi Arts and Schools' Art Expos	\$500.00
Ohoka School Plant Sale Subcommittee	Towards the cost of 'children sized' gloves gardening tools, wheelbarrows and other items	\$500.00
Eyreton Pony Club	Towards the cost of fencing to enclose the learner area	\$500.00
Oxford Community Trust	Towards the cost of a heat pump for the A & P building	\$663.27
Oxford RSA	Towards the cost of a bronze cap for the Time Capsule	\$449.65
Christchurch Western Riding Association	Towards the costs of shingle for the driveway to the Mandeville Sports Club	\$663.27
<b>TOTAL</b>		<b>\$5,400.00</b>

*The following projects have been funded through the Board's General Landscaping Budget:*

Pearson Park Sign	\$2,160.00
Mandeville Sports Club Planting	\$5,000.00
Ashley Gorge Predator Traps	\$580.00
Ohoka Gate Keeper's Lodge Fencing	\$3,000.00
Swannanoa Cricket Pavilion Landscaping	\$3,000.00
Pearson Park Seat and Rubbish Bin	\$5,830.00

## Council facilities and contact details

### Service Centres - waimakariri.govt.nz

<b>Oxford Service Centre</b> Pavilion, Pearson Park, Oxford Tel: 03 311 9005 Fax: 03 312 4833 Email: oxford@wmk.govt.nz <b>Opening hours</b> Monday to Friday: 9am to 5pm Saturday: 10am to 12 noon (Limited services on Saturday)	<b>Rangiora Service Centre</b> 215 High Street, Rangiora Tel: 0800 965 468 Fax: 03 313 4432 Email: office@wmk.govt.nz <b>Opening hours</b> Monday to Friday: 8.30am to 5pm	<b>Ruataniwha Kaiapoi Civic Centre</b> 176 Williams Street, Kaiapoi Tel: 03 375 5009 Fax: 03 327 8752 Email: kaiapoi@wmk.govt.nz <b>Opening hours</b> Monday to Wednesday & Friday: 9am to 5pm Thursday: 9am to 7pm
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### Libraries - libraries.waimakariri.govt.nz/home

<b>Oxford Library</b> Pavilion, Pearson Park, Oxford Tel: 03 311 9006 Fax: 03 312 4833 Email: library@wmk.govt.nz <b>Opening hours</b> Monday to Friday: 9am to 5pm Saturday: 10am to 12 noon	<b>Rangiora Library Trevor Inch Memorial Library</b> 141 Percival Street, Rangiora Tel: 03 311 8901 Fax: 03 313 4650 Email: library@wmk.govt.nz <b>Opening hours</b> Monday to Thursday: 9am to 5pm Friday: 9am to 7pm Saturday: 10am to 2pm Sunday: 1pm to 4pm	<b>Kaiapoi Library</b> 176 Williams Street, Kaiapoi Tel: 03 375 5009 Fax: 03 327 8752 Email: library@wmk.govt.nz <b>Opening hours</b> Monday to Wednesday & Friday: 9am to 5pm Thursday: 9am to 7pm Saturday: 10am to 2pm Sunday: 1pm to 4pm
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### Aquatic Centres - waimakariri.govt.nz/aquatic-facility

<b>Oxford Community Aquatic Centre</b> 9 Burnett Street, Oxford Tel: 03 311 8921 <b>Opening hours</b> <b>Summer only from late November</b> Monday to Friday: 8.30am to 6.30pm Saturday & Sunday: 10am to 7pm Public Holidays: 10am to 7pm Christmas Day: Closed	<b>Dudley Park Aquatic Centre</b> 47 Church Street, Rangiora Tel: 03 311 8905 <b>Opening hours</b> Monday – Friday: 6am to 9pm Saturday & Sunday: 7.30am to 7pm Public Holidays: 10am to 7pm Christmas Day: Closed	<b>Kaiapoi Aquatic Centre</b> 9 Cass Street, Kaiapoi Tel: 03 375 5041 <b>Opening hours</b> Monday to Friday: 6am to 3.30pm & 6pm to 9pm Saturday & Sunday: 7.30am to 7pm Public Holidays: 10am to 7pm Christmas Day: Closed
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### Transfer Stations

<b>Oxford Transfer Station</b> 46 High Street, Oxford <b>Opening hours</b> Friday: 12.30pm to 4.30pm Sunday: 12 noon to 4.30pm Public Holidays: Closed	<b>Southbrook Resource Recovery Park</b> 284 Flaxton Road, Rangiora Tel: 03 313 5499 Resale Store: 03 313 5798 <b>Opening hours</b> Monday – Sunday: 8.30am to 4pm Public Holidays: Closed
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The Council have a number of other facilities and venues which can be found on the websites as provided below:

Halls and Meeting Venues [waimakariri.govt.nz/leisure-and-recreation/facilities/halls-and-meeting-venues](http://waimakariri.govt.nz/leisure-and-recreation/facilities/halls-and-meeting-venues)

Sports Grounds [waimakariri.govt.nz/leisure-and-recreation/facilities/sports-grounds](http://waimakariri.govt.nz/leisure-and-recreation/facilities/sports-grounds)

If you are new to the district you may like to visit our website that provides information on a number of Council services:

[waimakariri.govt.nz/community/about-the-waimakariri-district/new-to-the-district](http://waimakariri.govt.nz/community/about-the-waimakariri-district/new-to-the-district)

## WAIMAKARIRI DISTRICT COUNCIL

### MEMO

**FILE NO AND TRIM NO:** GOV26-10-06 / 180625070336

**DATE:** 26 June 2018

**MEMO TO:** Oxford-Ohoka Community Board

**FROM:** Nick Harrison, Manager Regulation and  
Sarah Nichols, Governance Manager

**SUBJECT:** Canterbury Landscape Supplies Operation in Eyreton

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We believe it would be helpful to outline details related to the Canterbury Landscape Supply operation at Diversion Road, Eyreton, particularly in relation to consents (both Ecan and WDC).

Consent for the activity was lodged with the Waimakariri District Council (WDC) on 27 June 2017 for the stockpiling of organic materials, soil, compost, wood and gypsum at 949 South Eyre Road, Eyrewell. The application was subject to two requests for further information in August and September 2017, which CLS responded to in August and September 2017 respectively. The activity status for the consent was considered by Council and fell within a discretionary activity under Rule 23.4 of the Waimakariri District Plan as a 'solid waste transfer station'. The activity was also considered to trigger a restricted discretionary activity status under Rule 23.1.1.8 as it involved earthworks disturbing more than 1000m<sup>2</sup> of soil or rock per any one hectare of the site.

On receipt of the further submitted information WDC staff made a decision, due to internal capacity constraints, that processing of the application would be undertaken by an independent planning consultant engaged by the Waimakariri District Council. Stephanie Styles, a qualified and experienced resource management consultant, was appointed on 19 October 2017 to make a recommendation on the application to the eventual decision maker.

At about this time CLS advised Council that they disagreed with the Council's position that the activity was a 'solid waste transfer station' and that the activity should, in its view, be considered only as an earthworks activity under Rule 23.4 of the Waimakariri District Plan. This would have the effect of changing the activity status from the broader discretionary status to a restricted discretionary status, with the assessment discretion then limited to the following matters:

- i. final contours and ground levels resulting from excavation;*
- ii. location of plant and structures;*
- iii. vehicle circulation on-site from the area of disturbance or quarry face to the road;*
- iv. identification of the area used for processing, stockpiling and distribution of disturbed or quarried material;*
- v. drainage;*
- vi. measures to avoid, remedy or mitigate adverse effects on the surrounding environment including noise, dust, siltation, visual detracting and traffic generation;*
- vii. contingency provisions and emergency response procedures;*
- viii. remediation and restoration proposals for the site;*
- ix. the short and long term effects on flood potential beyond the earthworks;*

A further request for confirmation of submitted information relating to fire prevention, water supply and materials stockpiled was sent 17 October 2017.

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In order to resolve this preliminary issue of activity status the Council began a process of engaging an Independent Hearing Commissioner to decide the issue, and sought confirmation from the applicant as to the status of any potential preliminary decision. The appointment of Commissioner Cindy Robinson was placed on hold pending submittal of the requested further information, with the expected outcome being that the preliminary activity status (discretionary or restricted discretionary) decision would be determined prior to further processing occurring. During this time the ECan discharge consent application (CRC175344) was notified and a hearing was set up, along with the resolution on the abatement notice served on the applicant through mediation at the Environment Court.

Prior to the hearing being set up WDC staff contacted ECan staff to advise that as the required information had not yet been provided, a decision on notification of the WDC land use consent could not be made at that time, with a further WDC staff recommendation that a joint hearing process on both the land use and discharge permit be considered. The hearing commissioners appointed by ECan subsequently took legal advice on the ability to hold a hearing on the discharge permit in the absence of a notification decision on the WDC land use consent and determined that it was not necessary to delay the ECan hearing so the WDC land use consent process could catch-up.

On 6 March 2018 (the scheduled first day of the hearing) the applicant provided the further information detail relating to the WDC land use consent, which included a Fire Response Plan, Rodent Management Plan and confirmation that retail sales direct to the public on site did not form part of the consented application. The retail sales matter has arisen through a service request.

The Oxford-Ohoka Community Board (and the Eyre District Environmental Association) made submissions to this ECan resource consent CRC175344, and appeared at the hearing. Copies of the submissions are available on the Ecan website.

At the conclusion of the discharge permit hearing, WDC staff again contacted both ECan staff and the applicant to note that any amendments to the scope of the operation, as put forward at the ECan hearing, would potentially require an amendment to the land use consent. A request to extend the timeframe for processing the consent was subsequently sought by the applicant in order to address matters in conjunction with a minute issued by the Commissioners on the ECan consent.

On 16 April 2018 amendments to the application were submitted to the WDC including a description of the compost management procedures and a request that processing of the land use consent re-commence. At this time the question of the applicability of Rule 23.4 was also resolved with the applicant agreeing that the consent, as lodged, should be considered as a discretionary activity for a 'solid waste transfer station'; although the applicant noted their potential option to withdraw the application and submit an amended proposal limiting certain materials from being stockpiled.

Given the inter-related matters in both the WDC and ECan consents, on 30 April 2018 the WDC formally engaged the same Commissioners who heard the ECan consent to hear and decide on the land use application. Delegations under both s95 (notification) and s104 (decision on the actual application) were provided to the Commissioners to allow for their consideration of the potential adverse environmental effects given their knowledge of information presented at the previous ECan hearing, and the need for several of the effects to be dealt with concurrently across both the ECan discharge consent and WDC land use application, including noise, dust and earthwork management.

On 14 May 2018 Stephanie Styles completed a s95 officer recommendation on notification that recommended that the land use consent proceed on a non-notified basis. Ms Styles also provided a s42A assessment with a number of recommended conditions, if the Commissioner should decide to approve the consent. The reports have been provided to the Commissioners, along with the land use consent application detail. The recommendations are **attached** for your information.

Commissioners Isleli and McGarry are currently still to make their decision regarding notification of the WDC consent aspect. Although that decision is expected to be soon because on the 26 June 2018 the Commissioners released their decision in relation to the Ecan consent (copy **attached**). The decision was to **refuse** the consent application made by Canterbury Landscape Supplies. It should be noted that there is a 15 working day appeal period.

This process has been complicated by requiring consents from both the regional and local Councils. It has been compounded by how both the regional plan and the district plan do not completely align in how they address this activity. For the District Plan this is a matter that would be considered as part of the District Plan review currently underway.

As further information becomes available staff will convey that information to the Community Board.

Kind regards

Nick Harrison  
Manager, Regulation

Sarah Nichols  
Governance Manager

**WAIMAKARIRI DISTRICT COUNCIL**

**NOTIFICATION REPORT**

**FILE NO:** RC175184

**DATE:** 15 May 2018

**REPORT TO:** Commissioners McGarry and Isleli

**FROM:** Planning Consultant – Stephanie Styles

**SUBJECT:** Assessment for notification

**ACTIVITY:** Waimakariri District Plan – Discretionary activity

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**1. APPLICANT**

Canterbury Landscape Supplies Limited



*Figure 1: Site location*

## 2. PROPERTY LOCATION

949 South Eyre Road, Eyrewell (see Figure 1 below)

## 3. LEGAL DESCRIPTION

Part RS 33406

## 4. ZONING

Waimakariri District Plan – Rural Zone

## 5. BACKGROUND

The applicant retrospectively lodged an application for the ‘stockpiling of organic materials, soil, compost, wood and gypsum’ at the site with the Waimakariri District Council (**Council**) on 27 June 2017. It is understood that the activity is a composting activity, and has been in operation for approximately a year before coming to the Council’s attention as a result of complaints from members of the public.<sup>1</sup>

The application lodged on 27 June 2017 included supporting material that addressed (among other matters):<sup>2</sup>

- Site description;
- Site layout plan;
- Description of activities at the site, including the materials that are stockpiled at the site;
- An assessment of resource consents that are required for the land use activity;
- A description of the surrounding environment (including the proximity of the operation to nearby dwellings);
- Consideration of the land use activity against the matters of discretion in the Waimakariri District Plan (**District Plan**) relating to earthworks;
- An assessment of effects on the environment;
- Consideration of relevant objectives and policies in the Regional Policy Statement (RPS) and the District Plan; and
- Consideration of relevant matters in the Mahaanui Iwi Management Plan.

It is noted that the application material referenced above explicitly stated that the applicant *“maintains its position that no resource consent is required under the rules of the Waimakariri District Plan for the land use activities at this site. This application is being made to avoid the enforcement action threatened by the Waimakariri District Council.”*<sup>3</sup>

It is understood that various correspondence between the applicant’s representatives and council officers has been undertaken as to whether or not the proposed land use activity requires resource consent under the provisions of the District Plan. Following a review of the

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<sup>1</sup> Letter from Cavell Leitch to Waimakariri District Council dated 9 October 2017 at [4]

<sup>2</sup> *Application for Resource Consent from Waimakariri District Council* prepared by Loe Pearce & Associates Ltd (undated, but stamped received 27 June 2017).

<sup>3</sup> Application, at page 1

information provided with the application and in response to the various requests for further information, I am satisfied that the proposal requires consent as a discretionary activity for the reasons set out in Section 8 of this report.

It is noted that three requests for further information (**RFI**) were made in the lead up to the preparation of this notification assessment, which were responded to by the applicant as set out below.

- RFI dated 1 August 2017, response provided by applicant on 29 August 2017
- RFI dated 12 September 2017, response provided by applicant on 20 September 2017
- RFI dated 17 October 2017, responses provided by applicant on 5 March 2018 and 16 April 2018

Following the receipt of the additional information set out above, the information listed below constitutes the full package of information that the applicant has supplied for this application:

- Application form for Land Use Consent date stamped 27 June 2017;
- Application for Resource Consent from Waimakariri District Council prepared by Loe Pearce & Associates on behalf of Canterbury Landscape Supplies (undated);
- Response to request for further information prepared by Loe Pearce & Associates Ltd on behalf of Canterbury Landscape Supplies dated 29 August 2017, including Figure 1 showing location of site access track and distances to proximate dwellings
- Response to request for further information prepared by Loe Pearce & Associates Ltd on behalf of Canterbury Landscape Supplies dated 20 September 2017, including
  - location of materials on site;
  - Site safety signage;
- Rodent Management Plan for Canterbury Landscape Supplies Diversion Road Site, dated February 2018
- Fire prevention and Response Plan prepared by Barry Loe, Loe Pearce & Associates dated March 2018
- Email from Barry Loe to Stephanie Styles (Boffa Miskell Limited) dated 16 April 2018 including the following attachments:
  - Description of composting operation
  - Revised site plan titled CLS Diversion Road Compost Facility: Site Layout with Stormwater Management Features referenced as A0272 prepared by Sephira Environmental.

Additional material in relation to the application has also been obtained through reference to the consent process that has proceeded in parallel with Environment Canterbury (**ECan**). That process relates to the discharge of contaminants to air and ground. As part of that consent process reports, data and evidence has been provided to ECan which has relevance to this proposal, especially in relation to discharges to air.

## **6. DESCRIPTION OF SITE**

The site is 9.8 hectares of leased land which is part of a wider privately-owned property of 278 hectares. The applicant has stated that the property was fully planted in production trees until September 2012 when they were damaged during a wind storm. The CLS site was cleared of trees in 2014, but plantation forestry remains to the west, north and east of the site. The site is



located approximately 1.5km north of the Waimakariri River, and 1km west of the Eyre River diversion channel.

Vehicular access to the composting site is obtained via an access track off Diversion Road, which follows the route of the electricity transmission lines.

The predominant land use in the surrounding area is pastoral dairy farming, with a range of other farm based activities occurring. The surrounding area is relatively sparsely settled. The applicant states that the closest dwelling to the composting site is located approximately 820m to the north-west, with the next closest dwellings being 1,000m to the west, and 1,000m to the north-east. Notably there are no dwellings within 7km to the south-east of the site, which is the main direction of katabatic air movement.

A site visit was undertaken most recently on 25 April 2018.

## **7. DESCRIPTION OF PROPOSED USE**

The applicant proposes to continue to operate a composting facility at the site. Information provided by the applicant in its application lodged in June 2017 included a description of the composting process, which essentially involved the mixing of compost ingredients before storing them in windrows and turning the piles to facilitate the composting process.

Information provided by the applicant on 16 April 2018 stated that CLS is proposing to replace the current 'turned pile' composting process with an Aerated Static Pile (**ASP**) system, following the practices outlined in the New Zealand Standard for Composts, Soil Conditioners and Mulches (NZS4454:2005). This process uses pressure fans rather than turning of the piles to aerate the piles and assist the composting process. Once the composting is complete, the compost is stored on the site.

By way of overview the composting process is summarised in this information provided as follows:

- High nitrogen material is blended with organic carbon material to achieve a carbon to nitrogen ratio (C:N) of between 25:1 – 35:1 and a moisture content of 65%.
- The mixture is placed on a concrete aeration pad upon which a 300mm layer of bark has been placed. The compost mixture is topped with a 100mm thick thermal blanket of finished compost. Runoff/leachate is collected from a drainage system in the pad and reused in the composting process.
- The piles of compost are aerated by pressure fans running on timers. The compost is held on the aeration pad for approximately 6 weeks. Once the composting process is complete, the compost is moved to storage areas on a bed of bark or sawdust 500mm in depth. It undergoes a curing period of approximately 2 months in the storage area.

It is proposed that the scale of the composting activity at the site will comprise:

- 8 ASP pads, each with dimensions of 25m x 40m.
- Each ASP pad will contain approximately 300 cubic metres of compost, thereby

enabling a total of 2,400 cubic metres of compost.

- The system will produce approximately 20,640 cubic metres of compost per annum.

It is proposed to construct the concrete ASP pads within the first construction season after the grant of consent (i.e. after 1 September 2018). The expected timeframe for construction is 12 weeks.

The application material provided in June 2017 states that the site operations will generate up to a total of 125 vehicles entering and leaving the site per day. However, information provided on 29 August 2017 states that the total traffic movements associated with the activities at the site are not expected to exceed 20 trucks per day, with an average of about 15 trucks per day.<sup>4</sup>

The activity involves the storage and processing of various materials, which are set out in section 3 of the applicant's AEE, and further described in the response to the further information request dated 20 September 2017.<sup>5</sup> The types of materials stockpiled and processed at the site are set out below:

- Sawdust and bark (untreated)
  - Untreated sawdust and bark from local sawmills and wood processing plants is stored on site and used in the composting process.
  - Bark is also used for biofilter media and as boiler fuel
- Mushroom compost
  - Mushroom compost is held and distributed from the site. It is not turned or processed, but may have sawdust added for bulking.
- Waste pallet and untreated wood shavings, sawdust, bark and bark fines
  - wood pallets are chipped on site and on sold as landscaping material and boiler fuel
  - Wood shavings and sawdust are used in the production of compost, and on-sold for chicken and calf-shed bedding material
- Gib board off-cuts
  - Paper from the board is separated and used in composting
  - Gypsum is bagged and on-sold)
- Soil (obtained from grading in subdivision and land development areas)
  - Soil is not processed further, but is stockpiled and on-sold
- Dewatered paunch grass
  - Source of nitrogen in the composting process
  - Blended with bark fines and sawdust to create composting material

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<sup>4</sup> Letter from Loe Pearce & Associates to Waimakariri District Council dated 29 August 2017, page 3

<sup>5</sup> Letter from Loe Pearce & Associates to Waimakariri District Council dated 20 September 2017, page 4

- Scoured wool fragments
  - Source of nitrogen in the composting process
  - Wool has been through the scouring process and does not contain dirt or wool grease
- Mussel shells (pre-cleaned and pre-crushed)
  - Used as an addition to bark for biofilter media
  - Not used in the composting process
- Green waste
  - Shredded and used in the composting process

The applicant noted that the following materials may be used at the site in the future (but were not at the time of the original application):

- Egg shell (expected to make up less than 1% of the compost pile that it is incorporated into)
- Compostable packaging with some residual food waste
  - Sourced from Christchurch City Council events
  - Pre-sorted to remove most food waste and other contaminants such as plastics
  - Undergoing trials to see if it composts well enough without modifying the composting process so that the length of time for compost production is not significantly modified
- Greasetrap waste (expected to make up less than 1% of the compost pile into which it is incorporated)
- Biosolids (not composted, but would be mixed into bark fines for use as potting mix (as an alternative to chemical fertilisers))
- Leaf litter (sourced from stormwater sumps in autumn, dewatered prior to delivery, and incorporated into the composting process)

Information provided by the applicant on 29 August 2017 confirmed that the site will operate between 06:30 and 16:30 Monday to Saturday, but will not operate on Sundays.<sup>6</sup> The applicant has also confirmed that the site is not open to the public.<sup>7</sup>

## **8. DISTRICT PLAN PROVISIONS**

The proposal does not fit neatly into any of the definitions or rules of the District Plan. To avoid doubt and taking a conservative approach to the District Plan, the proposed activity has been assessed as requiring resource consent under the District Plan for the following reasons:

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<sup>6</sup> Letter from Loe Pearce & Associates to Waimakariri District Council dated 29 August 2017, page 2

<sup>7</sup> n5 at page 2

- The proposed activity is considered for the purposes of this application to be a 'solid waste transfer station' and thereby requires consent as a **discretionary** activity pursuant to Clause 23.4 of the Waimakariri District Plan<sup>8</sup>.
- Clause 23.1.1.8 of the Waimakariri District Plan states that earthworks shall not involve the disturbance of more than 1,000m<sup>2</sup> of soil and/or rock per any 1ha. Earthworks will be required for the construction of the ASP pads, and may be required for the construction of the stormwater retention pond (if the applicant decides to use this method for stormwater retention). The area of the ASP pads is 1,000m<sup>2</sup>, and the area of the potential stormwater pond is 100m<sup>2</sup>, coming to a total of 1,100m<sup>2</sup>. For the avoidance of doubt, and if Clause 23.1.1.8 is interpreted to limit earthworks to any 1ha of land irrespective of the total area of a site, consent is required for a **restricted discretionary** activity.

Overall the proposal requires consent as a **discretionary** activity.

I note that there is also a rule that relates to carparking on a site (31.23.2 any land use on any site in the Rural Zone that has a parking requirement of 10 or more on-site spaces under Rule 30.6.1.34 is a restricted discretionary activity). There is no applicable activity category under rule 30.6.1.34 for this proposal. Even if the activity "industry" was applied, the parking rate is based on GFA and there are no buildings on the site. On this basis, this rule does not apply to the proposal.

Within the application as lodged, and during the processing of this application, a number of other rules have been considered including rules 23.1.1.2 (stockpiling of soil over vegetation), and 23.1.1.18 (material resulting from deconstruction or demolition of structures). Having analysed these rules, I do not consider that they apply to this application.

The relevant District Plan provisions are set out in Appendix 1 to this report.

## **9. OTHER CONSENTS AND APPROVALS**

The applicant has applied to ECan for consent for the discharge of contaminants to air,<sup>9</sup> and for the discharge of contaminants into or onto land.<sup>10</sup> The applications were made on a retrospective basis and sought a duration of 35 years. The application was publicly notified on 28 September 2017, and a hearing was held during March 2018. Since the hearing there have been a number of minutes issued by the Commissioners and a range of responses, including some changes to the application. Consent has not been granted by ECan at the time of writing this report.

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<sup>8</sup> It is not considered that this proposal should be defined as a landfill as it does not take general/domestic waste material nor does it propose to keep any material on the site long term. It provides a short term storage and manufacturing facility for compost and related materials. In this way the proposal transfers solid material that is waste for some parties and manufactures it into compost and usable material. This is not would commonly be understood as a solid waste transfer station in the sense of transferring rubbish from one place to another.

<sup>9</sup> CRC175344

<sup>10</sup> CRC175345

## **10. STATUTORY CONSIDERATIONS**

Sections 95 – 95E are relevant to the consideration of notification of an application.

Section 95A sets out the situations in which an application must be publicly notified and those in which it must not be publicly notified.

Section 95D then sets on the determination of whether an activity will have or is likely to have adverse effects on the environment that are more than minor. This determination leads to a decision on public notification.

Section 95E assists in determining if a person is an affected person, and therefore if written approvals are required. Should persons be affected and written approvals not be forthcoming, section 95B sets the process for limited notification.

Non-notification of an application is the process where adverse effects on the environment that are minor or less than minor, and where adverse effects on a person are less than minor, and where no special circumstances apply.

## **11. ASSESSMENT**

The first consideration is regarding public notification under section 95A and in this regard, I note that:

- The applicant has not requested public notification (section 95A(3)(a));
- Notification is not required as a result of the applicant failing to provide additional information requested by the Council or refusing to agree to the commissioning of a specialist report (sections 95A(3)(b) and 95C);
- The application is not made jointly with an application to exchange reserve land under section 15AA of the Reserves Act 1977 (section 95A(3)(c));
- There is no rule or national environmental standard that precludes public notification (section 95A(5)(a));
- The application does not 'fit' any of the circumstances listed in section 95A(5)(b);
- There is no rule or national environmental standard that requires public notification (section 95A(8)(a)); and
- No special circumstances apply (section 95A(9)).

The remaining matter at hand is to determine whether the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (section 95A(8)(b)).

In determining if the adverse effects on the environment are, or are likely to be, more than minor, it is required to disregard any effects<sup>11</sup>:

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<sup>11</sup> Section 95D.

- on persons who own or occupy land where activity occurs - i.e. in this case the application site;
- on persons who own or occupy land adjacent<sup>12</sup> – in this case the wider site within which the application site sits (949 South Eyre Road); and
- if a rule or national environmental standard permits an activity with that effect, or any effects of trade competition.

