

16. UPDATE ON BURWOOD LANDFILL RESOURCE CONSENT APPLICATION

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The purpose of this report is to inform the Committee about recent developments regarding the Council's resource consent applications for Burwood landfill.

BACKGROUND

The current resource consent to operate Burwood landfill expires 31 May 2002 and applications to extend the period of landfilling were lodged with Environment Canterbury in December 2000. Environment Canterbury's decision was released in April 2002, and in summary granted (a) an extension of the *operating life* of the site till May 2005, or until the regional landfill is operative, whichever is earlier, subject to conditions (which were acceptable to the Council), and (b) approved a closure plan for ongoing rehabilitation and monitoring till 2037 for the period *once all landfilling has stopped*, with conditions as proposed by the Council.

Two appeals to the Environment Court have been lodged. One is by Smith Developments Ltd, a property developer operating in the area and the relief sought is to either decline the application or grant it subject to different conditions. The other appeal is by the Queenspark Residents Association and the relief sought is to require the Council to install a leachate liner and gas collection system. These appeals mean that the new April 2002 decision of ECAN cannot become effective and the existing consent continues to be legal and remains in place until the Environment Court has decided on the matter.

If the parties to an appeal before the Environment Court consider that the appeal may be able to be resolved without the need for a hearing they may request mediation. All parties must agree to participate in the mediation. The Court has no power to compel parties to mediate. Where mediation is agreed to, an Environment Court commissioner is appointed as the mediator. If the parties reach agreement as to how the appeal(s) can be resolved, this is recorded in a consent order issued by the Court, which is binding on all parties. If the matter is not settled, it is then set down for a hearing. All matters raised in the mediation are confidential and cannot be used in a subsequent hearing.

If the appeals require a hearing it may be between 6 and 12 months before they can be heard.

SUMMARY

Burwood landfill continues to operate legally under the existing consent until appeals to the Resource Consent extension application are resolved. Mediation will be explored but it is likely that the appeals will eventually have to be heard by the Environment Court. All of the above matters are being addressed at management level and no elected member decision is required.

Chairman's

Recommendation: That the information be received.