The proposal is being treated as a discretionary activity with no guidance contained within the District Plan as to what issues are to be considered. The following is an assessment of the actual and potential effects considered relevant to this application, and noting that the predominant effects are likely to be amenity based. The actual and potential effects have been grouped as follows:

- Dust and Odour
- Noise
- Visual and amenity effects
- Transport / Traffic movements
- Land disturbance / Earthworks
- Fire risk

### **Dust and Odour**

Given the nature of the proposed activity there is the potential for it to generate odour effects. This potential impact is evidenced by the number of complaints received during 2017 in relation to odour, the submissions received on the ECan consent and the evidence provided to that hearing.

To address this issue, the applicant has amended the application to replace the present process with an ASP composting process. The description of the ASP composting process provided during the processing of this application sets out a range of ways in which potential odour will be managed, including:

- The use of a thermal 'blanket' of compost over the composting mixture as it is being composted on the concrete pads;
- Minimising the risk of anaerobic conditions developing (and thus odour) by maintaining a consistent and controlled oxygen content and temperature; and
- The ASP system does not require the piles of composting material to be turned, which

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<sup>12</sup> The term adjacent has a common meaning which is "close to, but not necessarily adjoining another site". The term adjacent has also been defined by the Courts as lying near or close; adjoining; continuous; bordering; not necessarily touching". (Quality Planning, Consent Steps, To notify or not to notify – that is the question.)

eliminates potential odour emissions associated with the regular turning of compost made using the 'turned pile' system.

The application for consent to ECan for discharges to air has considered the potential odour impacts at length and there is considerable evidence which I have reviewed. It would appear that the evidence for the applicant<sup>13</sup>, and as agreed by the Council's expert<sup>14</sup>, is that with the amended proposal and mitigation measures offered by the applicant, any adverse effects of odour will be less than minor. I do not consider that there is any other evidence or assessment that can be turned to this matter from a district council perspective as the appropriate experts have considered this same proposal for the regional consenting process. While I appreciate that there have been issues in the past for this operation, I understand from current evidence that this can be managed in an appropriate way such that adverse effects are less than minor. On this basis, I concur with the evidence I have available on this matter

The proposed activity also has the potential to generate adverse dust effects, which could affect not only the amenity of the surrounding area, but also the nearby electricity transmission lines. It is understood that Beca has prepared an Air Quality Assessment Report for the site (as part of the application for discharge to air for ECan), and that the assessment has addressed the potential dust effects.

This assessment states that the distance that dust may travel is influenced by the size of dust particles. In most circumstances, dust deposition is unlikely to occur to any significant degree beyond an approximate distance of 100-200m of a significant dust source. This distance may be increased by high average wind speeds, a high frequency of strong winds, or complex topography. The assessment states that none of these factors are relevant and that the 'rule of thumb' outlined above should apply. Noting the presence of the plantation trees to the west, north and east of the site; and the shelterbelts to the south, the assessment concludes that any dust generated at the site is not expected to travel beyond the immediate confines of the site.

National grid transmission lines are located within 100m of the site for a short length of the south-eastern boundary of the site. However, the assessment prepared by Beca notes that the trees will shelter the site from wind, and also provide a filter for dust. Dust particles are unlikely to have any significant vertical momentum and it is consequently concluded by Beca that it is very unlikely that any dust that travels beyond the boundary of the site will reach the elevation of the lines or be in sufficient concentration to have any adverse impacts on the transmission lines. In conclusion, the assessment prepared by Beca states that *"providing CLS carries out the dust mitigation measures described, the risk of dust from the site causing an objectionable or offensive effect on neighbouring dwellings and the National Grid transmission lines is expected to be negligible."* Again, I consider it appropriate to rely on this expert advice, and that there is no additional information required to assess this matter or any additional analysis needed from a district council perspective.

Overall, based on the evidence to hand and the expert opinions provided to the ECan hearing, it is considered that the proposed activity will have less than minor adverse effects in relation to dust and odour, subject to conditions of consent that will ensure the activity is undertaken in

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<sup>13</sup> Evidence by Michele Dyer and Prudence Harwood.

<sup>14</sup> Technical memorandum by Cathy Nieuwenhuijsen.

accordance with the ASP composting process and other mitigation measures proposed.

**Noise**

The application does not seek to breach the noise rules within the District Plan. However, the proposed activity has the potential to generate noise effects from the use of the machinery on site, including the fans that will be used to aerate the composting material while it is on the concrete pads, and vehicle movements within the site.

Information provided by the applicant states that all vehicles operating on the site are fitted with broad band reversing alarms that can only be heard within 20m of the vehicle. It is unlikely, given the location and size of the site, that any noise effects arising from these alarms will be discernible at the site boundaries.

Vehicle movements within the site are also likely to be slow speed and intermittent. Further information provided by the applicant on 29 August 2017 describes the type of machinery used on the site, confirming that performance noise data for the machines on site indicates that the maximum noise output from each to be up to 100dB. It is noted that the District Plan noise provisions in the rural zone state that noise limits are measured at any point within the notional boundary of any dwellinghouse in the Rural Zone. The notional boundary of a rural dwelling is defined in the District Plan as a line 20 metres from any part of a dwellinghouse, or the legal boundary of any site where this is closer to the dwellinghouse.

As set out in the applicant’s further information request dated 29 August 2017, the closest notional boundary of a dwelling is located approximately 800m away. Based on aerial photographs, it appears that this notional boundary is 800m from the boundary of the site that is used for the composting operation (see Figure 2 below) which would make the operating vehicles even further away from this nearest dwelling.



*Figure 2: Distance between boundary of composting site and nearest notional boundary of dwelling*



It is noted that approximately 450m of the intervening distance is made up of plantation forest, and the applicant states that this results in a reduction in noise of 6-10dB for every 30m of densely planted trees.<sup>15</sup> The applicant states that the combined noise level of the three machines operating at the same time will be 95dB, and that at a distance of 800m from the site this noise level will reduce to 57dB. The applicant states that the trees will reduce this level by about 60 dB, effectively eliminating noise reaching the dwelling. Whilst this calculation is reliant on the trees remaining on the site, it is understood that the distance alone would enable compliance with the noise standards. To ensure that this occurs, it is recommended that compliance with the noise standards be made a condition of consent if this application is granted. This would also align with the application not seeking to breach any noise standards.

The changes to the application include the introduction of pressure fans to aerate the compost piles. Again it is understood that these can comply with the noise standards in the District Plan and thus that the understanding above in relation to compliance at the boundary of the nearest residential site would remain with the addition of these fans.

In order to ensure that the activity continues to operate within the anticipated noise levels (thereby avoiding adverse effects on nearby residential dwellings), it is proposed to include a condition of consent that requires the operation to comply with the noise level limitations in the District Plan (clause 3.12.1.2) on an ongoing basis at the boundary of the nearest residential site. To avoid any ongoing doubt it is recommended that such a condition relate to the site boundary rather than at any point within the notional boundary of the any dwelling, as this reduces any unnecessary restriction on the use of that residential property. In addition, it is recommended that the condition relate to the specific noise levels at the boundary of the nearest residential site to provide certainty for all parties.

### **Visual and amenity effects**

There is the potential for the proposed activity to result in adverse visual and amenity effects on the surrounding area, thereby compromising the rural character and amenity of the area. As set out in Section 6 above and illustrated in Figure 2, the composting facility site is surrounded to the west, north and east by a plantation forestry block. There is also a row of trees running along the southern boundary of the site at a substantial height which further screens views into the site.

These trees collectively screen the activity from view from South Eyre Road, Diversion Road and the road/tracks that run along the northern side of the Waimakariri River to the south of the site<sup>16</sup>. The trees are tall, dense and deeply planted such that it is not possible to see the site operations from any public road. There is no signage identifying the site either at the intersection of Diversion and South Eyre Roads, or at the entrance to the site, such that it is not obvious that any activity is operating within the site. I consider the extensive screening provided by the forestry to be a key component of providing visual mitigation of the site and it is my opinion that should the forestry be harvested in the future, there should be replacement screening provided. This should be in the form of trees planted around the boundaries of the site to provide visual sufficient screening in a short period of time.

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<sup>15</sup> Letter from Loe Pearce & Associates to Waimakariri District Council dated 29 August 2017, page 2

<sup>16</sup> It is understood that there is an unformed paper road close to the southern boundary of the application site but this does not seem to be publicly accessible or signposted for public use.

There is also the potential for amenity impacts from rodents attracted by the site. To avoid this being a problem for the site or surrounding area the applicant has provided a rodent management plan. This should form a condition of the consent if granted to avoid or mitigate any adverse rodent effects.

### **Transport / Traffic movements**

Vehicle and truck movements have the potential to generate adverse effects on the amenity of surrounding residents, as well as on the operation of the local transport network.

The applicant has stated that the total traffic movements associated with the activities at the site are not expected to exceed 20 trucks per day, with an average of approximately 15 trucks per day.<sup>17</sup> The application does not seek to breach the rule limiting motorised vehicles movements to a total of 250, either entering or exiting the site, per day (clause 31.23.3).

The applicant has stated that truck movements associated with the delivery of materials to the site will almost exclusively travel westwards along South Eyre Road before turning south into Diversion Road. Truck movements associated with the transportation of the finished compost product from the site will travel north along Diversion Road before heading either east or west along South Eyre Road depending on the location of the customer.

The applicant has set out details of recent traffic count data from South Eyre Road in its information dated 29 August 2017. The median maximum daily traffic count for six locations along South Eyre Road between Tram Road and 3km west of Diversion Road was 2,824 vehicles per day (vpd), of which 370 (13%) were heavy vehicles.

Traffic count data for South Eyre Road indicates a steady increase in vehicle numbers since 2004, with an increase of between 30-40% between 2008 and 2017. Based on the 2017 data, the heavy vehicle movements associated with the composting activity may increase the total movements on South Eyre Road by up to 0.5%, and increase heavy vehicle traffic by up to 4%.

It is also noted that there are no vehicle accesses or driveways accessing Diversion Road between the application site entry and South Eyre Road that could be affected by traffic movements on Diversion Road associated with the proposal. There are also no dwellings located adjacent to Diversion Road in the vicinity of the site entry. Once vehicles are on South Eyre Road they would become part of the main roading network and the road is expected to provide for such vehicles.

Overall the increase in vehicle movements is considered to be relatively insignificant in the context of the road network and the location of the site entry and vehicle movement in compliance with the District Plan expectations are not likely to result in more than minor adverse effects.

### **Land disturbance / Earthworks**

As clause 23.1.1.8 states that earthworks shall not involve the disturbance of more than 1,000m<sup>2</sup> of soil and/or rock per any 1ha, the potential effects of earthworks has been assessed.

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<sup>17</sup> Letter from Loe Pearce & Associates to Waimakariri District Council dated 29 August 2017, page 3

It is understood that some earthworks will be necessary to construct the proposed ASP concrete pad (25m x 40m, total area 1,000m<sup>2</sup>). The applicant has stated that stormwater retention on site will be undertaken in either a 4m x 25m lined retention pond (with an area of 100m<sup>2</sup>), or a series of 25,000 litre plastic water tanks, but that a decision on which of these options will be utilised has not been finalised. The total area of proposed earthworks for the pad and stormwater retention could therefore be in the order of 1,000m<sup>2</sup> – 1,100m<sup>2</sup>, depending on which stormwater retention option is selected. If the placement of material on the site was to be determined to be 'earthworks', the stockpiling and composting activities at the site would exceed the threshold in the rule of 1,000m<sup>2</sup> per ha.

Earthworks have the potential to generate adverse effects in relation to the following matters (which have been informed by the matters of discretion set out in Clause 23.3.2 of the District Plan):

- Changes to the contours and ground level of the site;
- Drainage, including on overland flow paths;
- Noise, dust, siltation, visual detraction and traffic generation; and

As the site is generally flat, and the proposed earthworks are primarily for the purposes of establishing a concrete pad and potentially a stormwater pond, it is not anticipated that there will be any significant changes to the contours and ground levels across the area of the composting operation.

The site is not identified as being within a localised flooding area on the planning maps and so the proposed earthworks are not likely to have any adverse effects on overland flow paths. The site is not proximate to any watercourses and conditions of consent could be imposed to minimise the risk of transportation of sediment into watercourses e.g. by trucks transporting earth working machinery. The area of the proposed earthworks is entirely screened from publicly accessible areas by the plantation trees and as a result it is not considered that the proposed earthworks will result in adverse visual detraction effects. Any effects in relation to stormwater or groundwater have been assessed by ECan.

There may be some temporary noise, dust and traffic generation effects arising from the construction of the proposed concrete pad (and potential stormwater retention pond) and the applicant has stated that the likely construction period will be 12 weeks. It is considered that conditions of consent can appropriately manage any effects arising from the duration of the proposed earthworks.

Overall it is considered that the adverse effects arising from the proposed earthworks will be less than minor, subject to the imposition of conditions of consent.

### **Fire risk**

Given the rural location of the site, proximity to transmission lines and the forestry surrounding the site, potential fire risk needs to be considered. To ensure that such risk is appropriately avoided, the applicant has provided a Fire Plan which has been developed in conjunction with, and approved by, Fire and Emergency New Zealand (FENZ). As the organisation providing unified fire organisation to bring together the country's urban and rural fire services, FENZ is

tasked with delivering effective community risk reduction activities to prevent unwanted fires and providing guidance on fire risk reduction and prevention. I consider that FENZ approval ensures that the Fire Plan is appropriate and the management of the site in accordance with the plan will avoid and manage fire risk.

**Conclusion on effects**

Overall, and having regard to the matters addressed above, it is considered that the proposed activity will have less than minor adverse effects on the environment.

**12. RECOMMENDATION**

That pursuant to Sections 95 – 95E of the Resource Management Act 1991, the application be processed on a non-notified basis.



Recommended by: \_\_\_\_\_

15 May 2018

Stephanie Styles

Date

**PLANNING CONSULTANT**

Approved by: \_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

\_\_\_\_\_

Date

## **APPENDIX ONE: APPLICABLE DISTRICT PLAN PROVISIONS**

### **OBJECTIVES AND POLICIES**

#### **Chapter 4: Land and Water Margins**

##### **Objective 4.1.1**

Maintain and enhance the life-supporting capacity of the land resource in the District.

##### **Policy 4.1.1.1**

Promote sustainable land management practices that avoid or mitigate environmental impact such as soil loss, soil structure deterioration, soil nutrient depletion, land contamination, and non-point pollution of waterways.

##### **Policy 4.1.1.3**

Land use activities should avoid, remedy, or mitigate adverse effects on environments susceptible to degradation such as river and stream margins, aquatic habitats, wetlands, coastal dunes, areas of significant indigenous vegetation and significant habitat of indigenous fauna.

#### **Chapter 12: Health Safety and Wellbeing**

##### **Objective 12.1.1**

Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.

##### **Policy 12.1.1.10**

Control noise to a level that is not unreasonable, measured against the character and circumstances of the zone.

##### **Policy 12.1.1.11**

Avoid noise adversely affecting the amenity values and health and safety of people on neighbouring sites or zones.

##### **Objective 12.1.3**

Protect people, vegetation, animals, and other natural and physical resources, from the adverse effects resulting from the discharge of contaminants to air.

##### **Policy 12.1.3.1**

Locate and/or design activities, that lead to the discharge of contaminants to air, so that any adverse effects on people, vegetation, animals and/or other natural and physical resources are avoided or mitigated.

## **Chapter 14: Rural Zones**

### **Objective 14.1.1**

Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:

- a. the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;
- b. separation between dwellinghouses to maintain privacy and a sense of openness;
- c. a dwellinghouse clustered with ancillary buildings and structures on the same site;
- d. farm buildings and structures close to lot boundaries including roads;
- e. generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;
- f. clean air – but with some significant short term and/or seasonal smells associated with farming activities; and
- g. limited signage in the Rural Zone.

### **Policy 14.1.1.1**

Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.

### **Policy 14.1.1.2**

Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.

### **Policy 14.1.1.3**

Maintain and enhance the environmental qualities such as natural features, air and noise levels, including limited signage and rural retail activities that contribute to the distinctive character of the Rural Zones, consistent with a rural working environment.

## **RULES**

<b>Clause</b>	<b>Details</b>	<b>Comment</b>
Chapter 23	Land and water margins	
23.1.1.1	No soil shall be stockpiled where it can be directly deposited in, or left in a position where it can be carried into, a water body.	Considerable distance to any waterbody.
23.1.1.2	Stockpiling of soil over vegetation shall not cover more than 1000m <sup>2</sup> at any one time on any one site.	This was identified as a potential reason for consent early in the process (as referenced in

Clause	Details	Comment
		<p>application info June 2016).</p> <p>The applicant stated that while soil is stockpiled on site, it is not over vegetation – vegetation on the site was removed before the establishment of the operation. The June 2017 application states that the composting materials are stored in windrows on a compacted gravel surface.</p> <p>The description of the Aerated Static Pile compost management process (supplied 16 April) states that the aerated composting procedure will take place on a 25m x 40m concrete pad.</p> <p>Completed compost will be stored on one of 3 storage areas which comprise of a 500mm bed of either sawdust or bark.</p> <p>Storage areas for other ingredients is indicated to be on a compacted gravel surface.</p> <p>For the reasons set out above the proposal does not result in this rule being contravened because the stockpiling is not occurring over vegetation.</p>
23.1.1.3	<p>There shall be no earthworks:</p> <p>a. within 20m of any river or lake; or</p> <p>b. within 50m of any wetland.</p>	N/A no proximate water courses or wetlands
23.1.1.4	<p>There shall be no vegetation clearance:</p> <p>a. within 20m of any river or lake; or</p> <p>b. within 50m of any wetland.</p>	N/A – no vegetation removal proposed as part of activity
23.1.1.8	<p>Earthworks, including the extraction of minerals, in the Rural Zones, other than in the bed of any river, shall not involve the disturbance of more than 1000m<sup>2</sup> of soil and/or rock per any 1ha</p>	<p>Earthworks could be considered to be related to the construction of the aeration pad, which is 25m x 40m = 1,000m<sup>2</sup>.</p> <p>Area of potential stormwater retention pond (if used rather than tanks) = 100m<sup>2</sup>.</p> <p><b>Consent is considered necessary under this rule.</b></p>

Clause	Details	Comment
23.1.1.9	<p>Earthworks associated with the repair of land damaged by the 2010/11 Canterbury Earthquakes shall involve the excavation of no more than 2000m<sup>3</sup> of soil and/or rock on any one site providing the earthworks are:</p> <p>a. commenced prior to 31 December 2018; and</p> <p>b. on a site used for residential purposes within a Residential Zone; and</p> <p>c. on a site identified by The Earthquake Commission as being subject to Increased Liquefaction Vulnerability (ILV).</p>	N/A
23.1.1.10	<p>In relation to any overhead high voltage transmission line as shown on the District Plan Maps, earthworks shall not:</p> <p>a. exceed a depth of 300mm within 12 metres of any support structure foundation; or</p> <p>b. reduce in the ground to conductor clearance below that which is specified in Table 4 of NZECP 34:2001; or</p> <p>c. compromise the stability of any support structure.</p>	N/A no earthworks within the transmission corridor.
23.1.1.18	<p>Any material resulting from deconstruction or demolition of structures within a site shall be stockpiled within the site from which it originates for no more than 1 month following completion of the deconstruction or demolition</p>	<p>Originally it was considered that this may be a rule that the activity does not comply with.</p> <p>Based on information in the applicant's application, the material being stockpiled on the site is not resulting from the demolition or deconstruction of structures within the site.</p>
23.4	<p>Discretionary activities</p> <ul style="list-style-type: none"> <li>- Earthworks on a contaminated site which involves certain characteristics – see plan</li> <li>- Landfills and solid waste transfer stations</li> <li>- Any land use that does not comply with 23.1.1.18 or 23.1.1.19</li> </ul>	<p><b>The activity is considered to be a solid waste transfer station for the purposes of this application.</b></p>
Chapter 24	Outstanding landscapes and natural features	
	N/A – only relates to land within the Core Outstanding Landscape Area, Ashley Gorge	N/A



Clause	Details	Comment
	Outstanding landscape area, or the Buffer Outstanding Landscape Area.	
Chapter 25	Indigenous vegetation, fauna and habitats	
	Relates to vegetation and habitat sites listed in Appendix 25.1 and the District Plan maps.	N/A
Chapter 26	Coastal environment	
	Relates to vehicle use on beaches	N/A
Chapter 27	Natural hazards	
27.1.1	Setbacks of structures from waterbodies and artificial watercourses. The biggest setback is 100m, so if activity is within 100m of a watercourse, the rule may be relevant.	No watercourses on the site or within 100m of operations.
Chapter 28	Heritage	
	Relates to places identified in the Heritage Schedule.	N/A
Chapter 29	Notable plants	
	Relates to structures, earthworks, services, impermeable surfaces, pruning, felling and removal of notable trees (or in the proximity of).	N/A
Chapter 30	Utilities and traffic management	
	<i>Utilities</i>	
	Range of standards for utilities, including: <ul style="list-style-type: none"> <li>- Maximum total floor area for utility buildings/structures</li> <li>- Height and length of antenna for amateur radio</li> <li>- Dish antenna max diameter</li> <li>- Max gauge pressure for gas pipes</li> <li>- Max voltage for electricity cables</li> <li>- Undergrounding requirements</li> <li>- Road design requirements</li> </ul>	N/A

Clause	Details	Comment
	Discretionary activities: <ul style="list-style-type: none"> <li>- Land based sewage disposal</li> <li>- Waste water disposal</li> <li>- Treatment areas for sewage or waste water, including oxidation ponds</li> </ul>	N/A
	Non-complying activities: <ul style="list-style-type: none"> <li>- Trees that protrude through height control surfaces for Rangiora Aerodrome</li> </ul>	N/A
	<i>Accessways</i>	
30.6.1.13	Accessway formation width requirements (except on a state highway with a posted speed limit of 70km/hr or greater)	Complies
30.6.1.15	Requirement that accessways in Residential 3, 4A, 4B and Rural zone shall be formed to an all weather standard. Other provisions relate to Residential 6 and 6A zones.	Complies
	<i>Vehicle Crossings</i>	
30.6.1.19	Vehicle crossing design requirements except for State Highways with speed limit >70km hr	N/A
30.6.1.20	Minimum distance between crossings for any vehicle crossing accessing a State Highway where the posted speed limit is 70km/hr or greater	N/A
30.6.1.21	Minimum sight distances for accessways on a road adjacent to a footpath	N/A
30.6.1.24	Sight distances for vehicle crossings on arterial, strategic and collector roads.	N/A
30.6.1.26	Distances of vehicle crossings from intersections	Complies
30.6.1.29	Relates to retail activity on a site if strategic, arterial or collector road with speed limit >70km/hr in rural zone and res 4A and 4B zones	N/A
	<i>Parking, Loading and Manoeuvring</i>	
30.6.1.34	Requirements for vehicle and cycle parking	N/A

Clause	Details	Comment
	rates/location/design.	
30.6.1.37	Limitations on reverse manoeuvring	N/A
30.6.1.44	Requirements for tree planting where more than 5 parking spaces required on a site.	N/A
Chapter 31	Health safety and well being	
	<i>Buildings and structures - dwellinghouses</i>	N/A
	<i>Signs</i>	N/A
	<i>Glare</i>	N/A
	<i>Noise</i>	
31.12.1.2	<p>Activities in any zone, other than the Business 3 Zone, shall not exceed the following noise limits within measurement time intervals in the time-frames stated at any point within the notional boundary of any dwellinghouse in the Rural Zone, or at any point within any Residential Zone:</p> <p>a. Daytime: 7am to 7pm Monday to Saturday, and 9am to 7pm Sundays and Public Holidays: 50dBA L10.</p> <p>b. Other times: 40dBA L10.</p> <p>c. Daily 10pm-7am the following day: 70dBA Lmax</p>	Application states that the activity will comply
	<i>Hazardous substances</i>	N/A
	<i>Farms and dwellinghouses</i>	N/A
	<i>Retail activities and traffic matters</i>	N/A

## **APPENDIX TWO: APPLICABLE REGIONAL POLICY STATEMENT PROVISIONS**

### **Canterbury Regional Policy Statement**

#### **Definitions**

**Industrial** means the manufacturing, assembly, packaging, wholesaling or storage of products or the processing of raw materials and other ancillary activities.

**Urban activities** means activities of a size, function, intensity or character typical of those in urban areas and includes:

- Residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area;
- Business activities, except those that fall within the definition of rural activities;
- Sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location);
- Any other land use that is to be located within the existing urban area or new Greenfield Priority Area.

#### **Rural activities**

means activities of a size, function, intensity or character typical of those in rural areas and includes:

- Rural land use activities such as agriculture, aquaculture, horticulture and forestry.
- Businesses that support rural land use activities.
- Large – footprint parks, reserves, conservation parks and recreation facilities.
- Residential activity on lots of 4 ha or more.
- Quarrying and associated activities.
- Strategic infrastructure outside of the existing urban area and priority areas for development.

#### **Business or business activities**

means land or activities that include commercial and industrial and any ancillary activity.

### **CHAPTER 5- LAND-USE AND INFRASTRUCTURE**

#### **5.2.1 Location, design and function of development (Entire Region)**

Development is located and designed so that it functions in a way that:

1. achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and
2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:
  - (a) maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;
  - (b) provides sufficient housing choice to meet the region's housing needs;
  - (c) encourages sustainable economic development by enabling business activities in appropriate locations;
  - (d) minimises energy use and/or improves energy efficiency;
  - (e) enables rural activities that support the rural environment including primary production;
  - (f) is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;
  - (g) avoids adverse effects on significant natural and physical resources including

- regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;
- (h) facilitates the establishment of papakāinga and marae; and
  - (i) avoids conflicts between incompatible activities.

## **CHAPTER 6- RECOVERY AND REBUILDING OF GREATER CHRISTCHURCH**

### **6.2.1 Recovery framework**

Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:

1. identifies priority areas for urban development within Greater Christchurch;
2. identifies Key Activity Centres which provide a focus for high quality, and, where appropriate, mixed-use development that incorporates the principles of good urban design;
3. avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;
4. protects outstanding natural features and landscapes including those within the Port Hills from inappropriate subdivision, use and development;
5. protects and enhances indigenous biodiversity and public space;
6. maintains or improves the quantity and quality of water in groundwater aquifers and surface water bodies, and quality of ambient air;
7. maintains the character and amenity of rural areas and settlements;
8. protects people from unacceptable risk from natural hazards and the effects of sea-level rise;
9. integrates strategic and other infrastructure and services with land use development;
10. achieves development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs;
11. optimises use of existing infrastructure; and
12. provides for development opportunities on Māori Reserves in Greater Christchurch.

### **6.2.6 Business land development**

Identify and provide for Greater Christchurch's land requirements for the recovery and growth of business activities in a manner that supports the settlement pattern brought about by Objective 6.2.2, recognising that:

1. The greenfield priority areas for business in Christchurch City provide primarily for the accommodation of new industrial activities;
2. Except where identified for brownfield redevelopment, areas used for existing industrial activities are to be used primarily for that purpose, rather than as a location for new commercial activities;
3. New commercial activities are primarily directed to the Central City, Key Activity Centres, and neighbourhood centres;
4. A range of other business activities are provided for in appropriate locations; and
5. Business development adopts appropriate urban design qualities in order to retain business, attract investment and provide for healthy working environments.

### **6.3.1 Development within the Greater Christchurch area**

In relation to recovery and rebuilding for Greater Christchurch:

1. give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;
2. give effect to the urban form identified in Map A (page 6-27) by identifying the location and extent of the indicated Key Activity Centres;
3. enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;

4. ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;
5. provide for educational facilities in rural areas in limited circumstances where no other practicable options exist within an urban area; and
6. avoid development that adversely affects the function and viability of, or public investment in, the Central City and Key Activity Centres.

#### **6.3.6 Business land**

To ensure that provision, recovery and rebuilding of business land in Greater Christchurch maximises business retention, attracts investment, and provides for healthy working environments, business activities are to be provided for in a manner which:

1. Promotes the utilisation and redevelopment of existing business land, and provides sufficient additional greenfield priority area land for business land through to 2028 as provided for in Map A;
2. Recognises demand arising from the relocation of business activities as a result of earthquake-damaged land and buildings;
3. Reinforces the role of the Central City, as the city's primary commercial centre, and that of the Key Activity Centres;
4. Recognises that new commercial activities are primarily to be directed to the Central City, Key Activity Centres and neighbourhood centres where these activities reflect and support the function and role of those centres; or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects;
5. Recognises that new greenfield priority areas for business in Christchurch City are primarily for industrial activities, and that commercial use in these areas is restricted;
6. Recognises that existing business zones provide for a range of business activities depending on:
  - (i) the desired amenity of the business areas and their surrounds; and
  - (ii) the potential for significant distributional or urban form effects on other centres from new commercial activity.
7. Utilises existing infrastructure availability, capacity and quality;
8. Ensures reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against;
9. Ensures close proximity to labour supply, major transport hubs and passenger transport networks;
10. Encourages self-sufficiency of employment and business activities within communities across Greater Christchurch;
11. Promotes, where appropriate, development of mixed-use opportunities, within Key Activity Centres provided reverse sensitivity issues can be appropriately managed; and
12. Incorporates good urban design principles appropriate to the context of the development.

**WAIMAKARIRI DISTRICT COUNCIL**

**SECTION 104 REPORT**

**FILE NO:** RC175184

**DATE:** 15 May 2018

**REPORT TO:** Commissioners McGarry and Isleli

**FROM:** Planning Consultant – Stephanie Styles

**SUBJECT:** Non-notified Resource Consent Application  
CANTERBURY LANDSCAPE SUPPLIES LTD  
949 South Eyre Road, Eyrewell  
Recommendation to grant consent

**ACTIVITY:** Waimakariri District Plan – Discretionary activity

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**1. THE APPLICATION**

**Applicant**

Canterbury Landscape Supplies

**Property Location**

949 South Eyre Road, Eyrewell

**Legal Description**

Part RS 33406

**Zoning**

Waimakariri District Plan – Rural

**Description of application**

Details of the site and proposed activity are set out in sections 5 – 7 of the notification assessment report attached.

**Notification**

A notification assessment has been undertaken and is set out in the notification assessment report attached. For the reasons set out in that assessment the application has been processed

on a non-notified basis.

## 2. DESCRIPTION OF SITE AND AREA

A description of the site and surrounding area is set out in the notification assessment report attached.

## 3. DISTRICT PLAN RULES

The proposal does not fit neatly into any of the definitions or rules of the Waimakariri District Plan (District Plan). To avoid doubt and taking a conservative approach to the Plan, the proposed activity has been assessed as requiring resource consent under the District Plan for the following reasons:

- The proposed activity is considered for the purposes of this application to be a 'solid waste transfer station' and thereby requires consent as a **discretionary** activity pursuant to Clause 23.4 of the Waimakariri District Plan<sup>18</sup>.
- Clause 23.1.1.8 of the Waimakariri District Plan states that earthworks shall not involve the disturbance of more than 1,000m<sup>2</sup> of soil and/or rock per any 1ha. Earthworks will be required for the construction of the ASP pads, and may be required for the construction of the stormwater retention pond (if the applicant decides to use this method for stormwater retention). The area of the ASP pads is 1,000m<sup>2</sup>, and the area of the potential stormwater pond is 100m<sup>2</sup>, coming to a total of 1,100m<sup>2</sup>. For the avoidance of doubt, and if Clause 23.1.1.8 is interpreted to limit earthworks to any 1ha of land irrespective of the total area of a site, consent is required for a **restricted discretionary** activity.

Overall the proposal requires consent as a **discretionary** activity.

I note that there is also a rule that relates to carparking on a site (31.23.2 any land use on any site in the Rural Zone that has a parking requirement of 10 or more on-site spaces under Rule 30.6.1.34 is a restricted discretionary activity). There is no applicable activity category under rule 30.6.1.34 for this proposal. Even if the activity "industry" was applied, the parking rate is based on GFA and there are no buildings on the site. On this basis, this rule does not apply to the proposal.

Within the application as lodged, and during the processing of this application, a number of other rules have been considered including rules 23.1.1.2 (stockpiling of soil over vegetation), and 23.1.1.18 (material resulting from deconstruction or demolition of structures). Having analysed these rules, I do not consider that they apply to this application.

The relevant District Plan provisions are set out in Appendix 1 to the notification report.

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<sup>18</sup> It is not considered that this proposal should be defined as a landfill as it does not take general/domestic waste material nor does it propose to keep any material on the site long term. It provides a short term storage and manufacturing facility for compost and related materials. In this way the proposal transfers solid material that is waste for some parties and manufactures it into compost and usable material. This is not would commonly be understood as a solid waste transfer station in the sense of transferring rubbish from one place to another.



#### 4. **STATUTORY CONSIDERATIONS**

Section 104 provides the authority for the Council to grant or refuse consent for an activity and (if granted), to impose conditions under Section 108 of the Act. Section 104 lists matters that must be considered when considering an application for resource consent and any submissions received, including:

Subject to Part II of the Act (Purposes, Matters of National Importance, other matters, and Treaty of Waitangi), the consent authority must have regard to:<sup>19</sup>

- Any actual or potential effects on the environment of allowing the activity, and when forming an opinion in relation to adverse effects, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect
- Any relevant provisions of -
  - a regional policy statement or proposed regional policy statement
  - a plan or proposed plan.
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- A consent authority must not grant a resource consent if the application should have been notified and was not.

Section 104B sets out the determination for discretionary activities and notes that the consent authority may either grant or refuse the application.

#### 5. **ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS**

In my opinion, the proposal may have effects in relation to:

- Dust and Odour
- Noise
- Visual and amenity effects
- Transport / Traffic movements
- Land disturbance / Earthworks
- Fire risk

All of these matters have been assessed as part of the notification report. There are no additional matters in relation to these potential effects that need to be addressed in this report. However, in addition as part of this report, I have considered issues relating to positive effects.

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<sup>19</sup> Emphasis added.

## Positive effects

For completeness, I note that the activity on the site contributes some positive community / economic effects. The application states:

*The operations at the site will divert organic wastes from the waste disposal streams reducing the quantity of waste disposed of, and recycle the nutrients and organic matter into high quality commercial products that utilise the nutrients and organic matter to support new plant growth. This has positive effects in terms of reduced waste disposal requirements, reduced demand and costs for synthetic fertilisers, as well as providing employment and economic benefits from recycling.*

Some of the submissions and evidence to the ECan consent process also note benefits of the operation of the facility in relation to the reuse of materials and the provision of compost to a range of markets.

## Conclusion on effects

Overall, I consider that the proposal, subject to appropriate conditions of consent will be able to avoid or mitigate all adverse effects on the environment such the activity is appropriate in this location.

## 6. RELEVANT PROVISIONS

The District Plan Objectives, Policies and Rule(s) that are relevant to this application are attached as **Appendix One** (to the notification report). The District Plan is an effects based document that emphasises environmental outcomes, as opposed to activities. I also address below the relevant matters from the Regional Policy Statement and from Part II of the Resource Management Act.

### District Plan Provisions

I consider the relevant Objectives and Policies are found in Chapters 4 (Land and Water Margins), 12 (Health Safety and Wellbeing), and 14 (Rural Zone).

#### **Chapter 4: Land and Water Margins**

Objective 1 seeks to maintain and enhance the life-supporting capacity of the land resource, with policies 1 and 3 promoting sustainable land management and activities that avoid, remedy or mitigate adverse effects on specific environments.

The proposal will utilise the land in a productive way to manage organic waste and create compost for ongoing use by others. In this way it is utilising the land positively. The effects assessment carried out shows that it will avoid or mitigate adverse effects on the environment and it is not within or adjacent to any of the specified environments that are susceptible to degradation.

#### **Chapter 12: Health Safety and Wellbeing**

Objective 1 focuses on amenity values and the quality of the environment, including avoiding or mitigating effects. This is supported by a range of policies with those most relevant to this

proposal relating to noise (policies 10 and 11). Objective 3 relates to discharges to air, and supported by policy 1, it seeks to protect people, vegetation, animals and other natural and physical resources from adverse effects of discharges to air.

The application is based on compliance with the noise standards in the District Plan and thus must be considered to give effect to the objectives and policies on noise. The effects assessment in relation to air discharges shows that with appropriate management effects can be managed to avoid adverse effects. In relation to amenity values generally, it is important to note that the activity on the site is not visible to the general public, and will be constrained in relation to the nature and degree of operation by way of conditions.

## **Chapter 14: Rural Zones**

Objective 1 focusses on rural production and rural character, with an emphasis on dominance of rural activities and constraint on buildings and structures. It is supported by a range of policies seeking to limit development that would result in a loss of rural character or constrain farming activity. Policy 3 also seeks to limit signage and retail activity.

The proposal is not defined as a rural activity and thus is the use of land that is not focussed on rural production. However, it is utilising land in a way that does not conflict with surrounding rural land uses. It also would not remove the application site from potential rural use in the long term, should the operation cease in the future. It is not inconsistent with a rural working environment.

Overall, I consider the proposal is consistent with the objectives and policies of relevance in the District Plan.

## **Canterbury Regional Policy Statement (RPS)**

The application site is located within the area defined as Greater Christchurch and thus chapters 5 and 6 are both relevant to some extent. The chapters focussing on specific areas or topics (e.g. coast, landscape, hazards) are not relevant to this application.

The definitions within the RPS would include this activity as a business activity and an industrial activity, although the definitions are not closely related to the types of activities that are generally accommodated by these definitions. These definitions result in the urban activities definition also applying to the activity.

The most relevant provisions of the RPS seek to ensure that 'business' development is well located and consolidates urban areas. The policies envisage that business development will be supported by a settlement pattern that provides for land provision for industrial activity. At this point in time the Waimakariri District Plan has not been updated to reflect the requirements of the RPS in the provision of business/industrial zoned land. It is my understanding that the Waimakariri District does not currently have sufficient industrial zoned land to accommodate an activity of the scale and nature of the current proposal.

Given that the activity cannot be accommodated in existing industrial zoned land, it is appropriate to consider the other objectives and policies that focus on the quality of the environment, avoiding and mitigating adverse effects, avoiding conflicts, and character and

amenity. For the reasons discussed above, it is considered that the proposal can avoid or mitigate adverse effects and remain compatible with the rural environment.

Whilst not consistent with the intent of the RPS for businesses to operate within business zoned land (as this zoned land is not available), the proposal is consistent with the other outcomes sought for development in a rural environment.

## **Part II Purpose and Principles**

The Consent Authority is required to assess the application against Part II and section 104 of the Resource Management Act.

### **Section 5**

In terms of section 5, I believe the proposal will not lead to use or development that does not sustain natural or physical resources, nor will it impact adversely on air, water, soil or ecosystems. The proposal will contribute in a way to economic well-being for the operator. The proposal has the potential to impact on well-being for residents in the area but this is understood to be manageable through conditions of consent. Any adverse effects can be appropriately mitigated through measures imposed to ensure adverse effects are of no more than a minor nature, and therefore overall the community's social and cultural wellbeing can be maintained.

### **Sections 6 and 7**

There are no matters of national importance under section 6 that are relevant to this proposal. In terms of section 7 of the Act, I consider the proposal is not an inefficient use of the site given the past use as forestry and the nature of the surrounding rural land. While some aspects of the proposal may impact on amenity values, appropriate mitigation measures can, I consider, result in an outcome that will result in overall maintenance of amenity values and an appropriate quality of environment.

### **Section 8**

I am unaware of any particular values of the site that would be impacted on by the proposal.

## **7. NOTIFICATION AND SUBMISSIONS**

A previous assessment was undertaken according to the provisions of the Act and determined that non-notification was appropriate. I am not aware of any other reason why this application should have been notified.

## **8. CONCLUSION**

Given the matters set out above, my evaluation of the relevant statutory considerations, and the management of adverse effects, I am satisfied that granting this consent is consistent with sustainable management of natural and physical resources in a manner that is consistent with the purpose of the Act.

## 9. RECOMMENDATION

**THAT** pursuant to Sections 104 and 104B of the Resource Management Act 1991:

- a) consent be **granted** to Canterbury Landscape Supplies Limited;
- b) to operate a composting plant and bulk material storage facility;
- c) at 949 South Eyre Road, Eyrewell, being Part RS 33406;
- d) subject to the following conditions which are imposed under Section 108 of the Act:
  1. The activity shall be carried out in accordance with the attached approved application plans, and the information supplied with this application except where necessary to meet the conditions below.
  2. The volume of material on-site at any one time shall not exceed a combined volume of 90,000 cubic metres, of which the volume of compost on-site at any one time shall not exceed 40,000 cubic metres.
  3. Hours of operation shall be limited to 7am to 7pm Monday to Saturday, and no works shall occur on the site on Sundays and public holidays.
  4. The site shall not at any time be open to the general public.
  5. Noise levels shall not exceed 50dBA L<sub>10</sub> as measured at the site boundary of 971 South Eyre Road (LOT 7 DP 343991).
  6. All machinery shall be operated in accordance with the provisions of NZS6803:1999 Construction Noise.
  7. Vehicle movements to and from the site shall not exceed 250 vehicle movements per day (1 vehicle to and from the property = 2 equivalent vehicle movements).
  8. The consent holder shall at all times either have a current air discharge permit from ECan or a Certificate of Compliance issued by ECan in respect of rules in the Regional Air Plan.
  9. Dust discharges from the composting operation shall be controlled with the use of water sprays, including but not limited to:
    - a. On the surface of the any windrows or stockpiles;
    - b. When any windrows or stockpiles are disturbed;
    - c. When screening of compost occurs.
  10. All site activity shall be operated and managed in accordance with the following management plans:
    - a. Compost management plan
    - b. Rodent management plan
    - c. Fire plan
  11. All management plans shall be finalised and provided to the Waimakariri District Council Manager Regulation, within 20 working days of the exercise of this consent.

12. The management Plans shall be updated where necessary to ensure ongoing compliance and mitigation of effects and, if changed, shall be provided to the Waimakariri District Council Manager Regulation, within 10 working days of the change being made.
13. The consent holder shall establish and maintain a shelterbelt of at least one row of pinus radiata trees, or other similar evergreen species, planted at no more than 1.5 metre spacing along the western, northern and eastern boundaries of the site.
14. At the expiry of the operation the site shall be rehabilitated by topsoiling and grassing.
15. Compliance with the above conditions shall be verified by inspection by a Council officer pursuant to Section 35(2) (d) of the Resource Management Act 1991. Should an inspection be required the consent holder shall pay to the Council charges pursuant to Section 36 (1) (c) of the Resource Management Act 1991 to enable Council to recover its actual and reasonable costs in carrying out the inspections.

Recommended by:



Stephanie Styles

15 May 2018

Date

**PLANNING CONSULTANT**

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Applications by Canterbury Landscape Supplies Limited for a discharge permit to discharge contaminants into air from a composting operation and a discharge permit for the discharge of contaminants onto land in circumstances where contaminants may enter water, as the result of composting and stockpiling compost on land.

**BETWEEN**

**CANTERBURY LANDSCAPE SUPPLIES LIMITED**

**Applicant**

**AND**

**CANTERBURY REGIONAL COUNCIL**

**Consent Authority**

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**REPORT AND DECISION OF HEARINGS COMMISSIONERS**

**Sharon McGarry and John Iseli**

**26 June 2018**

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Heard on the 6-9 March 2018 in 'The Atrium', 455 Hagley Avenue, Christchurch.

## Representations and Appearances

### Applicant:

**Mr G. Cleary**, Solicitor (Anthony Harper)

**Mr P. Wylie**, Director (Canterbury Landscape Supplies Limited)

**Ms H. Mongillo**, Principal Environmental Engineer and Hydrogeologist (Sephira Environmental)

**Ms P. Harwood**, Senior Associate – Environmental Engineering (Beca Limited)

**Ms M. Dyer**, Environmental Engineer (Beca Limited)

**Mr B. Loe**, Resource Management Consultant (Loe Pearce Associates Limited)

### Submitters:

**Mr A. Nikoloff**

**Eyre District Environment Association** – Mr N. Fraser

**Mr K. Dodds**

**Oxford and Ohoka Community Board** – Mr D. Nicoll, Mr J. Lynn and Ms S. Powell

**Mr R. and Mrs C. Briggs**

**Mr D. Power**

**Mandeville Residents Association** – Mr T. McBrearty and Mrs. R. Rouse

**Ms A. Hazeldine**

**Oderings Nurseries** – Mr M. Odering

**Mr G. and Mrs R. Rouse**

**Mr J. Madeley**

**Ms J. Madeley**

**Mr M. and Mrs J. Randle**

**Wai Eyre Farm Limited** - Mr D. Brown

**Silver Fern Farms** – Mr D. Jemmett

**Mr G. and Mrs J. Greenwood**

### Tabled Statement

**Mr A. Millar**

### Section 42A Reporting Officer:

**Ms T. Wadworth**, Consents Planner (Canterbury Regional Council)

- **Mr Z. Etheridge**, Senior Hydrologist (Canterbury Regional Council)
- **Ms C. Nieuwenhuijsen**, Senior Air Quality Consultant (Golder Associates)
- **Mr N. Dougherty**, Senior Resource Management Officer Incident Response Zone Delivery (Canterbury Regional Council)

**It is the decision of the Canterbury Regional Council, pursuant to sections 104, 104B, 105 and 107, and subject to Part 2 of the Resource Management Act 1991, to REFUSE the application by Canterbury Landscape Supplies Limited for the following resource consents:**

- (i) Discharge Permit CRC175344 – To discharge contaminants into air; and**
- (ii) Discharge Permit CRC175345 – To discharge contaminants onto and into land, in circumstances where contaminants may enter water.**



## BACKGROUND AND PROCEDURAL MATTERS

1. This is the report and decision of independent Hearings Commissioners Ms Sharon McGarry (Chair) and Mr John Iseli. We were appointed by the Canterbury Regional Council (**CRC**) to hear and decide applications by Canterbury Landscape Supplies Limited (**CLS** or ‘the Applicant’) pursuant to the Resource Management Act 1991 (**RMA** or ‘the Act’) for resource consents to operate a stockpiling and composting operation located at 97 Diversion Road, Swannanoa, Waimakariri, legally described as Part RS 33406 and Lot 2 DP 25643.
2. The application site is owned by Ms Jacinta Mackle and Ms Katherine Hewson. We were told a formal lease exists between the landowners and the Applicant for part of the property that corresponds with the application site.
3. The Applicant is seeking retrospective resource consents to authorise the discharge of contaminants into air and onto land associated with the existing unauthorised stockpiling and composting operation at Diversion Road. Composting activities have been occurring at the application site since September 2016.
4. The existing composting operation has been the source of a significant number of complaints relating to odour and health effects. The CRC issued the Applicant with an Abatement Notice on 14 August 2017. The Abatement Notice required the Applicant to cease and continue to cease the discharge of odour from the production of compost, stockpiling or storage of compost, or the stockpiling or storage of material for the production of compost, beyond the boundary of the property.
5. The Applicant appealed the Abatement Notice to the Environment Court. A stay was granted and mediation occurred on 31 October 2017. A ‘heads of agreement’ was signed by representatives of CRC, Waimakariri District Council (**WDC**), the Applicant and the section 274 parties (which includes a number of submitters to this application).
6. In accordance with the mediated agreement, the Applicant was to remove the compost piles in the north-east corner of the site, as an identified source of odour, by 9 December 2017. The section 274 parties agreed to not lodge odour complaints up until this time. CRC agreed to not enforce the Abatement Notice (as amended by the appeal<sup>1</sup>) before 16 December 2017. The Applicant agreed commercial kitchen and grease trap waste, municipal treatment biosolids, wool scouring material, chicken litter, solids from meat processing and waste mushroom compost would not be brought to the site.
7. The Applicant has continued to operate the composting operation since this time. Waste material continues to be delivered to the application site.
8. The Applicant has applied to the Waimakariri District Council for land use consent to operate a waste transfer station.

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<sup>1</sup> Environment Court Consent Order (ENV-20170CHC-68) amended the Abatement Notice to add ‘*cease and continue to cease*’ and ‘*Assessment of whether or not odours associated with the production of compost on the property are offensive or objectionable is to be undertaken in accordance with the “Criteria for assessing offensive or objectionable odour” contained within Schedule 2 to the Proposed Canterbury Air Regional Plan.*’

9. The resource consent applications were lodged on the 5 April 2017. The applications were accepted as complete under section 88(2) of the RMA on 11 April 2017. The applications were placed on hold under section 88E(4) of the RMA while the Applicant was trying to obtain written approvals. The Applicant advised they ceased trying to obtain written approvals on the 15 June 2017.<sup>2</sup> Further information was sought from the Applicant by CRC on 28 June 2017, under section 92 of the RMA. The final response to the request for further information was submitted on 14 September 2017.<sup>3</sup>
10. The application was publicly notified on 27 September 2017. A total of 46 submissions were received, with 41 submissions in opposition and five submissions in support of the application. Thirty submitters indicated they wished to be heard.
11. Prior to the hearing, a report was produced pursuant to section 42A of the Act by CRC's Reporting Officer, Ms Tegan Wadworth. This 's42A Report' included a technical review of the applications by Ms Maureen Whalen, Groundwater Science Team Leader North for CRC, Mr Zeb Etheridge, Senior Hydrologist for CRC, and Ms Cathy Nieuwenhuijsen and Mr Roger Cudmore, Air Quality Consultants for Golder Associates.
12. The s42A Report provided an analysis of the matters requiring consideration and recommended the resource consents sought should be refused on the basis of ongoing odour effects and adverse groundwater effects. In recognising that the Reporting Officer's recommendation is not binding on the decision-makers, the s42A Report included draft consent conditions for our consideration.
13. Prior to the hearing, we received a minute dated 23 February 2018 from the Jakeli Family Trust requesting that the hearing be deferred under section 91 of the Act until the resource consent application to the Waimakariri District Council has been made and is complete. We considered this request and set out our response and reasons for not deferring the hearing in our Minute #1 dated 28 February 2018. We also responded in the minute to concerns raised that the Reporting Officer's s42A Report had not adequately considered the relevant provisions of Chapter 6 of the Regional Policy Statement (**RPS**).
14. The hearing to decide the application commenced at 9 am on Tuesday 6 March 2018 and evidence was heard over four days. The hearing was adjourned at 4.30 pm on Friday 9 March 2018 to enable the Applicant to provide written details of the amendments to the applications made verbally at the hearing, further information requested throughout the hearing, and revised proposed consent conditions.
15. We undertook a site visit in the afternoon on Thursday 8 March 2019. We visited the application site and the surrounding properties and roads. The wind conditions were changeable with light east to north-east breezes. We viewed the headwaters of the Silverstream located on Mr Brown's property, close to their office buildings. We returned to the application site the next morning, Friday 9 March 2018 at 8-9am, in calm wind conditions.

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<sup>2</sup> Section 42A Officer's Report dated 6 December 2017 by Tegan Wadworth. Date in report corrected to date at hearing from 2016 to 2017).

<sup>3</sup>Ibid.

16. We confirmed the provision of the further information requested and a timeframe for the circulation of that material by issuing Minute #2, dated 19 March 2018.
17. We received a memorandum from Mr Cleary on behalf of the Applicant on 5 April 2018 requesting an amendment to the direction in Minute #2. The Applicant sought to delete reference to providing details of the source of the raw material taken to the site since September 2018, or, to order protection the information under section 42 to avoid commercial prejudice to the Applicant. The Applicant also advised that the lessor of the land was unwilling to disclose the lease agreement and sought direction regarding the specific lease information sought.
18. We addressed the matters raised in our Minute #3 dated 9 April 2018. We agreed to grant a protection order over the source of the raw material under section 42(2) and requested a redacted version for release to the parties. We also clarified the information sought in relation to 'the source' and the information sought in relation to the lease agreement of the application site.
19. The Applicant provided the further information requested on 6 April 2018 and 16 April 2018. This material and the final set of proposed consent conditions were circulated to submitters for written comment and subsequently to the Reporting Officer for written comment.
20. Following receipt of further comments from the parties, we issued Minute #4 dated 15 May 2018, directing the Applicant to provide a written right of reply (**ROR**) by 23 May 2019. We subsequently received a request from the Applicant on 17 May 2018 seeking an extension to the timeframe for the provision of the ROR until 31 May 2018.
21. A written ROR on behalf of the Applicant was received on 31 May 2018. We formally closed the hearing on 8 June 2018.

## **THE APPLICATION**

22. The application and Assessment of Environmental Effects (**AEE**) was prepared by Mr Barry Loe of Loe Pearce and Associates Limited. The application states the Applicant operates a bulk material processing and storage, wholesale and retail yard at 1250 Main North Road, Kainga, Christchurch. It states the Applicant had decided to move most of its material processing and storage to the application site.
23. The AEE and s42A Report included a description of the existing stockpiling and composting operation. The application states that the bulk handling of materials is not part of the composting process.
24. The application seeks the following resource consents associated with the existing composting operation:
  - (i) CRC175344 to discharge contaminants into air; and
  - (ii) CRC175345 to discharge contaminants into or onto land, in circumstances where contaminants may enter water.

25. The s42A Report notes the Applicant originally applied for a land use consent to use land for stockpiling decomposing organic matter. However, it was determined that the applicant is not required to obtain a land use consent as the rules in the Canterbury Land and Water Regional Plan (**LWRP**) do not apply to the proposal.
26. The application site is 9.8 hectares (**ha**) of leased land from a property of 278 ha. The application states that the land was, until September 2012, fully planted in production trees, however a wind storm at that time caused widespread damage to trees across the property.
27. The retrospective component of the application relates to the estimated 4,500–4,800 cubic metres (**m<sup>3</sup>**) of material already processed and stockpiled on the site. It is proposed that the material currently onsite will be subject to ongoing composting processes, screening and mixing.
28. The proposed component of the application seeks ongoing authorisation to bring up to 40,000 m<sup>3</sup> of raw materials to the application site each year, to produce approximately 16,000 tonnes of compost annually. The process involves mixing raw materials, creating windrows, and regularly turning the windrows following the industry guidelines set out in New Zealand standard NZS:4454:2005.
29. It is proposed that material will be processed at a handling rate of 20 tonnes per hour. The following materials are currently used in the composting process:
  - a) Sawdust and bark;
  - b) Mushroom compost;
  - c) Waste pallet and untreated wood shavings;
  - d) Gib board off-cuts;
  - e) Soil;
  - f) Dewatered paunch grass;
  - g) Scoured wool fragments;
  - h) Mussel shells (pre-crushed); and
  - i) Green waste.
30. Potential use of the following materials in future in the composting process is noted in the s42A Report:
  - a) Egg shell;
  - b) Compostable packaging with some residual food waste;
  - c) Grease trap waste;
  - d) Bio solids that comply with New Zealand standards mixed into bark fines for use as potting mix; and
  - e) Leaf Litter.
31. The s42A Report noted chicken litter would no longer be used on site as part of the composting material.
32. It is proposed that compost will be stockpiled on a total of approximately three hectares of land with approximately seven hectares of land used for bulk material storage. CLS proposes to operate the site from 6.30am to 4.30pm.

33. The Applicant has provided a draft Site Management Plan (**SMP**) setting out operating procedures for site activities, monitoring and site closure on completion of the activities. It is proposed that on completion of the activities, the soil beneath the stockpiles will be sampled and analysed for contamination and if necessary any contaminated material removed and disposed of at a licensed facility.
34. Consent durations of 35 years are sought.
35. In response to a section 92 request for further information the Applicant provided the following information:
  - a) *'Preliminary Hydrogeologic and Nitrogen Transport Assessment'* dated August 2017 by Sephira Environmental;
  - b) *'Nitrogen Transport Model'* dated August 2017 by Sephira Environmental;
  - c) *'Precipitation/Adsorption Assessment'* (undated) by Sephira Environmental;
  - d) Laboratory test reports;
  - e) Information on wells recommended for use in monitoring;
  - f) A planning assessment by Loe Pearce and Associates Limited dated 23 August 2017;
  - g) *'Canterbury Landscape Supplies – Assessment of Environmental Effect of Discharge to Air'* dated 17 August 2017 by Beca; and
  - h) A letter dated 7 September 2017 from Ms Mongillo assessing expected nitrogen loss rates from composting piles to groundwater.

## **NOTIFICATION AND SUBMISSIONS**

36. The applications were publicly notified in the Press and the Northern Outlook on 27 September 2017. Notice of the applications was sent to parties within 2,200 metres (**m**) of the application site.
37. The written approval of the property owners was provided with the application. A further written approval from Mr Russell Wix, the owner of 955 South Eyre Road was provided at the hearing by Mr Cleary.
38. A total of 46 submissions were received; 41 in opposition and five in support.
39. The s42A Report summarised the submissions by issue and number of submissions raising the following issues – odour, health effects, groundwater quality, drinking water quality, amenity values, dust, cultural effects, flood risk and process/operational/best practice.
40. The s42A Report notes concerns raised in submissions in relation to fire risk, noise, traffic, road wear and tear, pests and property values are matters controlled by the WDC or are not relevant matters for us to consider.

## THE HEARING

### Applicant's Case

41. **Mr Gerard Cleary**, a Solicitor with Anthony Harper, conducted the Applicant's case presenting a synopsis of submissions on behalf of the Applicant and calling five witnesses. In summary, he made the following key points:
- a) CLS is the leading supplier of compost products in the South Island and has operated composting processes for 20 years at Kainga;
  - b) As a result of an Abatement Notice issued in August 2017 and mediation regarding the appeal of the Abatement Notice in November 2017, CLS agreed to remove a number of anaerobic compost piles in the north-east corner of the site;
  - c) Measures have been taken to ensure there is not a repeat of the experience, including use of sawdust beds, pumping excess surface water, and elevation of the active<sup>4</sup> composting rows;
  - d) An approved Environment Court Consent Order dated 20 November 2017 amended the Abatement Notice to require avoidance of offensive or objectionable odours beyond the boundary of the site, and use of the Canterbury Air Regional Plan as the assessment criteria;
  - e) CLS have had full compliance with the Abatement Notice since mid-December 2017, demonstrating the process can be managed to avoid offensive or objectionable odours;
  - f) Potential discharges of leachate can be avoided and monitored;
  - g) The Applicant is providing further information to WDC including, an updated fire management plan and rodent/pest management plan;
  - h) Case law indicates applications for retrospective consent should not be treated in a punitive manner;
  - i) Positive effects and the benefits of composting in reducing waste streams must be considered;
  - j) There is a high level of consistency between the compost operation and the higher order documents including the New Zealand Waste Management Strategy and the objectives and policies of Chapter 19 of the RPS;
  - k) An impermeable pad is now proposed to avoid further potential drainage issues;
  - l) The RMA is not a 'no effects' statute, there is a distinction between 'odour' and 'offensive and objectionable odour' and the volume of complaints is unreliable as an indicator of offensive or objectionable odours;
  - m) Complaints can be made by people who are sensitised or have vested interests and are far removed from objective assessments;
  - n) Numerous objective assessments using good practice guidance<sup>5</sup> indicate odours beyond the boundary of the site are not offensive or objectionable and that odours experienced are not inconsistent with odours that may be experience in the rural environment;
  - o) Day to day management, such as avoiding high risk fugitive odour activities including turning compost rows in unfavourable wind conditions are proposed;

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<sup>4</sup> Mr Cleary defined the 'active' phase as the first 12 weeks of composting.

<sup>5</sup> Ministry for the Environment's Good Practice Guide for Assessing and Managing Odour.

- p) The relevant experts have reached full agreement on appropriate wording of conditions for testing the absorption capacity of sawdust beds and monitoring potential discharges;
  - q) There is no retail component to the composting facilities and such facilities are linked to rural land uses and can typically be found in rural areas;
  - r) The potential adverse effects of the applications will be either avoided or mitigated to the point where they are minor, and the proposal will have significant positive effects; and
  - s) On the basis of the expert evidence, the applications should be regarded favourably under all of the relevant statutory considerations, including Part 2 of the Act.
42. On the second day of proceedings, Mr Cleary advised that the Applicant was formally amending the application to incorporate an impermeable layer beneath the active compost piles (first 12 weeks). He noted the layer would comprise of an impermeable layer (e.g. plastic), a layer of sawdust and a layer of aggregate. He said all runoff would be collected and there would be no discharge onto land, therefore avoiding the need for groundwater monitoring. He advised there would be more detail provided and the amendment would be followed up in writing.
43. **Mr Phillip Wylie**, a director of CLS provided a written statement of evidence and presented a written summary of evidence at the hearing. His evidence addressed the background to CLS's business, an overview of the operation at the application site, ongoing refinement of the operation, day to day management of the site, requests to enclose the operation, community engagement and the term of consent. He considered the composting process is being carried out in accordance with New Zealand Standard (NZS) 4454:2005 or industry best practice; and that he had not experienced any odour with the composting process since August 2017 when the change to the new system was implemented. He explained that heavy rainfall in July 2017 caused ponding at the base of the piles and anaerobic conditions causing strong ammonia odours. He considered use of a 0.5m layer of sawdust beneath the piles and replacement of that saturated material during frequent turning would prevent any future reoccurrence. He also noted that within six months of approval the first 12 weeks of compost piles would be on a compacted gravel and impermeable layer to prevent leaching to groundwater. He noted implementation of an Odour Management Plan for the site. He emphasised the importance of the application site to the future of the company, in order to expand its current activities to meet growing demand. He said that full enclosure of the composting process would be financially prohibitive and not warranted given the scale of the operation and the separation distance to residential houses.
44. In response to questions, Mr Wylie confirmed that of the raw materials listed in paragraph 16 of Ms Dyer's statement of evidence, only sawdust, bark and wood shavings, dewatered paunch grass, and paper from crushed gib offcuts were currently used in the existing compost operation. He said the application sought authorisation of the other raw materials listed, which includes scoured wool fragments, egg shell, composting packaging with some residual food waste, grease trap waste, biosolids, green waste and leaf litter.
45. In his later statement of evidence (dated 31 May 2018) provided with the Applicant's ROR, Mr Wylie clarified that CSL had not been aware that the dewatered paunch grass from Silver Fern Farms also contained solids from the wastewater system screens. He also clarified

that pig manure is stored at the application site, blended with other materials and screened and sold as a specific product.

46. **Ms Helen Mongillo**, a Principal Environmental Engineer and Hydrogeologist with Sephira Environmental, presented a statement of evidence addressing hydrogeological conditions at the application site and surrounding environment, site management issues and remedial action taken, the hydrogeological conceptual site model applied, and efficacy of the proposed mitigation. Ms Mongillo noted that surface soils at the site are not free draining and that stormwater ponding has occurred frequently in the past. She considered that moving the composting from the low-lying area in the north-east corner, using sawdust to absorb water, and pumping standing water had prevented the bottom of the piles from becoming saturated. She noted upgradient surface flows were diverted around the site and there was no stormwater outlet observed on the site. She outlined the use of analytical models to evaluate the potential for nitrogen loss and the two approaches used. On the basis of this modelling, she concluded that reducing infiltration of the compost pile runoff and seepage by 85% would be needed to maintain acceptable ammonia-nitrogen loading at the Silverstream and for drinking water standards in groundwater taken from downgradient wells to be met. She concluded that the second modelling exercise indicated the reduction needed could be achieved by the absorptive capacity of the sawdust. Ms Mongillo considered the efficacy of the proposed mitigation and concluded any potential for loss of nitrogen impacted water into groundwater would be less than minor.
47. **Ms Pru Harwood**, a Senior Associate - Environmental Engineering with Beca Limited, provided a written statement of evidence and presented a written summary of evidence at the hearing. Her evidence addressed the approach to assessing odour effects and key conclusions, aspects of the receiving environment, potential effects of odours, dust and bioaerosols, the Compost Management Plan, comments on submissions and the s42A Report, proposed conditions, and conclusions and recommendations. Ms Harwood noted that the assessment of air quality effects followed the guidance included in the Ministry for the Environment's *'Good Practice Guide for Assessing and Managing Odour'* (November 2016) and *'Good Practice Guide for Assessing and Managing Dust'* (November 2016). Her key findings included that any dust impacts would be less than minor; and that due to separation distances, pre-dominant wind directions and implementation of an Odour Management Plan any odour effects can avoided, remedied and mitigated. Ms Harwood also addressed the effects of bioaerosols and concluded that the risk of discharges to air from the site causing health effects was 'negligible'. Overall, she considered that the changes implemented at the site since 2017 had reduced the risk of offensive or objectionable odour being generated at the site in the future, and that subject to the conditions proposed the effects should be less than minor.
48. In response to questions, Ms Harwood stated that research showed that a shelter belt of trees is advantageous for mitigating dust. She confirmed her assessment had been undertaken without any consideration of the existing pine trees surrounding the site. In relation to odour complaints, she acknowledged these were hard to substantiate and noted there was therefore no firm evidence either that these did or didn't occur at levels that would be offensive or objectionable. She considered the use of biosolids was acceptable from a health perspective if it has been through a process to sterilise the material and it met the appropriate standards. She noted that grease trap waste had a higher potential



odour risk, but noted that under the proposal it would be limited to less than 1% of raw material. She said that site management was critical to managing odours and that the avoidance of standing water was important.

49. **Ms Michelle Dyer**, an Environmental Engineer with Beca Limited, provided a written statement of evidence and presented a written summary of evidence at the hearing. Her evidence addressed her involvement in preparing the assessment of odour effects, potential odour sources, operational management measures to be adopted, day-to-day management, the odour monitoring regime, an analysis of complaints, comments on the s42A Report, and conclusions and recommendations. She concluded that there may have been odour events in mid-2017 that were offensive or objectionable at neighbouring sensitive receptors, but that the changes to operations on the site including locations of the compost and the planned compacted aggregate pad for the active composting phase would reduce the risk of significant adverse odour effects outside of the boundary of the site in future. She stated that providing the compost is produced using the guidance of NZS4454:2005 and other good practice guidelines, with the raw materials stated, the piles are located above standing water, no other odourous material is stored on site, the piles are turned with adequate frequency, and the proposed conditions are complied with, then it was her opinion that any offensive or objectionable odours outside the site boundary would be less than minor.
50. **Mr Barry Loe**, a Resource Management Consultant with Loe Pearce Associates Limited, provided a written statement of evidence and responded to some of the matters raised throughout the hearing. His evidence addressed preparation of the application, descriptions of the operation and changes to the operation since notification, the national context for the operation, the regional planning framework, the s42A Report and proposed conditions, management plans, and conclusions and recommendations. Mr Loe noted that CLS had a good environmental record at the Kainga site for over 20 years, until August 2016 when anaerobic conditions had developed. He outlined the transfer of material to the application site, without resource consent, and the subsequent lodging of the application. He considered that much of the activity onsite (i.e. handling or storage of bulk material) is a permitted activity, but that the discharges to air, land and water from the composting activity require resource consent as discretionary activities. He set out current operations since the s42A Report and future changes in Table 1 to improve the efficiency of the operation and to reduce adverse effects on the environment. He noted that the surrounding environment was subject to a range of effects such as noise, dust and odour generated from rural activities, including effluent spreading. He said that the SMP and complementary Odour Management Plan had been updated to include the changes to operations and incorporated into the draft CMP for the site.
51. Mr Loe advised that the Applicant had applied to the WDC for resource consent for earthworks (although he considered it was unclear what district plan rule had been breached), but had been advised consent was required for a solid waste transfer station. He noted the application was currently on hold pending the provision of further information relating to fire prevention and response, and vermin control.
52. Mr Loe highlighted the importance of utilising waste material in achieving waste minimisation and the provisions of the Waste Minimisation Act 2008 and the New Zealand

Waste Strategy (MfE 2010). He noted the resource recovery industry is growing and that diverting waste materials to recover material for agricultural use is important in achieving waste minimisation objectives.

### Submitters

53. **Mr Anton Nikoloff** presented a written statement in opposition to the application on behalf of himself and his wife Mrs Christine Nikoloff. He explained he had 40 years of experience in horticulture and farming, and that he was familiar with rural smells. He outlined their difficulty in locating the source of the 'vile' odours up until September 2017 and that they were unaware of CRC's 24 hour pollution hotline, so had not complained. He said that odours were worst after south-west and strong southerly winds. He was particularly concerned about paunch grass and understanding potential contaminants and pathogens that may be discharged. He suggested an investigation into all raw products transported to the site to enable potential contaminants to be assessed. He said he was pleased the Applicant was taking notice of submissions during the hearing, but considered 'tweaking conditions' would not achieve the change that is necessary for the operation because the 'bar needed to be set at a higher level'. He noted that the science around windrow composting was well established and that there will be odour and leachate discharges unless these are adequately controlled. He contended that use of sawdust was not a long-term way of mitigating leachate or stormwater drainage. He considered the Applicant was taking a 'let's monitor and see what happens' approach instead of foreseeing future risks and developing a strategy to mitigate them. He highlighted the potential for drinking water contamination and the need to avoid further nutrient discharges. He emphasised the rural-residential development in the area and estimated there were approximately 170 houses within a 4 kilometre (**km**) radius of the application site. He noted that the failure of the composting process had had a significant and long lasting effect on the surrounding community. He emphasised the need for constant monitoring of the parameters associated with composting and the need to develop infrastructure. Appended to his statement were two papers entitled '*Water Quality Protection – Cornell Composting*' and '*Excessive Pile Size – Cornell Composting*' by Tom Richard, CRC rainfall data and a copy of the South Australia Environmental Protection Authority's Compost Guideline.
54. Mr Nikoloff provided an addendum to his written statement on 9 March 2018 requesting clarification regarding potential heavy metals and other nutrients in compost. He expected any potential contaminants or pathogens in paunch grass would have been investigated and the discharge assessed.
55. **Mr Noel Fraser** made a presentation in opposition to the application on behalf of himself and his family, and on behalf of the **Eyre District Environment Association**. Mr Fraser explained he had chosen to do what he considered to be the difficult, but right thing, and oppose the application. He said it was not operating in accordance with best practice and unlawfully without resource consents. He was concerned the raw material on trucks smelled and that there were trucks delivering loads at night. He acknowledged the strong offensive and objectionable odours had reduced since December 2017, but still occurred intermittently. He was concerned about pathogens in paunch grass and biosolids. He showed photographs of dust blowing from the site over the southern boundary of the site in strong north-west winds taken on 5 November 2017; aerial views of the site; and ponded

water at the site following rain on 22 February 2017. He highlighted the fire risk posed by composting operations and the difficulties at the site given the surrounding trees, lack of water and power pylons nearby. He said there had been 17 fires at the Kainga site over 10 years, with nine over the last two years. He emphasised this demonstrated the need for vigilant temperature monitoring and the fire risk posed if it is not managed appropriately. Following the adjournment, Mr Fraser provided a copy of his power point slides and annotated photographs, a copy of the Fire Service call out records to support his statements, and copies of the following three studies referred to by submitters –

- (a) CRC Report No. R15/108 *'Review of Eyre River – Christchurch West Melton Groundwater Allocation Zone Interaction'* May 2015;
- (b) *'Rangiora Effluent Irrigation Preliminary Soils and Hydrogeological Investigation'* by Pattle Delamore Partners Limited dated February 2001, prepared for WDC; and
- (c) *'Further Evaluation of Eyreton Land Disposal Site'* by Pattle Delamore Partners Limited dated February 2001, prepared for WDC

56. **Mr Karl Dodds** provided a comprehensive written statement of evidence on behalf of himself and his wife Mrs Alison Dodds. Mr Dodds spoke to his written statement and summarised the key points in opposition to the application. He emphasised his increasing unease that the application was being 'dressed up' to appear to meet best practice, when there was no evidence to back these claims up. He noted there had been no odour issue prior to the CLS operation, but that since this time odours had been appalling and had precluded use of their property prior to January 2018. He was concerned the information used for the Beca reports had not been independently verified. He considered the Applicant's air quality experts had failed to recognise the variability of wind conditions and had relied on Christchurch airport wind data. He said that smell intensity was not the only indicator of an issue and urged us to look at the frequency and ongoing nature of the odours over a long period. He noted the evidence of Ms Mongillo confirmed there were risks to groundwater and that these additional risks should be avoided. He noted the increased frequency of 50 year rainfall events and the need to cope with 100 year rainfall events to avoid major inundation at the site. He considered the Applicant had underestimated the number of people living in the area and the large number of people using South Eyre Road every day. He said the area *'was not a rural area, but a major metropolis of people'*. He noted the lack of documentation to show how the operation would be controlled and managed, thus ensuring quality control and assurance. He suggested there was suitable electronic monitoring equipment available, but there is no evidence how this will be done proactively. He considered Ms Harwood's evidence confirms the lack of operational control. He emphasised the need for the operation to be fully compliant with NZS 4454:2005 and that evidence of this must be provided by the Applicant through continuous monitoring. He considered the operation was inappropriate use of rural farmland and that the site is located downstream of a recently consented water storage dam.

57. **Mr Doug Nicoll, Mr John Lynn and Ms Shirley Powell** presented a written statement on behalf of the **Oxford and Ohoka Community Board** in opposition to the application. They outlined their role in supporting the community and the role of the Community Board in representing and advocating for the interests of 8,000 residents within the Oxford area. They outlined the community concerns in relation to their rights to drink clean water and breathe fresh air. They did not consider the operation was appropriately located taking into account the surrounding existing land uses and sensitive activities, and highly sensitive

groundwater conditions. They supported the amendment to the application to capture leachate and stormwater, but highlighted the system would need to be able to cope with large volumes of stormwater. While they remained in opposition to the application, in the event the consents are granted, they requested a short duration and tight monitoring conditions.

58. **Mr Ray and Mrs Cheryl Briggs** presented a written statement and spoke to their submission in opposition to the application. They outlined that they are one of the closest houses to the site (approximately 900m from the site boundary). They explained that although they do not have a direct line of sight of the operation, the trees do not mitigate the odours and the smell is putrid. They had also experienced uncontrolled dust clouds from the site and provided photographs showing dust coming from the north-west corner of the site during south-east winds. They raised concerns regarding purported contradictions in Ms Harwood's evidence and the accuracy of Ms Dyer's evidence. They noted most of the offensive odours occurred in the morning in calm wind conditions. Mrs Briggs said the offensive odours from the site had prevented them from opening windows or hanging out washing. She acknowledged the frequency of odours had reduced since December 2017, but still occurred. She noted a significant increase in flies and seagulls. They considered the operation was not being undertaken in line with recognised best practice and questioned how the operation can continue to operate without resource consent. Appended to their written statement were photographs, excerpts from Ms Dyer and Ms Harwood's evidence, a map, and page 6 from the *'Paunch Contents Land Spreading Management Guidelines'* March 2017 by the Australian Environmental Protection Authority.
59. **Mr Daniel Power** presented a written statement and spoke in opposition to the application on behalf of himself and his wife, Mrs Michelle Power. Mr Power outlined their main concerns relate to air quality, odour and water quality. He noted his wife's health problems, with her experiencing increased dermatitis since the operation commenced at the site. He acknowledged this could be dismissed as coincidental, but that there were no other environmental changes that would explain the sudden onset of his wife's health problems. He recognised this was difficult to prove, but that they were looking for reassurance there would be testing for airborne pathogens and that the operation would meet best practice standards. He said that while the frequency of vile odours had reduced since December 2017, they were ongoing. He expressed his shock at the state of the site during his visit and the lack of systems and facilities. He emphasised concerns regarding groundwater pollution and increased fire risk. He considered a concrete pad was the only way to avoid discharges to groundwater and that a liner or aggregate pad could be breached or damaged.
60. **Mr Tom McBrearty and Mrs Rosina Rouse** presented a written statement and spoke in opposition to the application on behalf of the **Mandeville Residents Association**. Mr McBrearty explained how offensive odours from the site drifted around a large area (up to 9 km) particularly in low wind or calm conditions. He said the community was not anti-business, but people were suffering adverse effects from the operation. He was particularly concerned that the odours had resulted in some people suffering social isolation because the odours precluded visitors. He considered the site was poorly managed and that the operation was not consistent with best practice. He noted there were systematic failures

and the operation should not have been able to continue operating without resource consent. He considered the site was unsuitable for a composting operation due to the potential for groundwater to rise and the high degree of connection to the Eyre River. He referred to dye testing that had been undertaken in the area for proposed biosolid disposal and the potential for groundwater contamination. While he supported the capture and containment of leachate and stormwater, he emphasised the need for engineering advice on the size of the sump and storage required. He was concerned about adequate water supply for fire, changes in the composition of raw material coming to the site, and that the site was not operating to best practice.

61. **Ms Anna Hazeldine** spoke in opposition to the application. She considered she was the closest property. She explained that the smells were extremely vile and that a face mask was required. She noted her eczema and allergies had been worse since the operation was established and was concerned for her drinking water supply. She considered a 30 year consent duration was crazy and that monitoring does not mitigate adverse effects. She noted South Eyre Road is a main arterial route and that the odours had devalued her property. She also experienced dust clouds from the site. She said disgusting odours had continued (including the night before) and were worst during hot still wind conditions. She was shocked and disgusted that the operation had continued for so long without resource consent and that it continued to regularly adversely affect her and her family.
62. **Mr Michael Odering** presented a written statement in support of the application on behalf of **Oderings Nurseries**. He highlighted the importance of good quality compost supply to the business. He supported a 25-35 year consent duration to give certainty to the operation and to the ongoing supply of compost.
63. **Mr Graeme and Mrs Rosina Rouse** presented a written statement in opposition to the application. They live approximately 2 km to the east of the site and have lived there for 40 years. They are concerned about water issues, health issues, odour issues, general effects on the community, fire risk and operating issues. They consider a 35 year consent duration is inappropriate and unacceptable. They said there was no trust between the Applicant and the community. They are concerned for their drinking water quality supplied from their well downgradient of the site. They provided water quality testing results showing that nitrate-nitrogen concentrations in their water are very close to the Maximum Acceptable Value (MAV) of 11.3 g/m<sup>3</sup> and had steadily increased over the last 3 years. They emphasised that the land is unsuitable for the operation as it has no impermeable barrier to prevent contamination and no certainty of protection.
64. Mr and Mrs Rouse told us that their water supply well (11.3m deep) was downgradient of the site and that the present water level was 1.2m below ground level. They provided water quality testing results from their well by Hill Laboratories showing nitrate-N concentrations of 11.0 (21 October 2014) and 11.2 (16 February 2018) g/m<sup>3</sup>. They also provided water testing results for the neighbouring Randle's well (15.3m deep), which is also downgradient of the site, showing a nitrate-N concentration of 10.4 g/m<sup>3</sup> (16 February 2018); and Stuart Paull's well, which is upgradient of the site, showing a nitrate-N concentration of 8.6 g/m<sup>3</sup>.

65. Mr and Mrs Rouse described their research into composting operations and outlined their inspection of three different composting operations. They noted all of the operations were on completely sealed surfaces with collection and storage of leachate and stormwater, with 24/7 monitoring of temperature and moisture. They highlighted that use of sawdust/bark was unproven and does not provide adequate certainty that contamination will not occur. They suggested the photographs of ponding and stormwater flows at the site show that the Applicant's claims that there will be no stormwater generated from the site are false. They also suggested these photographs show the land has been more than 'slightly modified'. They questioned how a 'thrasher pump' would be used to vacuum up excess water.
66. Mr and Mrs Rouse referred to classification of de-watered paunch grass, grease trap waste, scoured wool fragments and eggshell as Category 3 – having the greatest potential environmental impact according to the '*Composting and related Organics Processing Facilities*' prepared by the Department of Environment and Conservation (NSW). They noted de-watered paunch grass comprises between 40-50% of the production of compost and is known to contain high levels of microorganisms, potentially including pathogens. They noted that a well-managed treatment process is essential to avoid pathogens. They said there was no evidence of a site management plan specifying methods for the capture and treatment and/or reuse of contaminated stormwater and leachate.
67. Mr and Mrs Rouse considered the number of complaints and the wide location of the people affected indicates that odours are not being contained. They considered the information provided gave them no certainty that the offensive and objectionable odours will be contained in the future. They raised concerns about the health effects of very small dust particles, the increased fire risk, firefighting issues and operating issues. They considered the site should be bunded, preventing stormwater discharges (as seen at the site) into the pine trees. They noted the new site was an opportunity to set up in accordance with best practice, but this had not happened. They considered the Applicant is operating at the lower end of the spectrum and the site is not suitable for a composting operation given the sensitivity of the groundwater zone to increased nutrients. They noted the Applicant has had over 18 months to demonstrate best practice and mitigation of potential adverse effects and has not done so. They questioned the commencement of the operation in September 2016, given the date of 27 July 2016 for the leachate sample included with the application documentation. Appended to their evidence were photographs of a Timaru composting plant, analysis reports from Hill Laboratories, and a photograph of stormwater discharging from the application site through a breach in the bund dated 22 February 2018.
68. **Mr John Madeley** spoke in opposition to the application. He noted particular concern regarding the use of sewage sludge and the potential discharge of heavy metals. He was concerned the operation could commence without resource consent and had continued for so long, without records of what products were disposed of. He considered the site looked and smelled like a rubbish dump. He acknowledged odours had decreased since December 2017, but considered they were still unacceptable. He said he was still experiencing 'deeply offensive smells' for 20-30 minutes on occasions of southerly winds and in still fog conditions. He noted he had relinquished a consent to spread pig effluent on his land, some 15 years ago, in respect for his neighbours right to live here. He said in the event consent is granted, the operation should be fully contained and monitored, and the duration should be no more than 10 years.

69. **Ms Janet Madeley** provided a written statement in opposition to the application. She described the odours from the site as a sulphurous, rotten-egg type smell which is very objectionable. She was concerned for the health consequences for people with asthma, sinus or lung conditions and aggravation of these due to dust and smell reactions. She noted the increased number of people in the area and the adverse effects on their enjoyment of the outdoors. She outlined the consequences for bees from offensive odours and the potential for disruption and displacement of bees. She expressed a lack of confidence that the offensive odours would not occur again and considered measures such as the use of sawdust were unproven and ineffective over the long term. She noted the close proximity of the site to the Waimakariri River and the Eyre River, and the sensitivity of groundwater to increased nitrates.
70. **Mr Melvyn and Mrs Jill Randle** provided a written statement in opposition to the application. Their key concerns related to operational issues (including fire risk and fire-fighting issues), air contamination and health risks, water quality, and general effects on the community. They noted their support for composting providing the operation follows the best practice at every step of the process from site and raw material selection, transportation and storage – through to mature compost fit for purpose. They acknowledged the recent amendment to the application to mitigate leachate discharge, but considered this seemed too little, too late. They noted that given the experience of the Applicant it was difficult to understand the lack of management and best practice. They questioned the provenance of the leachate sample taken on 27 July 2016 or the timing of set up given the Applicant claims to have begun at the site in September 2016. They considered the potential for spontaneous combustion of the compost is high and operational procedures are inadequate to mitigate this risk. They questioned the reliability of odour assessments given the unpredictable nature of wind conditions, emission rates and habituation. They noted other rural type odours from effluent spray or bonfires were occasional, seasonal and tolerable, as opposed to odours from the site which were ongoing obnoxious, putrid and sickening in nature. They spoke of being unable to plan outdoor events due to the chance of putrid odours occurring. They noted concern about the health effects of dust, bioaerosols and pathogens. They highlighted the high levels of nitrates in the surrounding groundwater zone and in their downgradient well used for drinking water supply. While they acknowledged the amendment to collect leachate was a big step forward, they remained unconvinced that the use of sawdust was a long-term solution. They referred to previous investigations undertaken into the suitability of the land for wastewater disposal. They considered the site was not suitable for purpose and the composting operation was not meeting best practice. In the event consent is granted, they requested a short term with the right of renewal for 5 years provided all consent conditions are complied with.
71. **Mr Darryl Brown** provided a written statement in opposition to the application on behalf of **Wai Eyre Farm Limited**. Mr Brown highlighted concerns regarding fire risk, contaminant leaching, odour, hours of operation, dust and traffic movements. He highlighted the lack of site preparation during the setup of the site and questioned the effectiveness of a compacted surface and sawdust to avoid discharges to groundwater. He said his farm workers were exposed to extremely strong odours when working adjacent to the site (on leased land) and that offensive odours are regularly experienced at the farm office and at

his house, which is 4.2 km from the site. He described the odours as so disgusting you cannot breathe and sulphurous like Rotorua. He noted that his staff had asked questions about the health effects of the odours. He questioned whether there were recommended setback distances for animals. He supported composting business, but considered there was a lack of information, trust and operational systems. Appended to his evidence was an aerial photograph of the surrounding area showing the land owned and leased by Wai Eyre Farm Limited and photographs showing ponded stormwater on the application site taken in winter 2017 and February 2018.

72. **Mr Daryn Jemmett**, Group Environmental Manager for **Silver Fern Farms (SFF)** provided a written statement in support of the application. Mr Jemmett outlined the company's background with composting at the Belfast meat processing site, their experience in producing good compost, and the arrangement for the Applicant to take over composting activities at a nearby off-site location. He noted the movement of the composting operation had freed up land for industrial development to help the city recover and minimised issues of reverse sensitivity. He estimated the current volume of organic waste material (predominantly paunch grass) was approximately 8,000 tonnes per year from the SFF Belfast plant. He noted the transportation of the waste off site was a significant cost and it was therefore only feasible if the compost facility is located in close proximity to the plant. He emphasised the service provided by diverting material from land fill and the need to divert and recycle organic material for beneficial use. He said that they had entered into an agreement with the Applicant to take over the composting operation at a nearby location. He noted the importance of management systems and controls in avoiding and mitigating adverse effects and the need to focus on practical solutions to provide the appropriate level of control. In conclusion, he stated that any restriction on the existing compost operation would place a significant risk to SFF's Belfast operation that was not foreseen at the time of entering into the agreement. He said that if consent were not granted it would put SFF in an untenable position.
73. In response to questions, Mr Jemmett described the Belfast plant's waste streams and treatment process. He described paunch grass and biosolid material from screening of wastewater streams from the plant. He acknowledged that the biosolids and the paunch grass could potentially contain pathogens and noted the active phase of composting was critical in killing these.
74. To assist us in understanding the raw waste material, Mr Jemmett reappeared at the hearing and showed us a video explaining the wastewater treatment process. He also provided a letter with further information describing the waste material and volumes collected by the Applicant. He said that from the start of March 2017 to the end of February 2018 a total of 3,456 tonnes of material had been supplied to the Applicant by 221 truck movements. He noted that up to 8,000 tonnes per year could be supplied. He roughly estimated the volume proportion of waste was 67% paunch grass (screenings post screw press) and 33% biosolids (post belt press), but noted this was highly variable. He provided information on the likely moisture percentage of the waste material.
75. **Mr Greg and Mrs Janine Greenwood** provided a written statement in opposition to the application. They noted that they resided at one of the closest properties to the application site. They said that when they had installed a new Oasis system and a pool, groundwater



was only 2.5m below ground level. They considered the Applicant had demonstrated very little regard for the environment and the community, and had bullied and intimidated the community. They emphasised the Applicant was not meeting best practice standards. They said the odours were regular and extremely objectionable. They described how the odours had taken away the enjoyment of their property and affected their ability to entertain. They outlined the mediation agreement and the dates of occasions since this time (after 16 December 2017) when they had called the CRC pollution hotline. They listed each occurrence and ranked the odours on a scale of (6) 'vile' – (1) 'noticeable'. They estimated they had called CRC over 40 times in a 12 week period when the odours were offensive and that these effects were ongoing. They noted their family were living and working in fear of the odours causing stress. They noted the consent applied for is for much larger volumes than is currently processed and therefore there is potential for odours to increase. They noted concern regarding bioaerosols containing bacteria, fungi, viruses and allergens, and that these are not currently contained or monitored by the Applicant. They emphasised groundwater is already extremely high in nitrate-N concentrations and the community is reliant on this resource for drinking water. They questioned how SFF could partner with a company that has a history of disregarding the law and trading when it has been illegal. They noted concern regarding fire risk, asthma caused by odours, chest infections, an increase in flies and vermin, operations late at night and adversely effected property values.

76. Mrs Greenwood gave a further written statement describing the adverse effect of the 'revolting, rotting odours' on her and her family. She described being woken up to the 'stench' and feeling physically sick, and the effect this had on their ability to have visitors to their house. She considered the community had honoured the mediated agreement but that the Applicant had continued to cause offensive odours. She felt let down by CRC for failing to keep our environment safe and noted the difficulties in investigating complaints given the odours could come and go with small wind changes. She described the ongoing occurrences of strong odours and their anxiety of knowing it will return and potentially get worse. She described how the smell had invaded her working life causing her to now work away from home.
77. A written statement in opposition to the application from **Mr Alastair Millar** was tabled at the hearing. The statement noted that offensive odours continued to occur offsite and that this should not be occurring with a good quality product and management. He emphasised the difficulties with odour assessment and detection given the variable winds and noted problems occurred when winds were from the southerly quarter.

### Section 42A Report

78. **Mr Nathan Dougherty**, Senior Resource Management Officer Incident Response Zone Delivery for CRC, attended the hearing to outline the complaint response procedures and the complaint history recorded. He noted the difficulties in substantiating the occurrence of odours, given their potentially intermittent nature, changeable weather conditions and delayed response time (30-40 minutes or longer). He answered questions in relation to the Abatement Notice and the legal advice to issue it in response to complaints regarding offensive and objectionable odours from the application site. He said the Abatement Notice remained in force and that if consent was not granted it would be pursued as an enforcement matter. He described the substantiated odours as offensive, distinctive and

very unpleasant, with a distinctive hydrogen sulphide smell. In response to our request, Mr Dougherty provided further information detailing complaints recorded for 2018.

79. **Mr Zeb Etheridge**, Senior Hydrologist for CRC, provided a review (6 November 2017) of the modelled nitrogen losses in the s42A Report and a further written review (8 March 2018) of the groundwater quality issues at the hearing.
80. **Ms Cathy Nieuwenhuijsen**, Senior Air Quality Consultant with Golder Associates, provided a review of the AEE in conjunction with Mr Roger Cudmore, Principal Air Quality Consultant with Golder Associates, in the s42A Report. Ms Nieuwenhuijsen attended the hearing and responded to questions regarding dust control and odour discharges. In relation to public health effects from air discharges, she provided a copy of the evidence in chief of Dr Francesca Kelly on behalf of Southern Horticultural Products Limited (dated 4 August 2015) for an application for the discharge of dust and odour from compost storage.
81. **Ms Tegan Wadworth**, Consents Planner for CRC, tabled her s42A Report and provided a written summary responding to the amendments made to the application at the commencement of the hearing. She noted that the main mitigation measure for discharges to air and discharges to groundwater were set out in the Compost Management Plan (**CMP**). She considered that preventing the compost from becoming waterlogged, keeping it aerated and use of an impermeable layer under the active phase would be effective mitigation measures if implemented properly and consistently. She noted Mr Etheridge considered an impermeable pad should be used under all compost piles to avoid discharges of leachate to groundwater. She concluded that providing the mitigation measures were implemented and operating procedures were consistently followed the proposal would be consistent with the relevant planning provisions and consent could be granted.
82. However, Ms Wadworth requested further information on the amendments to the application to enable the revision of proposed consent conditions and to confirm her recommendation. She considered the increase in the volume of material processed could potentially be addressed through adaptive management and a 10 year consent duration.
83. Ms Wadworth provided us with rainfall totals and return periods (based on HIRDS V3) for three events referred to by submitters – July 2017, January 2018 and February 2018. She also provided well depths and nitrate-N concentrations for M35/3312 (Rouse), M35/2596 (Randle), and M35/10452 and M35/5618 (Frampton).

#### **Further evidence**

84. We received the following further information from the Applicant:
  - (a) a Memorandum of Counsel on behalf of the Applicant accompanying the further information;
  - (b) a letter dated 5 April 2018 from Ms Mongillo, Sephira Environmental;
  - (c) information on the aerated static pile compost management process by CLS;
  - (d) a Fly and Vermin Management Plan;
  - (e) revised recommended conditions of consent;
  - (f) a further statement of evidence by Mr Wylie (dated 16 April 2018);

- (g) a spreadsheet showing records of materials taken to Diversion Road and compost produced from September 2016 – February 2018.
85. We received written comment in relation to the further information and revised proposed consent conditions from the following submitters:
- (a) Mr and Mrs Rouse;
  - (b) Mr McBrearty;
  - (c) Mr Brown on behalf of Wai Eyre Farm;
  - (d) Mandeville Residents Association;
  - (e) Mr and Mrs Nikoloff;
  - (f) Mr Fraser on behalf of the Eyre District Environmental Association<sup>6</sup>; and
  - (g) Mr and Mrs Randle.
86. We received an addendum to the s42A Report from the Reporting Officer on 10 May 2018. Ms Wadworth considered that the Applicant had not provided a detailed assessment of potential effects of the proposed ASP process or an assessment of the mitigation provided in terms of adverse odour effects. She noted Ms Nieuwenhuijsen considered there was insufficient information to review the change to the application in relation to air quality effects. She recommended no new composting material should be brought to the site until the aerated concrete pad is installed. Given the limited information and limited assessment of potential adverse effects arising from the ASP composting process, she recommended that in the event consent is granted, the Applicant should maintain the turned windrow pile process in accordance with appropriate consent conditions.
87. In relation to the control of runoff or leachate, Ms Wadworth considered the Applicant had demonstrated adverse effects on water quality could potentially be mitigated and that drinking water standards and water quality standards in the Silverstream would therefore not be breached as a result of allowing the activity. She noted this was based on the proposed containment and collection of runoff and leachate from the active phase of composting on a sealed pad and use of a sawdust/bark fines pad and sawdust aprons between the compost rows. However, she emphasised that this would require a high level of operational control and vigilance to ensure the base of the compost piles do not become saturated.
88. Overall, she considered that the consents sought could be granted with the imposition of consent conditions requiring implementation of mitigation measures. In light of her recommendation to grant consent for the turned pile method of composting (rather than the ASP process), she provided separate recommended conditions for both composting processes and separate conditions for the discharge to land.
89. Ms Wadworth also provided further information on complaints recorded between 9 March – 30 April 2018 and results of proactive odour monitoring undertaken between 5-13 April 2018. No analysis of this was provided.

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<sup>6</sup> Endorsed by Mr and Mrs Greenwood, Mr and Mrs Briggs, Mr and Mrs Beswick, Mr and Mrs Power, Mr McBrearty, Mr and Mrs Brittenden, and Ms Madeley,

### **Applicant’s Right of Reply**

90. Mr Cleary provided a written right of reply on behalf of the Applicant on 31 May 2018. He noted the unanimous view of the experts that the consents can be granted subject to recommended conditions developed with input from technical advisors. He submitted the change to an ASP composting process is a positive step and will mitigate odours. He submitted the implementation of aerated concrete pads and use of sawdust/bark material would avoid discharges to groundwater, except in rainfall event exceeding a one in 50 year event. He addressed matters raised in the addendum to the s42A Report and provided a further statement of evidence from Ms Dyer (dated 31 May 2018) and a further statement of evidence from Mr Wylie (dated 31 May 2018).

### **ASSESSMENT**

91. In assessing the applications, we have considered the application documentation and AEE, the s42A Report and technical reviews, all submissions received and the all evidence provided during and after the hearing adjournment. We have summarised this evidence above.
92. We accept that the amendments to the application made during the hearing and the proposed further amendment to change the operation to an ASP composting process is within the scope of the application, as notified. We accept that the character, nature and scale of any adverse environmental effects are not likely to be greater than the original application for the existing operation.
93. We acknowledge the Act allows the Applicant to seek retrospective consent for the existing unauthorised activities and confirm our assessment of the applications is in no way punitive. We have focused our assessment of the application on the actual and potential adverse effects on the environment of the existing and proposed activities.
94. In making our assessment, we are required to consider the actual and potential effects of the activities on the existing environment. The existing environment is as it is at the time this determination is made and includes lawful existing activities, permitted activities and activities authorised by existing resource consents.
95. We record we have considered the existing environment without the presence of the existing compost and stockpiling operation. We have considered the information provided in relation to the environmental effects of the existing composting operation, as well as the information provided in relation to the proposed aerated static pile process. In this regard, we have assessed the applications for the existing operation and the proposed operation separately.
96. We have not considered any matters raised that are outside of the CRC’s jurisdiction, such as the storage of bulk material that does not cause offensive or objectionable odours off-site, fire risk, pest control, traffic, road wear and tear, and noise. However, we acknowledge that some of the concerns raised by submitters in relation to some of these matters are linked to public health concerns and the spread of pathogens, which we address in relation to water quality and air quality effects.

97. Submitters raised concern regarding adverse effects on property values and the ability to sell their properties with such odours. Ms Wadworth noted that the components that contribute towards property values such as amenity values, visual amenity, effects on human health and nuisance effects such as odour should be taken into account. We agree. However, we note that case law indicates that taking into account adverse effects on property values in addition to adverse effects on amenity values and water and air quality could result in double counting adverse effects. We acknowledge this. We accept that adverse effects on amenity values and water and air quality can impact on property values.
98. Mr Dodds considered the composting operation had no business requirement for the activity to be located at this site. We accept that the applicant is allowed to make an application for resource consents for such activities in the rural zone.

### **Status of the Application**

99. The starting point for our assessment of the applications is to determine the status of the activities.
100. Ms Wadworth noted the discharge to air of dust from sawdust, bark fines, gib board off cuts, wood pallets, timber and soil is a permitted activity under Rule 7.36 and 7.37 of the CARP, provided the conditions of the rules can be met, and therefore the storage of these materials does not require a resource consent.
101. The discharge of odour from the storage of bulk materials such as pig manure (mixed with straw bedding) and mushroom compost is not covered by these permitted activity rules that address dust effects. Given the potential for storage of such bulk materials to generate significant odour and undergo a degree of composting within the storage piles, consent may be required for the discharge of odour from this activity. Where the discharge from bulk material storage of such products causes objectionable or offensive odour beyond the property of origin, consent would be required under Rule 7.5 or catch-all Rule 7.63 of the Canterbury Air Regional Plan (**CARP**).
102. Ms Wadworth also noted there were no rules under the LWRP for the use of land for the storage of bulk materials and therefore resource consent is not required.
103. Ms Wadworth considered the discharge of contaminants into air (odour and dust) from the composting activity is classified as a discretionary activity under Rule 7.63 of the CARP.
104. Ms Wadworth considered the discharge of liquid waste (leachate) from an industrial or trade process onto land where a contaminant may enter water is classified as a discretionary activity under Rule 5.92 of the LWRP, as the activity cannot comply with Rule 5.91.
105. Ms Wadworth noted that a resource consent for any excavation to install the proposed concrete pad may be required under Rule 5.175 of the LWRP. No comment was made in relation to any resource consent that may be required for the construction of a pond for

the collection of stormwater and leachate. We note this has not been applied for and accept that storage could be provided by tanks. However, earthworks at the site are likely to be extensive in preparation for the aerated concrete pad, saw dust pads, water storage areas and mixing area and further resource consents may be required.

106. Mr Loe agreed with Ms Wadworth that the applications should be considered as discretionary activities. In response to questions, Mr Loe noted that there was no regional rule preventing a discharge of material onto land, unless it can enter water. He considered if it was onto an impervious surface and there was no possibility of contaminants entering water, no rule is breached. However, he acknowledged there could be a discharge in significant rainfall events. He noted there were two parallel operations on the site – active composting; and the bulk storage and handling of bulk material. He said these activities were covered by two different rules in the CARP – Rule 7.63 and Rule 7.36. Mr Wylie considered CLS can comply with the conditions for the storage and handling of bulk material to be a permitted activity.
107. In terms of the discharge to air and the discharge to land, we agree with Ms Wadworth that they are linked and that neither consent could be granted without the other. We agree that the applications should be considered as a **discretionary activity** under section 104B the Act.

### Statutory Considerations

108. In terms of our responsibilities for giving consideration to the applications, we are required to have regard to the matters listed in sections 104, 104B, 105 and 107 of the Act.
109. In terms of section 104(1), and subject to Part 2 of the Act, which contains the Act's purpose and principles, we must to have regard to-
- (a) *Any actual and potential effects on the environment of allowing the activity;*
  - (ab) *Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*
  - (b) *Any relevant provisions of a national environmental standard, other regulations, a national policy statement, a New Zealand coastal policy statement, a regional policy statement or a proposed regional policy statement, a plan or proposed plan; and*
  - (c) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*
110. Section 104(2) states that when forming an opinion for the purposes of section 104(1)(a), we may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This is referred to as consideration of the 'permitted baseline'.
111. In terms of section 104B for a discretionary activity, we may grant or refuse the application, and if granted we may impose conditions under section 108.

112. In terms of section 105, when considering section 15 (discharge) matters, we must, in addition to section 104(1), have regard to-
- (a) *The nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
  - (b) *The applicant's reason for the proposed choice; and*
  - (c) *Any possible alternative methods of discharge, including discharge to any other receiving environment.*
113. In terms of section 107(1), we are prevented from granting consent allowing any discharge into a receiving environment which would, after reasonable mixing, give rise to all or any of the following effects-
- (c) *The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended material;*
  - (d) *Any conspicuous change in the colour or visual clarity;*
  - (e) *Any emission of objectionable odour;*
  - (f) *The rendering of fresh water unsuitable for consumption by farm animals;*
  - (g) *Any significant adverse effects on aquatic life.*
114. We consider each of these sections of the RMA below and our consideration of the environment as it exists at the time this application is determined, referred to as 'the existing environment'.

### **The Existing Environment**

115. The s42A Report included an accurate description of the affected environment, which we adopt<sup>7</sup> and will not repeat here in any detail. We focus on the points of difference between the parties in the descriptions of the affected environment below.
116. There was agreement at the hearing that the closest well (M35/9767) is located approximately 1,020m cross-gradient from the application site and that the closest down-gradient well (M35/12018) is located approximately 1,450m from the site.
117. The Applicant provided further details on the location of the headwaters of the Silverstream and any recorded springs in the surrounding area. Submitters considered this was misleading given it only showed springs recorded in the CRC database. They also noted that the location of the headwaters of the Silverstream identified by the Applicant conflicted with the evidence of Mr Brown. At the hearing, Mr Brown showed us the location of one of the headwaters of the Silverstream on a map of his property. We also visited the location and saw the stream during our site visit. We agree it is located approximately 2.7 km downgradient from the application site. We accept that the maps show this to be some 4 km from the site.
118. There was discussion at the hearing in relation to likely groundwater levels at the application site. The application stated that the highest groundwater levels beneath the application site are 3m (1978) – 4.2m (2010) below ground level (**bgl**), as measured in bore M35/0658 (850m downgradient of the application site), and are not reasonably expected

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<sup>7</sup> Under section 113(3)(b)

to be less than 4m bgl. The Sephira Report noted a further review of water level information showed the range of groundwater levels was 3-9m bgl.

119. Mr Etheridge noted that the depth to groundwater at the application site is likely to be slightly greater than the highest level of 0.82m bgl recorded in well M35/0658, as the application site was approximately 2 km inland of this well. He considered the long-term average depth to water beneath the application site is likely to be around 4m; and that the minimum seasonal depth to water is likely to be approximately 1.2m bgl.
120. We accept there is variation between wells due to the heterogenous nature of the geology across the area and the variable distance of wells from surface waterways. We note that groundwater level data within 2 km of the site show a highest recorded reading of 0.82m bgl. We accept that highest groundwater levels below the site are in the order of 1m bgl.
121. There was also discussion on groundwater flow velocities at the hearing. Again, this was acknowledged to be highly variable due to the heterogenous nature of the groundwater system and the existence of preferential flowpaths or underground channels of highly permeable material. Mr Etheridge considered the groundwater velocities in the shallow aquifer in this area are generally relatively fast, probably in the order of several kilometres per year. He noted that nitrate concentrations in spring-fed streams respond relatively quickly (e.g. within 12-18 months) to 'flush throughs' of nitrate concentrations accumulated in soils above the aquifer in wet periods. He said groundwater travel time through highly permeable channels from the recharge area (including the application site) to the spring-fed stream would be relatively short i.e. a few years.
122. Mr Etheridge agreed that groundwater flow is likely to be very slow in the low permeability material described in the bore logs used by Ms Mongillo and in any monitoring well installed in such material, but that water supply wells do not tap such low permeability material and therefore travel times can be relatively quick (e.g. several years, or possibly less than a year).
123. There was a high level of agreement that intermittent odours associated with normal farming activities were part of the existing environment.
124. Mr Dodds highlighted the number of people in the area and that the surrounding community must travel along South Eyre Road when driving to Christchurch. We accept there are a moderate number of people living in the area, particularly to the north-west and north-east of the site, and that there is rapid population growth occurring. We do not agree with Mr Dodd's description of a 'metropolis', but rather accept it is an area of growing rural-residential use.
125. We note concerns raised by submitters in relation to a proposed dam for a water storage pond upgradient of the site and potential flood risk at the application site. We note the documentation from Mr Fraser showing the hazard zone area. However, we have not had any regard to the concerns raised about the application site in relation to the proposed water storage pond, as Ms Wadworth advised that the resource consents sought had not been granted. We accept the view of Ms Wadworth and the legal advice she received that



we cannot take into account a proposal with no consent to undertake the activity as part of the existing environment.

126. The existing composting operation does not form part of the existing environment, as it only includes lawful activities.

### **Permitted baseline**

127. We do not consider there are any permitted activities that are relevant to our consideration of the applications. We do not accept that the odours caused by the composting operation, as described by submitters and Mr Dougherty, are similar in character, nature or scale to typical odours associated with permitted rural or rural-residential land uses.

### **Section 104(1)(a) Actual and potential effects on the environment**

128. The following actual and potential effects on the environment were assessed in the s42A Report:
- (a) Effects of the discharge of odour;
  - (b) Effects of the discharge of dust;
  - (c) Effects of the discharge to land on groundwater quality and hydraulically connected surface water;
  - (d) Effects of the discharge to land on drinking water supplies;
  - (e) Effects of the discharge to air on health;
  - (f) Effects of the discharge to air on amenity values; and
  - (g) Effects of the proposal on Tangata Whenua values.
129. We record we have considered all of these actual and potential effects in relation to the existing composting operation and the proposed composting operation.
130. We have also considered the positive effects of the application in terms of reducing waste disposal to landfill, the recovery and recycling of waste into useable products, and the benefits of the operation to other businesses.
131. On the basis of the evidence presented, our assessment focusses on adverse water quality effects and air quality effects of the existing operation and of the proposed operation. Our assessment of water quality effects and air quality effects below includes impacts on amenity values and public health.

### **Water Quality Effects – The Existing Operation**

132. A key concern of many submitters is the adverse effects of the operation on groundwater quality and drinking water supplies. Submitters highlighted the need to avoid runoff and contaminant discharges into groundwater and to ensure protection of their drinking water supplies. Concerns were raised about adverse effects of contaminants on the headwaters of the Silverstream and the Kaiapoi River catchment. Many submitters are of the view that the application site is not appropriate given the shallow depth to groundwater, proximity to surface water (headwaters of the Silverstream) and the permeable nature of the soil.

Submitters expressed concern that the application site is subject to regular surface flooding and that stormwater flows are uncontrolled.

133. The original application stated that the composting material, when managed using best practice, will not produce significant amounts of leachate. The contaminant analysis results by Hill Laboratories of one sample of labelled 'compost leachate' received on 4 August 2016 were appended to the application.
134. The '*Preliminary Hydrogeologic and Nitrogen Transport Assessment*' dated August 2017 by Sephira Environmental ('Sephira Report') concluded the assessment indicated a low chance of adverse environmental effects and recommended groundwater monitoring to confirm the assessment conclusions.
135. The application stated that there will be no stormwater runoff from the site. The Sephira Report stated that earthen bunds (1m high) on the boundary of the application site and interceptor drains adjacent to the site to divert upgradient surface water had been constructed to prevent stormwater runoff from entering the site during large rainfall events. The report noted that surface water ponding occurs onsite and can be absorbed by using sawdust and bark fines. The report stated the placement of 0.5m of sawdust beneath the compost pile and around its base had been assessed to adequately absorb average rainfalls on the property.
136. The Sephira Report stated that the highest potential for leaching of nitrogen and other contaminants is present at the compost mixing area, which is on a cement pad and rainwater is directed to a concrete lined sump. It noted that accumulated water is absorbed with sawdust and bark fines and is then mixed into the compost. The report stated that the nitrogen release from the compost piles is minimised by management of the carbon to nitrogen (C:N) ratio and use of sawdust beds and bunds to absorb rainwater. It noted saturated sawdust would be replaced every 3-4 weeks when the compost is turned.
137. The Sephira Report concluded that based on the current hydrogeologic conceptual site model, evaluation of the composting system, and numerical modelling of the potential for nitrogen to seep from the compost piles and be transported in groundwater to the downgradient Kaiapoi River (Silverstream), any adverse effects on groundwater were assessed as less than minor.
138. The Sephira Report acknowledged that the Silverstream is ecologically sensitive and that the ANZECC<sup>8</sup> guideline for ammonia-nitrogen is low. However, it concluded that the planned site controls were likely to be effective in mitigating adverse effects and that monitoring would allow adequate time to adapt site controls before adverse effects occur, if conditions are different to those modelled.
139. The Sephira Report stated permeability/hydraulic conductivity of the alluvial gravels underlying the site were likely to be relatively low (for gravel), as indicated by ponded water and low water yields in nearby shallow bores; and that groundwater movement is relatively

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<sup>8</sup> Australia and New Zealand Environment and Conservation Council (2000)

slow. It stated that sawdust and bark fines could absorb up to 327% of their own dry weight, reducing the chance of rainwater or leachate infiltration.

140. The Sephira Report modelled concentrations of nitrate-nitrogen, nitrite-nitrogen and ammonia-nitrogen based on leachate sample concentrations and hydrogeological assumptions. It stated that the 'worst-case' model run output showed that without the prevention of rain infiltration, the Eyre River Diversion Drain and Silverstream water quality would be at risk of exceeding the ANZECC guideline value of 0.021 milligrams per litre (mg/L) for lowland rivers. It noted that it was anticipated that the Silverstream could be predominantly fed by groundwater derived from the site vicinity during dry periods. The report considered that the modelling was likely to overestimate ammonia-nitrogen concentrations because the model did not account for leachate reductions from enhanced biological controls through C:N ratio management in the composting process.
141. The Sephira Report noted a re-run of the worst-case model, assuming 85% of rainwater is absorbed by the sawdust, showed the concentration of ammonia-nitrogen in groundwater to be below the ANZECC guideline at the headwaters of the Silverstream.
142. The Sephira Report stated that the groundwater modelling showed no concentrations were predicted to exceed the NZ Drinking Water Standards (2008) for nitrate-nitrogen or nitrite-nitrogen, or the aesthetic guidance value for ammonia at the location of the nearest downgradient well used for domestic or stock water supply. It stated the installation of monitoring wells would enable adaptive management and calibration of the model to reduce uncertainty. The Report noted that the most sensitive parameter of the model was the uncertainty around hydraulic conductivity.
143. The letter from Ms Mongillo to Mr Etheridge (dated 7 September 2017), clarified Tables 4a-4g, Table 5 and Table 6 of the 'Nitrogen Transport Model' (Sephira Environmental, August 2017) and provided updates to these to clarify the results. Ms Mongillo also reviewed water levels in suggested wells and assessed the model's sensitivity to the input value for thickness of the unsaturated ('vadose') soil zone above the water table. She noted the results indicated the thickness of the unsaturated zone does not change the outcomes of the modelling.
144. Ms Mongillo briefly summarised her nitrogen transport assessment and use of analytical models to evaluate the potential for nitrogen loss using the SEVIEW model in her statement of evidence. She highlighted that the model showed that reduction of infiltration of the compost pile runoff and seepage by 85% would maintain acceptable ammonia-nitrogen loading at the Silverstream and would maintain drinking water standards at wells downgradient. She considered the absorptive capacity of the sawdust would achieve the required 85% reduction in infiltration. She noted the model demonstrated that, assuming the proposed pile sizes and a 0.5m thick sawdust bed, the *'...readily water-absorbing materials could immobilize all average rainfall and the rain from a 5-year storm event'* (pg. 9). However, she also stated *'A 50-year storm event could potentially oversaturate the sawdust and bark fine pad, therefore allowing a small loss of nitrogen'* (pg. 9).

145. Ms Mongillo referred to her letter sent to Mr Etheridge (on 14 February 2018) detailing the second-phase and absorption modelling. The letter detailed site conditions and how the composting facility will be operated, the absorptive nature of the compost, sawdust and bark fines, and monitoring proposed. She calculated that mass loading in a one in 50-year storm event was assessed to be 6 to 65 kg of ammonia-nitrogen, which when diluted with 142mm of rainfall equated to a maximum of 1.5 mg/L in the stormwater. She noted that the October 2017 sampling of surface water indicated the C:N ratio was improved and that the projected concentration in surface water during a one in 50 year storm event does not exceed the NZ Drinking Water Standard (aesthetic) for ammonia-nitrogen. She also recommended visual inspection of the sawdust/bark fine pad.
146. Ms Mongillo considered the assessments undertaken were ‘rigorous’ and demonstrated that the use of sawdust to absorb rainfall would be effective ‘*in all but the most high intensity storms (e.g. 50-year storm)*’. She said that –
- ‘In the very rare event of a 50-year storm some water may escape capture by the sawdust/bark fine pad adjacent to the piles. Further modelling suggests that ponded water at the ground surface would be diluted to concentration that are below any risk-based thresholds. Much of the ponded stormwater could be captured through pumping or absorbed by placing additional sawdust and bark fines on the ground where stormwater has accumulated.’*
147. Overall, Ms Mongillo considered the risk of nitrogen release from the site is low due to the nitrification process caused by maintaining an appropriate C:N ratio; the high water retention of the compost, sawdust and bark fines; the relatively low permeability of the near surface soil; the slow movement of groundwater in the relatively flat aquifer; and the diluting capacity of groundwater before downgradient users or surface water bodies are reached.
148. In response to questions, Ms Mongillo considered the key mitigation proposed was use of sawdust to absorb stormwater and operational procedures for the composting process. She considered the revised approach to modelling provided more confidence given the lack of empirical site-specific data. She considered that the use of absorptive material and ensuring the base of the piles were kept dry were key in avoiding nitrogen loss to groundwater. She confirmed the modelling had relied on HIRDS data for a one in 5 year and a one in 50 year storm event, with a 2% increase for climate change.
149. Ms Whalen reviewed the initial modelling undertaken by Ms Mongillo, noting that groundwater quality in wells downgradient of the site already showed high nitrate concentrations. She considered any additional nitrate leaching to groundwater to be of concern. She noted no concerns with the modelling and considered it was very conservative in terms of predicted effects on surface waters, given it assumes all of the nitrogen load would reach the Silverstream. Ms Whalen considered the predicted 2% increase to nitrogen loading at the Silverstream, relative to the existing nitrogen load, is not a significant proportion currently. However, she noted that this area is a red zone for nutrient allocation and, if future mitigations are required by farmers in the area, the relative proportion of nitrogen contributed by CLS would become larger.

150. Ms Whalen suggested prevention/minimisation of stormwater flows into the compost area and receiving area by use of engineering controls such as diversion ditches and bunds. She recommended a robust groundwater monitoring programme, sampling of stormwater runoff and leachate, and testing waste for pathogens.
151. Mr Etheridge reviewed the Sephira Report and the initial modelling undertaken. He acknowledged that there was a degree of conservatism because nutrient transformation processes in the compost had not been simulated. However, he considered the default rate constants and temperature coefficients used in the model were inappropriate without local empirical data to support them, or undertaking a wide-ranging sensitivity analysis. He noted the Sephira s92 response letter (dated 7 September 2017) shows the variation in results from varying parameters such as rainfall infiltration rate and the thickness of the vadose zone. By way of example, he explained that changing the thickness of the vadose zone from 6m to 3m significantly increase leachate concentrations of ammonia and nitrate-nitrogen. He said this suggested that the nitrogen transformation rate constants have a significant impact on the modelled results and that significant vadose zone denitrification is being assumed. However, he did consider that denitrification was unlikely to occur due to lack of organic carbon and the relatively permeable nature of the subsurface sediments. He therefore concluded that the modelling results may not be indicative of the actual concentration that could be discharged to groundwater beneath the site.
152. Mr Etheridge considered that there was potential for ammonia-nitrogen to be oxidized to nitrate-nitrogen in the vadose zone and in groundwater whilst being transported towards sensitive receptors such as the Silverstream, and that this could cause significantly higher nitrate concentrations than those measured in the site surface water samples.
153. Mr Etheridge noted that the application site is approximately 4 km upgradient of where the spring-fed Silverstream issues. He stated that nitrate concentrations in the Silverstream are very high and exceed the National Bottom Line limit of 6.9 mg/L for nitrate-nitrogen in the National Policy Statement for Freshwater (**NPS-FW**), for the protection of fish species. He noted that the CRC had a statutory obligation to implement control measures in order to reduce nitrate concentrations to below 6.9 mg/L. Likewise, he noted nitrate-nitrogen concentrations in groundwater in shallow wells in 2015 showed average nitrate-nitrogen concentrations of 9 mg/L and that a relatively small increase could cause drinking water standards to be breached in some wells. He highlighted the more recent results of Mr and Mrs Rouse's well used for domestic supply, approximately 2 km downgradient of the application site, has recorded nitrate concentrations very close to the drinking water limit.
154. In his addendum, Mr Etheridge referred to studies that have shown that dissolved organic matter in compost leachate can effectively sorb and mobilise heavy metals. He considered that –
- '...specific studies would be required to assess the exact quantity and nature of the materials leached from a given compost. A site specific-assessment of the concentrations of these (and any other) metals in the compost leachate, together with analysis of their mobility/sorption in the soil and vadose zone beneath the site, would be required to determine whether they pose a contamination risk' (pg. 1)*

155. Mr Etheridge noted that taste and odour impacts in groundwater downgradient of the site are also a potential cause for concern. He said that some organic compounds have a detectable taste and odour at extremely low concentrations; and that '*...there is a reasonable probability that the dilution rates will be insufficient to mitigate taste and odour impacts in groundwater if these substances were discharged to groundwater beneath the site*' (pg. 2). Given that some of these compounds may be present in compost leachate, he considered very robust mitigation measures were required to ensure that the likelihood of even very small rates of contaminant discharge to ground is very low.
156. Mr Etheridge commented on the ability to monitor the effects of the existing runoff and leachate on groundwater using downgradient groundwater monitoring wells. He noted that given the heterogeneous nature of the aquifer beneath the site it would be necessary to install a large number of monitoring wells to maximise the chance of intercepting preferential flow paths. He was of the view that installing two downgradient monitoring wells would be unlikely to detect any contaminant discharges from the site. He said that such monitoring was rather 'hit and miss'. However, in the event that groundwater monitoring is required, he recommended that a number of downgradient groundwater monitoring wells would be needed, and that sampling should be targeted at August and November and that parameters monitored should include electrical conductivity and acidity (pH).
157. In her s42A Report, Ms Wadworth concluded that the modelling provided by the Applicant is not indicative of the actual level of effect and that the level of effect is uncertain. She considered that the relevant water quality standards would not be maintained and that there is uncertainty whether the standards of the NPS-FM will be exceeded. Ms Wadworth considered there was also uncertainty in relation to the actual level and nature of adverse effects on water quality. However, she noted the modelling indicated there was potential for the nutrient discharge from the site to cause nitrate-nitrogen concentrations in downgradient wells to exceed drinking water limits and the water quality limits set out in Schedule 8 of the LWRP for surface water. Given the sensitivity of the groundwater and surface water catchment, she considered there was potential for significant cumulative effects.
158. Ms Wadworth recommended that, without avoidance or mitigation of adverse effects on surface water and groundwater quality, the application to discharge contaminants onto land from the existing composting operation should be declined.
159. Appended to the s42A Report was a letter on the flood risk assessment from Mr Callum Margetts, Natural Hazards Analyst for CRC. Mr Margetts noted the property borders the Eyre River Diversion, is on the floodplain of the Waimakariri River and is at risk of surface flooding. He appended photographs of aerial photographs of flooding along the Eyre River Diversion in 1974 and 1986, and a map showing the extent and depth of rainfall runoff in a one in 200 year return period flood. On the basis of rainfall runoff modelling, he estimated the maximum depth across the site in a one in 200 year event would be 0-60mm. He noted that a breakout of the Waimakariri River from the flood protection scheme is unlikely to affect the application site.

## **Findings**

160. The current operation is undertaken directly on land, except for a small raw materials bin and concrete pad mixing area. There is currently no runoff or stormwater containment or collection, except for a small sump at the bin and mixing area and a low bund around the perimeter of some of the site. There is no secondary containment of the bin and mixing area, or the small sump. At the time of our site visits the compost piles were not located on 0.5m thick beds of sawdust, as proposed at the hearing. Sawdust and bark fines are being used to absorb ponded water between the rows and around the site. This is the existing operation for which retrospective consent and consent until the proposed changes are implemented is sought.
161. We accept the risk of significant flooding from the South Eyre Diversion and the Waimakariri River is low based in CRC advice. However, submitter evidence shows the application site is prone to surface water flooding and the CRC flood risk advice also notes this.
162. The land is highly permeable (well drained silt and loam) and groundwater can seasonally be as high as 1m bgl. No site-specific work has been undertaken to investigate infiltration rates. While we accept the evidence of Ms Mongillo that surface water ponds at the site, we do not agree this necessarily indicates soils beneath the application site are generally impermeable or that groundwater flows are slow.
163. Ponded surface water between the rows and on the access tracks around the site was evident during our site visit, despite little recent rainfall. Photographs provided by submitters show this surface ponding occurs frequently and is extensive after moderate rainfall events of 45-75mm over 24-48 hours. Rainfall data provided by Ms Wadworth indicates significant surface water ponding has occurred in rainfall events that had an average return interval of 2-5 years (July 2017 event) and 10 years (February 2018 event).
164. Despite the Applicant's claim that there is no stormwater discharge from the site, photographs from submitters clearly show water flows through a breach in the eastern bund on the application site boundary, discharging into the trees adjacent to the site. We observed this gap in the boundary bund had been filled, however the low point was still apparent on our site visit. We consider this is evidence that surface flows of stormwater from the application site have previously occurred, whether controlled or not. We do not accept that there is no stormwater discharge from the existing site. The evidence shows that the existing operation has inadequate site drainage and stormwater management.
165. We agree with submitters that there has been insufficient site preparation, prior to bringing material to the site, to provide a suitable working surface. Use of heavy machinery appears to have compacted the ground and formed low areas where stormwater runoff and leachate ponds. The use of sawdust to mop up water around the site is *ad hoc* and relies on operator diligence. We agree with submitters that it is inappropriate and ineffective to mitigate existing surface water ponding with sawdust and use of a thrasher pump, without proper engineering design of the site to control and manage stormwater.
166. Mr Cleary submitted that ponding of rainwater was not a generator of leachate that could impact on the quality of groundwater and that this was more of a matter of good housekeeping than adverse environmental effect. We disagree. Ponded water and

saturated soil and material poses a significant risk to water quality, particularly given the small depth to groundwater below the site, and provides a pathway for the transportation of contaminants into groundwater.

167. We consider the groundwater modelling indicates that the potential contaminant loads from the existing operation and the potential adverse effects on surface water and groundwater could be significant. The results show that without avoidance or mitigation the discharge to land could result in the exceedance of drinking water standards and surface water quality standards downgradient of the site. The evidence shows that concentrations of nitrate-nitrogen in downgradient wells used for drinking water supply and in the Silverstream are already very close to exceeding water quality standards.
168. We do not agree with Ms Mongillo that the assessments undertaken are robust, given the limited amount of site specific empirical data and the limited information on the actual contaminant loads in the compost. While we accept that the modelling undertaken is likely to be conservative, we note that it is sensitive to the depth to groundwater and that the groundwater leachate model is intended for assessing the unsaturated zone in soils and not compost, and is therefore, as noted by Ms Mongillo, operating at its limits. We acknowledge that some of the uncertainty with the first modelling undertaken by Ms Mongillo was addressed in the second round of modelling, but consider there remains a high level of uncertainty.
169. We accept the evidence of Mr Etheridge that without site specific empirical data such as contaminant loads and infiltration rates, the groundwater modelling is highly uncertain and that nitrate-nitrogen contaminant concentrations, after transportation in the groundwater system, could be significantly higher than the concentrations in surface water samples. We agree with Mr Etheridge that given the limited depth to groundwater during winter, it is unlikely there is significant denitrification occurring.
170. We do not accept that the installation of groundwater monitoring wells would provide any useful measure of actual contamination in this case and agree that such monitoring wells would be unlikely to intercept preferential groundwater flows beneath the site, unless there were a large number of downgradient monitoring wells. We do not consider this would enable adaptive management or the calibration of the model to reduce uncertainty, as suggested in the application.
171. In our view, given the high sensitivity of the groundwater and surface water to any additional nitrogen inputs, any increase to the nutrient load to groundwater or surface water should be avoided or minimised to the greatest extent practicable. In our view, this can only be achieved by appropriate site preparation, stormwater management, and compost runoff and leachate collection and containment. This is not reflected in the current site.
172. The assumptions adopted by the experts in assessing potential water quality effects are highly dependent on implementation of robust and effective site management practices. In reality there is a significant risk that use of sawdust as mitigation in the prescribed manner and quantity would not be able to be achieved at all times by site operators. We



consider there is a very high risk that the base of a large proportion of the compost piles could become saturated in a relatively large rainfall event (one in 20 years), resulting leachate discharge to groundwater. We conclude that the existing composting operation poses an unacceptably high risk to surface water and groundwater quality and that even small increases in nutrient loads could result in significant adverse effects.

173. The potential effects of pathogens on groundwater beneath the site were raised as a concern by submitters. The expert evidence has focussed on the effects of nutrients discharged to water, primarily nitrogen. We have been provided with little information regarding the potential effects of pathogens on water quality. Given the full range of raw materials proposed for composting, including biosolids and paunch grass, we accept that leachate and stormwater discharged to ground would contain some pathogens. We find that because of the small depth to groundwater beneath the site, diligent control of stormwater and leachate from the receive and active composting areas would be required to minimise the risk of adverse effects. Taking into account the mitigation measures proposed, we find that there is a moderate degree of uncertainty associated with the potential effects of pathogens discharged to groundwater from the existing site.
174. We also agree with Mr Etheridge that specific studies are required to assess the quantity and nature of the contaminants that could potentially be leached, and an analysis of their mobility/sorption in the soil to determine whether they pose a contamination risk. In particular, we consider there is insufficient information on the likely contaminants in the material collected from wastewater screens, which we were told may be up to 33% of the material received from SFF.

#### **Water Quality Effects – Proposed Aerated Static Pile Operation**

175. The Applicant provided a document entitled ‘Aerated Static Pile Compost Management Process’ outlining the proposed operation and including site plans, and the layout and drainage details of the aeration pads.
176. Ms Mongillo stated that the stormwater management plan is to contain runoff from compost on the concrete mixing pad and aeration pad, or within bunds that can contain a one in 20 year rainfall event. She noted that the areas inside the bunds would have a 0.3m deep pad of sawdust or bark fines upon which stormwater can accumulate until it is absorbed.
177. Ms Mongillo undertook further sampling on 23 March 2018 (following 9.6mm of rainfall), including two surface water samples from the access road puddles and samples from the compost piles and ‘sawdust aprons’. She presented the results of the analyses in Tables 1-3 in relation to the moisture content and absorptive capacity of the samples. She noted a programme to test the moisture content of the compost and sawdust pads would be developed to ensure that no materials were approaching saturation.
178. Ms Mongillo stated that the 1,000m<sup>2</sup> ASP concrete pad and the concrete mixing pad would direct stormwater and leachate towards a stormwater containment area (lined pond or holding tanks) to hold a one in 50 year storm event. She presented the estimated runoff and volume of stormwater for one in 10 year, 20 year and 50 year storm events in Table 4.

She noted that the leachate and stormwater for all compost would be managed to mitigate the seepage of compost-influenced water into ground, except in very high intensity storm events, which would likely have very dilute amounts of nitrogen in the runoff.

179. Ms Mongillo provided plans showing 'Site layout with stormwater management features' (Figure 1); 'Typical curing and mature compost storage area SW Management features' (Figure 2); and 'Conceptual section for compost storage area stormwater management features' (Figure 3). In relation to the location of recorded springs and the headwaters of the Silverstream, she provided Figures 4 and 5.
180. Ms Mongillo provided nitrogen results for the surface water samples taken on 20 July 2017, 12 October 2017 and 23 March 2018 in Table 5. She stated that the latest data showed runoff from the compost pile was likely to have low concentrations of ammonia-nitrogen and essentially no nitrate-nitrogen or nitrite-nitrogen.
181. Ms Mongillo noted that a groundwater flow rate of 5m/day used in the PDP models was slower than the assumed hydraulic conductivity used in the Sephira contaminant modelling. She considered the estimate used in the Sephira assessments '*...is reasonable and continues to demonstrate that some discharge of nitrogen from the site is unlikely to cause adverse effects to the downgradient receptors.*'
182. Submitters were of the view that the existing mixing pad and proposed active compost pad were too small and should be increased in size given the volumes of raw material proposed. Some submitters noted the need for an engineer's report to require the entire application site to be sloped to enable efficient drainage, collection and treatment of stormwater. Some submitters considered all compost operations should be undertaken on a concrete pad as leachate is produced in all three stages of composting. Some submitters also requested that the entire site be sealed to prevent discharges occurring in all rainfall events and sufficient storage to capture runoff and leachate.
183. Submitters considered there was insufficient information to provide certainty that the proposed ASP composting process will mitigate effects of the discharge to air and the discharge onto land.
184. In her addendum to the s42A Report, Ms Wadworth highlighted that the Applicant would not be able to install an aggregate pad or concrete pad until 1 September 2018 at the earliest. She therefore recommended that no new composting materials should be brought to the site until this work is completed.
185. Ms Wadworth considered the Applicant had provided more certainty around the effectiveness of the mitigation measures, in particular the absorptive capacity of the compost, sawdust and/or bark fines. She noted that the recommended conditions included monitoring to ensure any adverse effects on groundwater and drinking water supplies will be mitigated and water quality standards will not be exceeded. She considered the potential for a discharge to occur in a one in 50 year storm event, but noted adverse effects on groundwater are unlikely given the infrequency of these events.

186. Ms Wadworth considered the Applicant had demonstrated the proposed mitigation measures were likely to be effective in mitigating adverse effects on water quality. She concluded the composting facility no longer poses a significant risk to groundwater or surface water, as long as robust and effective mitigation measures are implemented.
187. Mr Etheridge focussed on the adsorptive capacity of the compost and sawdust, as the key mitigation of groundwater effects. He noted that the assessment undertaken by Ms Mongillo indicated that there would only be a discharge to groundwater infrequently and therefore significant effects on groundwater quality were unlikely. He also noted that the absorptive capacity of the sawdust could be exceeded during wet months such as in July 2017, when 192mm of rainfall occurred, and that 0.5m of sawdust could only absorb around 130mm of this rainfall. He considered this information highlighted the need for regular checking of the sawdust material and replacement of saturated material during wet periods. Overall, he agreed with the Applicant's conclusion that the compost facility was unlikely to discharge significant contamination to groundwater, subject to implementation of robust and enforceable consent conditions which ensure adequate collection and control of runoff and leachate.
188. Mr Wylie advised that CLS had included a number of measures in the existing CMP to ensure the materials coming onto the site meet the required specifications including:
- (a) Independent laboratory testing of materials before acceptance;
  - (b) Inspection of materials received at the time of delivery;
  - (c) Preparation of a Compost Production Manual.
189. Mr Wylie stated the materials will be *'tested for nutrient status, including the carbon and nitrogen content as well as a heavy metal analysis; to ensure the material is suitable for composting and that the guidelines for finished compost as outlined in NZS4454:2005 can be achieved.'*

### **Findings**

190. The Applicant proposes to operate an ASP system that follows the good practice measures outlined in the New Zealand Standard for Composts, Soil Conditioners, and Mulches (NZS4454:2005). The Applicant will continue to avoid using the northeast corner of the site for composting piles to reduce the risk of waterlogging of compost and the onset of anaerobic conditions.
191. Mr Loe could not point to the use of sawdust as a sorbent at another composting site, but he considered that the Applicant was a leading practitioner in its use and that its use onsite had been informed by assessments. We observe that the use of sawdust at the existing site has been somewhat *ad hoc* with a primary use being to attempt to absorb ponded water around the site. Nevertheless, we note that the photographs provided by submitters indicate areas of significant ponding on site continues to occur, despite 'treatment' with sawdust. This gives us little confidence. We agree with submitters that this is not a long-term solution for a site prone to surface water flooding.

192. We note that the key mitigation measures proposed are the installation of a concrete pad with runoff collection for the ASP process and the use of sawdust and bark fines to avoid ponded water and saturation of the base of the compost piles. Operating procedures to achieve consistent application of the prescribed depth and ratio of sawdust and bark material are critical to avoiding leachate discharges to groundwater from the proposal. We consider the use of sawdust as effective mitigation of groundwater impacts is untried for composting operations of this type; and we agree with submitters that typically such operations, particularly in circumstances where the groundwater resource is sensitive, are conducted on a largely sealed site to avoid contamination of soil and water. We hold concerns that there would be substantial difficulty in achieving the somewhat complex site management measures and self-monitoring procedures now required by the proposed conditions of consent.
193. We accept Mr Etheridge's conclusion that very robust mitigation measures are required in this case, given the nature of the source material and the high sensitivity of groundwater and surface waters to contamination. We are mindful of the concerns of submitters, including Mr and Mrs Rouse, that nitrate-nitrogen concentrations in downgradient groundwater wells are very close to exceeding the acceptable limit for drinking water. Our finding is that the mitigation measures proposed are not sufficiently robust to provide adequate certainty that significant adverse effects on water quality would not occur. Overall it is our conclusion that the potential adverse effects on water quality from the proposal before us, being based on a largely unsealed site with limited stormwater containment measures, are significant.

#### **Air Quality Effects – Existing Composting Operation**

194. The evidence of submitters indicated that odour from the existing CLS composting operation has been detected at neighbouring dwellings on numerous occasions since the activity was established on the site without authorisation. While several submitters confirmed that the intensity and frequency of odour experienced had reduced since the anaerobic piles of compost were removed in late 2017, many noted that the effects of odour are ongoing and remain unacceptable.
195. Several submitters discussed the offensive character of the odours typically experienced, noting that the odour is different from normal rural smells that might be anticipated in the local area. They noted that activities such as effluent spreading could generate significant odour, but that such effects are intermittent and infrequent. By way of contrast, submitters considered that the ongoing frequency of odours experienced from the existing composting operation is such that adverse effects are significant.
196. Mr Nikoloff noted that, because odour from the composting plant had been experienced several kilometres from the site, a large number of residents are affected in the local area. He stated that 170 dwellings have been identified within a 4 km radius of the site. Mr and Mrs Randle, and Mr and Mrs Greenwood submitted that the ongoing yet unpredictable nature of the odour experienced had impacted their ability to hold outdoor entertaining events and enjoy the rural environment. Mrs Greenwood further stated that the odour from the plant has forced her to work away from home.

197. Poor site management and inability to follow best practice measures for composting were raised by submitters as significant matters of concern. Mr Fraser raised the CLS Kainga site as an example of poor management, noting that numerous compost fires have occurred at that site in recent years. Mr and Mrs Rouse visited three other composting plants and stated that in all those cases the sites were sealed. Given the issues experienced with water ponding on the CLS site, it was submitted that sealing the site would be consistent with best practice.
198. The nature of the material to be composted at the site is a matter of concern to submitters, in relation to both the discharge of pathogens and odour. Mr and Mrs Rouse stated that the proposal includes several raw materials that have high odour generating potential when composted, including paunch grass, biosolids, grease trap waste, scoured wool fragments and egg shell waste. Mr Power and Ms Hazeldine also noted concern regarding potential health risks associated with pathogens discharged from paunch grass and biosolids.
199. The submitters questioned the reliability of odour assessments undertaken by Ms Dyer and by CRC. Given the fickle and transient nature of odours typically experienced, particularly during light wind conditions, and the response time for CRC officers to attend complaints, they highlighted the difficulties involved with substantiating odour complaints. Taking into account the subjective nature of odour assessments and the ongoing odour effects of the existing composting operation, submitters considered that any consent granted should be of short duration with review clauses that would require the Applicant to prove that adverse effects could be adequately controlled.
200. Ms Dyer stated that she had undertaken several site visits and odour surveys in relation to the CLS composting operation. Initially, these visits occurred due to a large number of complaints lodged with CRC as a result of odour from the anaerobic compost piles on site in late 2017. Ms Dyer explained that off-site monitoring occurred on 12 occasions during July 2017 to February 2018, noting that on eight of those occasions she (or her colleagues from Beca) did not detect odour.
201. Ms Dyer observed that on site, odour appears to be generated primarily by turning of compost. She stated that this finding particularly applies since the removal of the anaerobic compost piles from the northeast corner of the site was completed in December 2017. She therefore considered that turning of compost should be minimised during southerly, south-westerly and westerly wind conditions. This guidance has been included in the CMP. However, Ms Dyer noted that to maintain aerobic conditions in the windrows, it may be necessary to turn compost during 'unfavourable wind conditions'. Ms Dyer further noted that mushroom compost has been removed from the site as a potential source of odour, reducing the overall cumulative effects of odour from the CLS operation.
202. Ms Dyer stated that a total of 194 complaints were made to CRC regarding odour from the CLS site during the period 25 May 2017 to 25 January 2018. She analysed these complaints to attempt to assess the degree of improvement in experienced odour effects after removal of the anaerobic compost piles in December 2017. However, we note that only a brief period was able to be assessed prior to preparation of Ms Dyer's evidence. She pointed out

the apparent difference in character and intensity of effects identified by complainants and CRC monitoring officers, noting that the officers generally recorded less severe effects.

203. Ms Harwood considered the sensitivity of the receiving environment in relation to the proximity of the CLS operation to neighbouring properties and prevailing wind conditions. She noted that the Hazeldine dwelling is the closest to the composting site, being approximately 820m north-northwest of the site. This dwelling is downwind of the site during south-easterly winds, which Ms Harwood noted occur very infrequently at the site. She stated that other dwellings are situated approximately 1,000m or more from the CLS site.
204. Ms Harwood discussed evaluation distances for assessment of odour effects from composting facilities. She provided a list of recommended separation distances published by various Environmental Protection Authorities (EPAs) in Australia and in a discussion document on separation distances for industry prepared for Auckland Council<sup>9</sup>. Separation distances vary based on the size of the operation and the nature of the raw material processed. The evaluation distances analysed by Ms Harwood indicated that a separation distance in the order of 1,000m to 1,500m from the proposed CLS composting operation to dwellings would be appropriate.
205. A detailed draft compost management plan (**CMP**) has been prepared for the current CLS operation by Beca. Ms Harwood discussed the procedures required to be undertaken to control odour and dust emissions from the site. She considered that adherence to the procedures in the CMP could result in composting being undertaken on the site without causing objectionable or offensive odour effects. She further stated that the lack of offensive odour events substantiated by CRC since removal of the anaerobic piles in December 2017 demonstrates that composting can be carried out without causing such effects.
206. Ms Harwood briefly discussed the potential effects of dust discharged from the site. She stated that dust emissions are minimised by the use of water to keep the compost piles damp. She considered that the nearest dwellings are located beyond the distance from the site where dust would be expected to cause adverse effects. Ms Harwood concluded that the dust control measures incorporated in the CMP and the proposed tree shelter belt around the CLS site would be sufficient to prevent dust nuisance effects.
207. The potential health effects of bioaerosols discharged from the composting operation was raised as a matter of concern to some submitters. Bioaerosols are particles that can contain potentially pathogenic microorganisms, including bacteria and fungal spores. Ms Harwood assessed the effects of bioaerosols on neighbouring properties, based on a review of published papers. She stated that bioaerosols are most likely to be discharged when dust is discharged and thus the use of dust control measures such as water sprays and boundary vegetation is also effective in minimising the effects of bioaerosol emissions. She observed that most studies of environmental exposure to bioaerosols around composting plants found that bioaerosol concentrations decrease to near background levels within 250m of the composting operation. Overall Ms Harwood concluded that, given the separation

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<sup>9</sup> Evidence of P. Harwood, Attachment 4.

distance to neighbouring dwellings, the risk of adverse health effects caused by bioaerosols discharged from the composting site is negligible.

208. The assessment of odour effects undertaken by Beca on behalf of the Applicant was reviewed by Mr Cudmore and Ms Nieuwenhuijsen of Golder Associates, as requested by CRC. The reviewers found the AEE had not given sufficient weight to the complaint information and appeared to dismiss the evidence of potential objectionable effects too readily, particularly in relation to the 2017 complaint period when the anaerobic piles were present at the CLS site. Mr Cudmore and Ms Nieuwenhuijsen considered that the odour survey data showed clues that there may have been times when odours from the site were far more significant than indicated by the AEE's 'less than minor' conclusion. They noted that dwellings are located downwind of the application site during drainage flow conditions, with potential for adverse effects to occur if anaerobic conditions develop in the compost. However, the reviewers observed that if the Applicant can better manage the drainage of site water and maintain all phases of compost to reduce anaerobic conditions to a minor level, then operation of the proposed site so that odour effects are minor would appear feasible given the separation from sensitive activities.
209. Ms Wadworth relied on the advice of Mr Cudmore and Ms Nieuwenhuijsen in reaching her conclusions regarding the effects of odour from the composting operation, as proposed at the time of the hearing. She considered that if the proposed composting facility continues to discharge odour causing offensive or objectionable effects, in reality the current location may not be appropriate. However, based on recommended conditions requiring improved drainage at the site, she observed that odour effects are likely to be mitigated to an acceptable level in future. We note that waterlogging of the site is a significant issue and we will discuss this further in our findings.
210. A substantial period of time has now passed since the hearing, due to the late amendments to the application and further information required, and the necessary time for responses to that new information. Further comments from several submitters state that the existing composting operation, now undertaken in accordance with the CMP, continues to cause objectionable and offensive odours at their dwellings. Mr and Mrs Randle stated they had cause to ring the CRC pollution hotline three times in the previous eight week period. Mr McBrearty stated that between 12 March and 3 May 2018, 50 complaints were received on 24 different days. Mr Brown observed that he detected odour three times at his farm office (over 2.7 km west-southwest of the site) since the hearing, with 'exceptional' odour detected on farmland closer to the application site. Mr Nikoloff, who resides at Mandeville Park Drive approximately 4 km from the site, stated that he noticed odour on 10 occasions during the previous two months, particularly during light south-westerly winds. Mr Fraser stated that Mr and Mrs Greenwood had lodged seven odour complaints during March and April 2018.
211. Submitters expressed concern regarding the ongoing ponding of stormwater on site and the difficulty in removing this water. Mr and Mrs Rouse provided photographs of the site from 12 April and 1 May 2018 that show extensive ponding of water across the application site. Their site visit on 12 April occurred after 75mm of rainfall and they observed that the waste receiving pit was covered in water. Mr and Mrs Rouse re-iterated that the site should be sealed in the manner that typically occurs at other composting sites, whereby

stormwater can be collected and treated without risk of ponding and waterlogging of the compost.

212. The CRC odour complaints history for the site between 9 March and 30 April 2018 was provided by Ms Wadworth, as an attachment to her addendum to the s42A Report. In addition, she provided a proactive monitoring report from CRC for the period 5 April to 13 April 2018.
213. Neither Ms Wadworth nor Ms Nieuwenhuijsen provided analysis of the recent complaints record or the proactive monitoring information, in terms of the degree of adverse effects experienced by residents living nearby the application site. Ms Wadworth stated that 22 complaint events were investigated during the 9 March to 30 April period, with four events being substantiated with written warnings issued in relation to the Abatement Notice for the site. The extent to which Ms Wadworth took into account the recent complaints and monitoring information in reaching her recommendation to grant consent to the existing composting operation is unclear in her addendum report.
214. Ms Dyer’s response to the updated s42A Report included an analysis of the recent complaints record and proactive monitoring by CRC officers. She noted that one of the incidents (on 24 March 2018) where a written warning was indicated had not been recorded correctly and no warning was in fact issued. Consequently, there were three events between 9 March and 30 April where CRC monitoring officers substantiated odour in breach of the Abatement Notice applying to the CLS site and written warnings were issued.
215. Ms Dyer’s response was somewhat dismissive of the odour complaints made by residents. In her statement of response, she noted that *‘complaint records indicate the odours detected by complainants continue to be of a greater perceived intensity and offensiveness than those detected by the CRC officers.’*<sup>10</sup> She also noted that *‘CRC officers have received a number of odour complaints from residents located to the east of the site during northerly winds. The residents would be upwind during these conditions and any odour emitted from the site, would be apparent to the south boundary of the site’.*<sup>11</sup> Ms Dyer was also critical of the monitoring approach taken by CRC officers, particularly in relation to monitoring downwind of the site during windrow turning at locations where there are no dwellings. We have considered Ms Dyer’s comments when analysing the information in the complaints record and proactive monitoring report.

### **Findings**

216. The effect of odour discharged from the existing composting operation is a primary issue that has required our careful consideration when evaluating this proposal. The assessment of odour impact is complicated by the somewhat subjective analyses undertaken by the experts and submitters and by the need to differentiate between effects observed during ‘upset conditions’ when anaerobic piles were present in 2017 and ‘normal conditions’ in 2018 when windrow composting is occurring as proposed (prior to any aerated static pile system being developed).

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<sup>10</sup> Michele Dyer Statement of Response to S42A Addendum, dated 31 May 2018, para 23.

<sup>11</sup> Ibid, para 26.



217. In their review of the application, Mr Cudmore and Ms Nieuwenhuijsen observed that if CLS can better manage the drainage of site water and maintain all phases of compost to reduce anaerobic conditions to a minor level, then operation of the proposed site so that odour effects are minor would appear feasible given the separation from sensitive activities. However, we note that these comments were based on limited information because at the time of the hearing, odour complaint records were only available for a brief period of time since the removal of anaerobic compost piles in December 2017. The March and April 2018 complaints record and the CRC proactive monitoring report were not available at the time of the hearing and Ms Nieuwenhuijsen has not commented on or reviewed that information. Furthermore, the photographic evidence from submitters indicates that management of stormwater on the site continues to be an issue and there remains uncertainty as to whether waterlogging of compost (and subsequent onset of anaerobic conditions) could be prevented under the current proposal for managing stormwater. We therefore find that we are able to apply only limited weight to the conclusions of the expert odour reviewers for CRC in terms of potential odour impact.
218. The evaluation distances discussed by Ms Harwood indicated that a separation distance in the order of 1,000m to 1,500m from the CLS composting operation to dwellings would be appropriate. Ms Harwood argued that an evaluation distance closer to 1,000m would be appropriate, while Ms Wadworth concluded that an evaluation distance of 1,500m would be more consistent with the guidance documents. We have reviewed this information and, taking into account the nature of raw materials processed and the proposed scale of operation, find that an initial evaluation distance in the order of 1,500m is appropriate.
219. We note that the nearest dwelling (Hazeldine) is approximately 820m to the northwest of the site and other dwellings are in the order of 1,000m to the northeast of the site. We accept the evidence of Ms Harewood that south-easterly winds are infrequent at the application site and thus the potential for odour exposure at the Hazeldine dwelling is limited. However, we find that there is potential for frequent odour exposure at dwellings to the northeast of the site during south-westerly winds and also at dwellings to the east of the site (Harris Road area) during westerly drainage flow conditions. We observe that the evaluation guidance provides only an indication of the potential distant of effect and assumes that composting occurs in accordance with good practice procedures. The evidence we have received, our site visit observations, the odour complaints record and the compliance monitoring information indicate that good practice measures are unlikely to be consistently achieved. We note that numerous odour complaints have been received (including during the March to April 2018 period) from residents well over 1,500m from the site. Even under current operation, conducted according to the CMP procedures the Applicant has stated are now applied at the site, a substantiated strong odour was detected by an CRC compliance officer approximately 2.4 km from the site (the 11 April 2018 event discussed below).
220. We accept there are significant difficulties associated with compliance monitoring of odour for this type of discharge activity. The nature of odour detected at one location is often fickle and transient. There is a significant response time between a complaint being made and an CRC officer attending the area, even if the officer is available to respond immediately. During very light wind conditions, when dispersion is poor and odour is often

strongest, the location of impact can vary and reporting of wind direction becomes unreliable. In addition, the sensitivity of individuals to odour varies substantially. We are aware of the frustration expressed by submitters who, based on the evidence, have been subjected to ongoing odour effects for the past thirteen months. Overall, we found the evidence from submitters regarding odour effects to be reasonable and measured. Further, given the monitoring difficulties outlined above, we consider that there is a reasonable level of alignment between odour complaints and the observations by CRC compliance officers. We have therefore applied little weight to the comments by Ms Dyer and Mr Cleary that submitters' record of odour impacts is unreliable.

221. We have carefully examined the odour complaints record for 9 March and 30 April 2018 provided by Ms Wadworth, and the proactive monitoring report prepared by CRC for 5 April to 13 April 2018. On 6 April at 8:19am, a CRC compliance officer substantiated odour from CLS at strength '4' (on a scale where 6 is the strongest) on Diversion Road to the east of the site. CRC received complaints on the same day at 8:30am and 8:58am from residents at HARRS ROAD (further to the east of the site) who described odour strengths of '2' and '3' in conditions of no noticeable wind. On 10 April at 7:45am, a CRC compliance officer observed odour from CLS at strength '3' on Diversion Road, to the northeast of the site. CRC received complaints later on the same day at 1:05pm and 1:14pm from residents at South Eyre Road (further to the northeast of the site), with one complainant describing an odour strength of '4-5' in southerly wind conditions. An officer was unable to attend these complaints.
222. On 11 April at 7:46am, a CRC compliance officer observed odour from CLS at strength '2' on Diversion Road to the northeast of the site, then at 8:05am observed odour at strength '2' at South Eyre Road to the northeast of the site, then at 8.39am observed odour from CLS at strength '5' at the intersection of HARRS ROAD and South Eyre Road, approximately 2.4 km northeast of the site. CRC received complaints on the same day at 8:19am, 5:50pm and 6:18pm. These complainants were located at South Eyre Road (to the northeast of the site). They reported odour at observed strength of between '3' and '5' under strong south to southwest wind conditions.
223. We consider that the proactive compliance monitoring undertaken by CRC has been helpful in assessing the extent of odour effects occurring while windrow composting is undertaken according to the proposed CMP procedures for the existing operation. We note there is good consistency between odour complaints and the observations by CRC monitoring officers, bearing in mind the often fickle nature of odour impacts at a single location and the difficulties we have identified. We find that there is sufficient evidence from monitoring during the March to April 2018 period to indicate that windrow composting at the CLS site is continuing to cause significant adverse odour effects at neighbouring dwellings. We have taken into account the FIDOL (frequency, intensity, duration, offensiveness and location sensitivity) factors when reaching this conclusion.
224. At the hearing, Ms Harwood stated that she considered that adherence to the procedures in the CMP could result in composting being undertaken on the site without causing objectionable or offensive odour effects. She further stated that the lack of offensive odour events substantiated by CRC since removal of the anaerobic piles in December 2017 demonstrates that composting can be carried out without causing such effects. We find that the odour complaint and monitoring record since the hearing does not support that

conclusion. We consider that the Applicant has had more than sufficient time to instigate improved composting procedures and has failed to demonstrate that objectionable and offensive effects can be avoided.

225. Ms Wadworth in her s42A Report relied on the advice of Mr Cudmore and Ms Nieuwenhuijsen in reaching her conclusions regarding the effects of odour from the composting operation, as proposed at the time of the hearing. She considered that if the proposed composting facility continues to discharge odour causing offensive or objectionable effects, in reality the current location may not be appropriate. Given the ongoing odour effects experienced by local residents and the continued waterlogging of the site, we agree that this site may not be appropriately located for windrow composting on an unsealed surface.
226. Waterlogging of the site, as highlighted by submitters, is an issue of relevance to odour emissions from the compost. Mr Cudmore and Ms Nieuwenhuijsen noted that dwellings are located downwind of the application site during drainage flow conditions, with potential for adverse effects to occur if anaerobic conditions develop in the compost. The reviewers and Ms Harwood observed that if the Applicant can better manage the drainage of site water and maintain all phases of compost to reduce anaerobic conditions to a minor level, then operation so that odour effects are minor, would appear feasible given the separation from sensitive activities. However, the odour monitoring record for March and April 2018 and the degree of ponding on site evident after only moderate rainfall, indicate a low probability that this goal can be achieved by use of sawdust and a thrasher pump as proposed.
227. The submitters discussed the offensive character of the odour typically experienced from the composting operation, noting that the odour is different from normal rural smells that might be anticipated in the local area. It was accepted that activities such as effluent spreading could generate significant odour in the rural area, but that such effects are intermittent and infrequent in nature. However, we agree with the submitters that the ongoing frequency and nature of odours experienced from the existing composting operation in 2018 (after removal of the anaerobic piles in the northeast corner of the site) is such that adverse effects are significant.
228. Submitters, including Mr and Mrs Randle, and Mr and Mrs Greenwood submitted that the ongoing, yet unpredictable nature of the odour experienced from the CLS site, had impacted their ability to hold outdoor entertaining events and enjoy the rural environment. Mrs Greenwood also stated that the odour from the operation has forced her to work away from home. We accept that submitters have experienced significant adverse effects caused by the existing unauthorised composting operation. However, it is not our role to be punitive and we have reached our decision based on the application before us.
229. In his closing submissions Mr Cleary was, in our view, unjustifiably dismissive of the Greenwoods' submission<sup>12</sup>. He observed that *'no logical or objective reason has been provided as to why their experience should be so different to other neighbours, whom one would expect to be impacted to a similar degree. Nor has any logical reason been provided*

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<sup>12</sup> G Cleary, Submissions in Reply, para 2.4

to explain why the Greenwoods complain about experiencing odours at times when absolutely nothing is occurring on the site (i.e. evenings and at night).’ We observe that the Greenwood dwelling is located approximately 1,260m to the northeast of the site, downwind of the site during prevalent south-westerly winds. We also note that personal sensitivity to odour varies and the frequency of impact will be influenced by the amount of time individuals spend at home. Further, we observe that onset of anaerobic conditions in compost and also storage of mushroom compost on site up until February 2018 could cause significant odour at times when there is no operational activity on the CLS site.

230. Mr Cleary went on to submit that there is no proper explanation as to why the Greenwoods’ assessment of the level of effect differs so markedly from the objective findings of either Ms Dyer or all of the compliance monitoring staff at CRC. For the reasons already discussed, we are able to apply only limited weight to the evidence of Ms Dyer and consider there is a substantial degree of subjectivity involved in her assessment. It is not uncommon for perceived odour intensity to vary among individuals and for substantial changes in the location of impact to occur under light wind conditions. The proactive monitoring undertaken by Mr Dougherty and his CRC compliance monitoring team in April 2018 indicates good correlation with complaints (given the practical difficulties associated with odour monitoring), including those originating in the South Eyre Road area where the Greenwoods reside. The monitoring in March and April identified three odour events where a breach of the Abatement Notice occurred and written warnings were issued. Consequently, we do not accept Mr Cleary’s opinion in regards to the Greenwoods’ submission.
231. Mr Cleary submitted in closing that – *‘It is the unanimous view of all relevant experts that the Applications can be granted under the framework provided by the relevant Regional Plans. Significant, if not exclusive, weight should therefore be given to this expert consensus in deciding whether or not the effects of the composting operation can be appropriately managed to the level considered acceptable by these Plans.’*
232. As we have discussed during our evaluation of odour effects, the opinions of the various experts are qualified based on several significant factors, including the effective implementation of mitigation measures, following procedures in the CMP, and preventing waterlogging so that anaerobic conditions do not develop in the compost. Based on the recent odour complaints record and the proactive monitoring undertaken by CRC compliance officers, we are not convinced that those qualifying factors could be achieved by a windrow composting operation at this location on an ongoing basis. Overall, we find that windrow composting of the proposed materials at the application site is likely to continue to cause objectionable and offensive effects of odour at neighbouring dwellings.
233. The potential effects of dust discharged from the site were assessed by Ms Harwood. She concluded that the nearest dwellings are located beyond the distance from the site where dust would be expected to cause adverse effects. Ms Harwood observed that standard dust control measures could be implemented, including maintaining a tree shelter belt around the application site, to prevent dust nuisance effects at neighbouring sensitive receptors. Bearing in mind the large separation distance to those receptors, we accept her conclusions regarding dust effects. We note that the photographs of dust emissions from the site indicate that the degree of dust control applied to the existing operation appears to have

been limited. Nevertheless, we find that improved controls, including the use of water cart and sprinklers, could be applied to a composting operation on the site such that adverse effects of dust would be no more than minor.

234. We have considered the potential health effects of bioaerosols discharged from the composting operation. Ms Harwood assessed the effects of bioaerosols on neighbouring properties, noting that bioaerosols are most likely to be discharged when dust is discharged and thus the use of dust control measures such as water sprays and boundary vegetation is also effective in minimising the effects of bioaerosol emissions. Her review of studies of environmental exposure to bioaerosols around composting plants found that generally bioaerosol concentrations decrease to near background levels within 250m of a composting operation. We have also had regard to the comments of Ms Nieuwenhuijsen and the evidence she referenced from Dr Kelly (a health effects expert) in relation to bioaerosol emissions from the Southern Horticultural Products Limited composting operation. We find that, taking into account the separation distance of over 800m to neighbouring dwellings and assuming that appropriate dust control measures are applied, the risk of adverse health effects caused by bioaerosols discharged from the composting site is less than minor.

#### **Air Quality Effects – Proposed Aerated Static Pile Composting Operation**

235. The late amendment of the proposal to an aerated static pile (ASP) method raises the issue of potential odour effects of the revised proposal, relative to odour effects of the windrow composting operation. The Applicant now proposes that the ASP would be located on a 1,000m<sup>2</sup> concrete pad, with aerated composting in the active phase occurring for a minimum of six weeks. It is proposed that the ASP composting would be undertaken in a manner similar to that used by SFF at their Belfast composting operation that was recently closed. The ASPs would not be turned during the active phase and continuous temperature monitoring of the aerated piles is proposed. An insulating layer would be formed over the static piles from a layer of finished compost, acting as a biofilter to reduce odorous emissions.
236. While some submitters were supportive in principle of the proposed change to an ASP operation, they expressed concern that insufficient information had been included to provide any certainty regarding the effects of the new proposal. Several submitters considered that the site should be sealed (not just the ASP pad) and provided calculations indicating that the 1,000m<sup>2</sup> pad is too small for the scale of the proposed operation. They noted that an updated CMP had not been provided and that the success of the proposed mitigation measures remains unproven. Overall submitters expressed concern at the ‘trial and error’ nature of the composting on site to date and of the application itself. Some submitters raised concern that the operation, as amended, could continue to discharge dust and particulate matter, including pathogens into the air. Mr Dodds was concerned that bioaerosols and gases could cause adverse health effects and trigger conditions such as asthma or cause Legionnaires disease.
237. In her addendum s42A Report, Ms Wadworth discussed the potential effects of the amended ASP composting process now being proposed. She stated that Ms Nieuwenhuijsen had reviewed the further information regarding the ASP method and in summary advised the following:

- a. There is insufficient assessment of the new ASP method, including its potential for adverse odour effects, to enable a review of the change to the application.*
- b. For the system originally proposed, the mechanical turning of the piles provided aeration for the first few weeks of active composting and oxygen monitoring was proposed. For the ASP system, there is no turning and while information has been provided describing the structural design of the ASP, there is no information on the air flow, in pile oxygen monitoring or how it will be ensured that aerobic conditions are measured or maintained (either for the runoff/leachate water or throughout the compost piles).*
- c. Furthermore, there is no information about the amount of air required by the compost and the ability of the fan to provide it.*
- d. There is no turning of the ASP and this will eliminate offsite odour effects from this activity, but the potential for anaerobic/odorous conditions to occur and the potential odour effects of the revised method have not been evaluated.*
- e. Regarding the solids from meat and milk processing wastewater treatment an age limit on this material (24 hours maximum) should be specified and also that it will be premixed with the paunch grass immediately on receipt.'*

238. Ms Wadworth stated that given the limited information and limited assessment of potential adverse effects arising from the ASP process provided by the Applicant, her recommendation was that, if consent is granted, the composting operation should maintain the turned windrow process of composting. However, she attached a set of conditions for the ASP process to her addendum, should we decide that consent could be granted to the amended proposal.
239. Ms Dyer attempted to address Ms Wadworth's and Ms Nieuwenhuijsen's concerns regarding the adequacy of assessment of effects for the ASP process in her further statement of evidence. She stated that the ASP process would be carried out in accordance with the New Zealand Standard for Compost, Soil Conditioners and Mulches NZ4454:2005 (Composting Standards). She considered that the ASP process would give the Applicant more control over the active stage of the composting, reduce the likelihood of anaerobic conditions forming within the piles, remove the need for turning piles in the active stage, offer consistent airflows through the material, and allow for constant measurement of the temperature within the piles. Ms Dyer observed that this would minimise the potential for odour to be generated during the active stage of composting.
240. In her response to the addendum s42A Report, Ms Dyer noted that the decomposition rate (and therefore the highest potential for odour generation), is highest in the earliest stages of the composting process. She observed that by adopting an ASP process the most active stages of decomposition occur within a static pile and are not disturbed, which avoids the potential for odour from the turning process. Ms Dyer also provided some technical details regarding the operation of the proposed ASP process, in reply to the issues raised by Ms Nieuwenhuijsen. She stated that the Bioblend Operations Manual, supplied by SFF, would be modified and adapted to suit the details of the CLS system. She referred to the success of the upgrade from windrow composting to an ASP process formerly undertaken at SFF Belfast, as discussed in the evidence of Mr Jemmett.
241. Ms Dyer considered that the proposed upgrade to an ASP process would further reduce the potential for odour nuisance caused by the CLS site. She recommended that the current CMP be amended to include the Bioblend Operations Manual and also specific measures to control odour from the proposed runoff collection tank for the ASP pad. Ms Dyer concluded that the proposed change to an ASP system reduces the potential for odour nuisance

beyond the application site boundary. However, she did not specifically assess the extent of adverse odour effects expected to occur if the revised proposal proceeded, relative the extent of adverse effects that currently occur.

### **Findings**

242. We accept the evidence that, at least theoretically, change from the current windrow composting process to an ASP process would be expected to result in a reduction in the adverse effects of odour discharged from the application site. However, we share the concerns of Ms Nieuwenhuijsen and the submitters regarding the limited information supplied and the inadequacy of the assessment of odour effects of the revised proposal. We have not been provided with an updated CMP and do not have any expert evidence on the degree of reduction in odour impacts relative to the original proposal. The proposed ASP system has not been trialled by CLS and it is reasonable to expect that some odour issues could occur during the establishment phase while operating parameters (such as airflow rate, raw material mixing ratio, pile size) are being refined. We are mindful of the submitters concerns regarding the ‘trial and error’ nature of the proposal.
243. Based on the evidence before us, we have determined that the windrow composting system as proposed at the hearing would likely result in ongoing objectionable or offensive odour effects beyond the application site boundary. We consider we do not have sufficient information before us to determine if the revised proposal to an ASP system will reduce adverse odour effects experienced by CLS’s neighbours to a level that is acceptable. Careful process and site management would be required to implement such a proposal successfully, bearing in mind the potentially odorous nature of the raw material and the ongoing issues with stormwater management at the site. The last-minute nature of the ASP proposal is such that the system design appears to be evolving reactively and rapidly with limited detail provided regarding process management and monitoring. We have not been provided with an updated CMP and air quality experts have not reviewed the revised proposal. Given these issues, we are unable to be satisfied that the changes as proposed would be able to be implemented to achieve acceptable adverse effects of odour beyond the application site.
244. We have considered the evidence of Mr Jemmett for SFF and found his submission helpful. His evidence was that SFF was able to achieve a significant reduction in odour nuisance effects caused by the former Belfast composting plant after an ASP process with proper management was established. We accept that the Bioblend operations manual would be a useful source of information for development of an ASP system specific to the CLS site. However, there are clear differences between the two sites in terms of potential feedstock materials (bearing in mind the full range of raw materials proposed) and site management requirements, particularly in terms of drainage and stormwater management. While our decision is not punitive in relation to the adverse effects of unauthorised composting occurring on the CLS site, we are mindful that the ongoing poor site and process management practices, evidenced by continued odour nuisance effects, do not contribute to confidence regarding the Applicant’s ability to adequately manage a revised composting process. Given the limited detail and assessment provided for the ASP system, we consider that there is a significant risk that allowing the proposed change could result in ongoing odour nuisance for neighbouring residents.

245. Our concerns regarding the ability of the Applicant to adequately operate an ASP process also extend to the issue of ponding on the site and the risk of waterlogging of compost that could result in anaerobic conditions developing. The submitters expressed concern that the proposal does not involve sealing of the site or proper stormwater management, and provided calculations indicating that the proposed 1,000m<sup>2</sup> concrete pad is too small for the ASP operation. We have reviewed these calculations and accept that the proposed pad appears to be inadequately sized based on the proposed volume of compost to be processed.
246. We observe that the proposed use of sawdust to absorb stormwater has limitations, as indicated by ongoing ponding issues at the site, and that there is an ongoing risk of waterlogging of compost piles during wet conditions. We accept the evidence of Ms Nieuwenhuijsen that such waterlogging can contribute to the onset of anaerobic conditions with resultant odour impacts. Flooding of the receival pit/mixing bin, as indicated by the submitters' photographs, also poses serious issues for site management and odour generation in the need to store raw materials until ponded water is drained or removed. We find that the proposal to continue to conduct composting operations, in the manner described, on a largely unsealed site at this sensitive location poses significant risk of offensive or objectionable odour effects at neighbouring properties. The recurrence of anaerobic conditions in compost piles could potentially result in a repeat of the significant adverse odour effects experienced by submitters in 2017.
247. Theoretically, it may be that a new application for an ASP process at this site that included appropriate site sealing and stormwater management, along with a comprehensive CMP and assessment of odour effects, could demonstrate that off-site adverse effects could be managed to an acceptable level. However, that is not the situation we are faced with under the current proposal. Overall, taking into account all the evidence before us, we are not satisfied that the proposed ASP composting operation could be consistently operated in a manner that did not cause significant odour effects beyond the application site boundary.
248. We have discussed our findings regarding the potential effects of dust and bioaerosols in relation to the existing windrow composting operation. These conclusions are also applicable to the proposed ASP composting process. We find that either of these composting systems could be undertaken in a manner that does not cause dust nuisance effects or adverse health effects, given the separation distance from sensitive receptors.

### **Overall Conclusion on Environmental Effects**

249. We find on the basis of the evidence before us, that the existing composting operation is causing significant adverse odour effects beyond the application site boundary; and is likely to be resulting in significant adverse effects on groundwater and surface water quality downgradient of the site. We agree with Mr Loe that we (and submitters) have had the benefit of assessing actual environmental effects of the existing operation. Overall, we find the existing operation is having unacceptable adverse effects on air and water quality.
250. We find on the basis of the evidence before us, that there is insufficient information to adequately assess the air quality effects of the proposed ASP operation. We find that the mitigation measures proposed to avoid and mitigate adverse effects on water quality are



likely to be insufficient in providing adequate protection of water quality, given the highly sensitive nature of the receiving waters to additional nitrogen inputs.

**Section 104(1)(ab) Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment offset or compensate for any adverse effects on the environment that will or may result from allowing the activity**

251. No relevant measures were identified by any party for our consideration under s104(1)(ab).

**Section 104(1)(b) Relevant objectives and policies**

252. An analysis of the relevant provisions of the National Policy Statement for Freshwater Management (NPS-FM), the National Standards for Sources of Human Drinking Water (NZSDW), the Canterbury Regional Policy Statement (RPS), the Canterbury Air Regional plan (CARP) and the Land and Water Regional Plan (LWRP) was provided in the s42A Report and on behalf of the Applicant by Mr Loe. We note that these analyses were undertaken in relation to the existing composting operation. We outline our findings based on the evidence before us below.

Freshwater Management (NPS-FM)

253. We noted the relevance of Objective A1 of the NPS-FW and the view of Ms Wadworth that the existing operation is not consistent with the objective because the adverse effects on water quality are likely to be more than minor. However, she considered the proposed ASP system could be operated in a way that would avoid significant adverse effects on water quality. She concluded the proposal could therefore be consistent with Objective A1 of the NPS-FW with the imposition of conditions.

254. Mr Loe did not comment on the provisions of the NPS-FW.

255. We agree with Ms Wadworth that the existing operation is not consistent because the adverse effects of the discharge of contaminants on groundwater are significant given the sensitivity of groundwater and surface water downgradient of the site, and the proximity of the discharge to groundwater and the headwaters of Silverstream. We consider that given the sensitivity of the receiving environment to additional inputs of nitrogen, the proposed ASP system would need to be undertaken in order to avoid and mitigate any adverse effects on water quality. In our view, the proposed use of sawdust beds and the details provided regarding stormwater containment and collection are insufficient to ensure significant adverse effects are avoided or mitigated, to the greatest extent practicable.

256. While we agree with Mr Cleary that the RMA is not a 'no effect' statute, we consider there is an overarching duty to avoid, remedy and mitigate significant adverse effects. Given the location of the discharge and the highly sensitive nature of the receiving waters to further nutrient contamination, we consider any new activity must be required to avoid, as far as practicable, any further decrease in water quality and any cumulative effects. In this case,

we accept the evidence of Mr Etheridge that even a small relative increase in nitrogen inputs (compared to total inputs) could have a significant effect on the receiving waters. We are not satisfied that the mitigation measures proposed for stormwater management provide a sufficient level of protection to safeguard the life-supporting capacity of freshwater or the health of people and communities, as required by Objective A1. We therefore find the application is contrary to this objective.

#### National Environmental Standard for Sources of Human Drinking Water (NESDW)

257. Ms Wadworth considered the existing operation is not consistent with the NESDW because the potential adverse effects on drinking water quality have been assessed as more than minor. However, she considered the proposed operation could be consistent with the proposed mitigation and the imposition of conditions.
258. Mr Loe did not consider the NESDW.
259. We accept the evidence presented by Mr Etheridge and submitters that drinking water wells downstream are extremely close to breaching the limits of the NESDW for nitrate-nitrogen. We consider this application has the potential to increase levels of nitrate-nitrogen in groundwater drinking water wells downgradient. We do not accept this risk has been adequately addressed in the proposed application given the high sensitivity of the receiving environment and the potentially significant impact of even a small increase of nitrogen contamination. We find the application is contrary to the NESDW.

#### Canterbury Regional Policy Statement (RPS)

260. In terms of the RPS provisions in relation to water quality, we have considered Objectives 7.2.1, 7.2.2 and 7.2.4, and Policies 7.3.6, 7.3.7 and 7.3.13 of Chapter 7 (Fresh Water). We note that Objective 7.2.2 requires the maintenance of high quality water and the improvement of water quality where it is degraded; and the restoration or enhancement of degraded fresh water bodies. The existing operation is contrary to this objective. There is insufficient information to ensure the proposed application will not further degrade water quality. We agree with Mr Loe that the existing degraded water quality needs to be addressed through a holistic approach reducing nutrient discharges across the zone to improve water quality over time. However, we consider it is contrary to the intent of the policies, when read together, to allow for increased contamination in degraded water or for new activities to potentially cause water quality standards to be breached.
261. In terms of the RPS in relation to air quality, we have considered Objectives 14.2.1 and 14.2.2, and Policies 14.3.3 and 14.3.5. Overall, we consider the application is contrary to Objective 14.2.2 because the evidence before us demonstrates the CSL composting operation has caused, is causing, and is likely to continue to cause, significant adverse effects on the surrounding community's social and amenity values. Objective 14.3.3 requires us to set standards, conditions and terms for discharges of contaminants into air to avoid, remedy and mitigate localised adverse effects on air quality. We consider there is insufficient information on the proposed operation and any likely reduction in adverse effects to set standards and conditions that will adequately protect localised air quality.

262. We have also considered Policy 19.3.1 relating to waste management and minimisation, as set out by Mr Loe. We find the application is consistent with this policy.

#### Canterbury Air Regional Plan (CARP)

263. Mr Loe outlined the relevant objectives and policies of the CARP noting the emphasis on appropriate location and avoiding localised effects of a discharge to air, thereby protecting amenity values. He considered that the evidence of Ms Dyer and Ms Harwood, and the assessments of Mr Cudmore and Ms Nieuwenhuijsen, support the operation as being capable of avoiding localised effects that might impact amenity values. We note that the conclusions of those experts are contingent on a range of mitigation measures being effectively implemented.
264. Ms Wadworth outlined the relevant objectives and policies of the CARP. She concluded that, provided the mitigation measures were adhered to and the location of the application site is considered appropriate, the application is consistent with the provisions of the CARP.
265. We have considered Objective 5.2, 5.5, 5.6 and 5.7, and Policies 6.1, 6.5, 6.6, 6.14, 6.20 and 6.22B. While it is agreed that the Applicant should theoretically be able to avoid adverse effects on the health and well-being of the surrounding community, and to maintain amenity values of the receiving environment, we find the Applicant has not demonstrated it can do so. We do not accept that implementation of an updated CMP will avoid offensive and objectionable adverse effects beyond the site boundary. The Applicant has demonstrated that the separation distance between the operation and the surrounding dwellings is not sufficient to avoid adverse odour effects. We have insufficient information to assess the likely reduction in odour from the proposed ASP operation. Overall, we find that the application is not consistent with the objectives and policies of the CARP.

#### Land and Water Regional Plan (LWRP)

266. Mr Loe outlined the relevant objectives and policies of the LWRP and the potential for adverse effects on water quality. He considered that the Applicant would undertake the operation in accordance with best practice methods to avoid any actual or potential adverse effects on groundwater. He said the effects on water quality and mitigation measures to avoid adverse effects on groundwater had been assessed in the AEE and by Ms Mongillo. He outlined Schedule 8 water quality limits to be achieved in surface water by 2030 for the Waimakariri Zone (in the absence of catchment-specific limits) and noted monitoring in the Silverstream catchment by CRC in 2015 indicated these limits were met. He considered the effect of the operation would be negligible given the measures proposed to avoid discharge to groundwater.
267. Ms Wadworth outlined the relevant objective and policies of the LWRP in her s42A Report. She concluded that the existing operation is not consistent with the key provisions due to potential adverse effects on drinking water supplies, and existing groundwater and surface water quality (the Silverstream). She considered the proposed mitigation measures were unlikely to mitigate adverse effects to an acceptable level. However, she considered that the proposed operation could be consistent with the LWRP provisions with the mitigation proposed and the imposition of conditions.

268. We have considered Objective 3.8A and 3.24, and Policies 4.4, 4.7, 4.8A, 4.8B, 4.14 and 4.23 and find that overall the existing operation does not adequately protect drinking water supplies, or groundwater and surface water quality. We find that the mitigation measures and conditions proposed for the ASP operation do not provide sufficient certainty that groundwater and surface water quality will be protected.

### **Findings**

269. We confirm we have considered the all of the objectives and policies of the above statutory documents in making our determination.
270. Overall, we find that the application is either inconsistent with or is directly contrary to the key objectives and policies of the NPS-FW, NESDW, RPS, LWRP and CARP that seek to protect air and water quality from significant adverse effects of allowing the activity.

### **Section 104(1)(b) Other matters**

271. We requested a copy of the lease agreement for the application site. The Applicant advised that the lessors did not wish to make a copy of the agreement public. The Applicant asked that we request specific details of any relevant matters under s104-105 of the Act. We found this unhelpful and obstructive. The Applicant could have sought a protection order under s42(2), as was sought for the source of the raw material information. We consider a copy of the lease agreement is relevant to the determination as it gives certainty to the terms and conditions of the formal agreement with the land owner to undertake the existing activity and the proposed activity. However, ultimately, this matter has carried little weight given our findings on environmental effects.
272. Ms Wadworth considered the Applicant's compliance history at the Kainga site and the environmental effects of the existing operation at the application site over the last 18 months were relevant matters. We have not scrutinised the Applicant's compliance at the Kainga site in making our determination, but accept the evidence of submitters that the activities at Kainga indicate the fire risks associated with composting. We have separated our consideration of the existing operation and the proposed ASP operation due to the need for retrospective consent and consent for the proposed activities.
273. We have considered the Waste Minimisation Act (2008) (**WMA**) and the New Zealand Waste Management Strategy (MfE 2010), as set out by Mr Loe. We note the purpose of the WMA is to encourage a reduction in the amount of waste generated and disposed of in New Zealand to protect the environment from harm and to provide environmental, social, economic and cultural benefits. We do not consider the application adequately protects the environment from harm, nor does it provide environmental and social benefits for the surrounding community. We accept it provides wider social benefits by diverting waste streams from landfill and economic benefits to the Applicant and businesses it services.

## Sections 105 and 107

274. Mr Cleary addressed section 105 matters. In relation to the discharges into air, he noted that the application site and surrounding environment is rural in character and, as such cannot be considered a pristine environment free of typical rural effects such as noise and odour. He considered that the 4 ha rural blocks to the northwest and northeast along South Eyre Road have a moderate-high sensitivity to odours, under the MfE guidelines. He noted the nearest 'sensitive activity' under the Air Plan is the rural-residential community at Mandeville approximately 3.5 km away.
275. In relation to the discharges into groundwater, Mr Cleary stated there was *'a degree of sensitivity associated with the site given its location within the Ashley-Waimakariri Nutrient Allocation Zone'*. He noted this did not mean further discharges are prohibited and highlighted water quality limits in the LWRP for the groundwater zone were currently being met.
276. Mr Cleary noted that other locations had been considered and alternative methods such as fully enclosing the composting process were not appropriate or practicable. He stated the current operation (as amended) is the best practicable option for CLS.
277. Mr Etheridge considered the groundwater catchment was highly sensitive to additional nitrogen inputs and had a low level of tolerance for any increases. He considered this increased the need to ensure any additional nitrogen contamination is avoided.
278. Ms Wadworth considered the surface water and groundwater receiving environment is highly sensitive to any additional discharge of nutrients. She considered the receiving environment surrounding the application site is moderately to highly sensitive to odour discharges.
279. Ms Wadworth noted the Applicant had considered alternative methods of discharge and discharge to alternative receiving environments for the air discharge and the land discharge.
280. In relation to the existing operation, Ms Wadworth considered the effects on groundwater quality were likely to be more than minor, but noted there is too much uncertainty to determine whether the proposal will cause any of the issues covered by section 107(1)(f) and (g). In her addendum, she concluded that the adverse effects could be minor with the mitigation proposed and the imposition of conditions.

## Findings

281. We consider sensitivity of the receiving environment is a key consideration in relation to water quality effects. We accept the evidence of Ms Wadworth and Mr Etheridge that groundwater and surface water quality in the area are highly sensitive to additional nitrogen inputs. We note that surface water quality is already degraded to a level where breaches of water quality standards could be caused by even relatively small additional inputs. We note that nitrate-nitrogen levels in downgradient drinking water wells are extremely close to exceeding drinking water standards. We agree with Ms Wadworth that there is too much

uncertainty to determine whether the application will cause any breaches of s107(1), but highlight the evidence of Mr Etheridge that small increases of nitrate-nitrogen and ammonia-nitrogen could have significant adverse effects on fish and the life-supporting capacity of the Silverstream.

282. While we agree with Mr Cleary that the discharge of contaminants, onto land in circumstances where contaminants may enter water, is not a prohibited activity, we consider the highly sensitive nature of the receiving environment to additional nitrogen contamination requires the Applicant to avoid any further decrease in water quality as a result of the proposed activity.
283. We agree with Ms Wadworth and Mr Loe that the receiving environment in terms of air quality effects, is moderately to highly sensitive to odour effects.
284. We accept that other alternatives such as enclosing the operation and sealing the operating area have been considered by the Applicant and rejected on the basis of cost. However, we find that such measures, particularly in relation to sealing and stormwater management, may well be required at this location to ensure adverse effects on air and water quality are avoided, remedied and mitigated, and that potentially significant effects are avoided.

## Part 2 of the Act

285. Ms Wadworth undertook a brief Part 2 analysis in the s42A Report. She considered the existing operation was not consistent with section 6(a) and 6(e), and section 7(b) and 7(d) without further certainty around the level of effects on water quality and mitigation measures. However, in her addendum, she concluded the proposed operation could be consistent with section 6 matters with the mitigation measure proposed and the imposition of conditions.
286. Mr Cleary agreed with Ms Wadworth that there was no need to revert back to Part 2 matters, as relevant considerations are encapsulated in the regional planning documents.
287. We note there is still some uncertainty in relation to the need for an ‘overall assessment’ under part 2 of the Act, given the appeal of the High Court decision in *Davidson*<sup>13</sup>. Accordingly, we consider it is prudent, given the pending appeal of the *Davidson* decision, to consider the application in the context of Part 2, as well as the above relevant statutory plans.
288. All the considerations we have described are subject to Part 2 of the Act. In accordance with Part 2, we consider that granting the application is unlikely to achieve the purpose of the Act and the principles of the sustainable management of natural and physical resources, as defined in section 5.
289. We have had particular regard to section 7(aa), (c) and (f) matters, and find that the application is contrary to the ethic of stewardship, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment

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<sup>13</sup> *R J Davidson Family Trust v Marlborough District Council* [2017] NZHA 52

given the actual and potential significant adverse effects on air and water quality. We have taken into account section 8 matters in making this decision.

290. In achieving the purpose of the Act, we have taken into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

### **Overall Conclusion**

291. Mr Loe noted that in this situation we have the benefit of assessing actual environmental effects and that the Applicant has proven it can change its practice to minimise effects. He urged us to not judge the historical operation but rather the proposed operation.
292. Given the Applicant is seeking retrospective consent for the existing composting activities and consent for the proposed composting activities, we have considered the environmental effects of the existing operation and the proposed operation, as amended after the adjournment of the hearing.
293. We do not accept the Applicant has sufficiently demonstrated that it has sufficiently changed its existing operation to avoid, remedy or mitigate adverse effects on air and water quality, other than to remove the highly odourous anaerobic material from the site and to use sawdust to absorb ponded water. These are reactive remedial actions. Actions taken to reconfigure the site and to no longer store some types of odourous material at the site are prudent, but do not effectively address the existing adverse effects from the composting process. We note Table 1 of Mr Loe's evidence sets out the changes to the site operation, however, these are mostly proposed measures. We are perplexed as to why some these mitigation measures are still only proposed after 18 months of operating at the site.
294. The mitigation measures proposed by the Applicant have been evolving throughout the hearing, as is often the case with resource consent applications when changes are made to address issues and concerns. However, we agree with submitters that the proposed measures are too little and too late for the existing operation to gain consent.
295. We disagree with Mr Cleary that CLS have complied with the Abatement Notice since December 2017. The evidence shows ongoing breaches. We do not understand why new raw material continues to be deposited at the site without resource consent.
296. We have considered the proposed ASP operation and the proposed mitigation measures. We conclude that there is insufficient evidence on the detail and design of the ASP operation to allow for a robust assessment of environmental effects or to give us assurance the site can be remediated and redesigned to sufficiently manage and control discharges to water and air, within the context of sensitivity of the receiving environment. We do not accept the use of sawdust, as proposed, provides sufficient certainty of the long-term protection of water quality. We do not have sufficient evidence regarding the type and nature of contaminants in the raw materials to adequately assess actual and potential risks to the environment, particularly with regard to the material from the wastewater treatment screening process. Furthermore, we do not consider there is evidence to support the proposed increase in the volumes of waste material processed at the site.

297. We understand this refusal of consent will have significant ramifications for SFF and other industries depending on CLS's waste services. However, these considerations do not, in our view, override the purpose of the RMA and the intent of the statutory plans. We consider this situation can not be considered to be unforeseen when SFF entered into a contract with a party who did not hold the necessary resource consents to undertake the activity.

#### **Decision**

**298. For the above reasons, it is the decision of the Canterbury Regional Council, pursuant to sections 104, 104B, 105 and 107, and subject to Part 2 of the Resource Management Act 1991, to REFUSE the application by Canterbury Landscape Supplies Limited for the following resource consents:**

- (i) Discharge Permit CRC175344 – To discharge contaminants into air; and**
- (ii) Discharge Permit CRC175345 – To discharge contaminants onto and into land in circumstances where contaminants may enter water.**

Dated at Christchurch this 26<sup>th</sup> day of June 2018



**Sharon McGarry**  
**Hearings Commissioner (Chair)**



**John Iseli**  
**Hearings Commissioner**



## WAIMAKARIRI DISTRICT COUNCIL

### REPORT

**FILE NO:** GOV-26-10-06 / 180621068953  
**REPORT TO:** Oxford-Ohoka Community Board  
**DATE OF MEETING:** 5 July 2018  
**FROM:** Doug Nicholl, Chairperson Oxford-Ohoka Community Board  
**SUBJECT:** Chair's Diary for June 2018

#### 1. SUMMARY

Continued to liaise with staff on matters of community interest including progress on Environment Canterbury and Waimakariri District Council resource consents for Canterbury Landscape Supplies.

**14 June:** Ohoka Rural Drainage Committee – there was much discussion of the level of the Ohoka Stream in its lower reaches and how this can be rectified.

I have walked a 1km section where there is a 200m section that has been planted with shrubs that now prevents digger access for clearing. WDC staff will review options including the possibility of enforcing the removal of the plants. This is to be reviewed again by the end of June.

#### **General**

Followed up on concerns regarding a flooding problem between Whites and Jacksons Roads. However, this is a landowner's problem not a Council matter to resolve.

#### RECOMMENDATION

**THAT** the Oxford-Ohoka Community Board:

**Receives** report No. 180621068953.

Doug Nicholl

Chairperson