


17. BURWOOD RESOURCE RECOVERY PARK



General Manager responsible:	General Manager Corporate Services
Officer responsible:	Corporate Support Unit Manager
Author:	Angus Smith – Property Consultancy Manager Robert O'Connor – Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. The purpose of this report is to seek:
 - (a) Council approval to the use of part of Bottle Lake Forest Park as the Burwood Resource Recovery Park; and
 - (b) Delegated authority from the Council to the General Manager Corporate Services to take all steps that he considers necessary to establish and operate Burwood Resource Recovery Park.

EXECUTIVE SUMMARY

2. Bottle Lake Forest Park is currently a mixed-use facility, comprising forestry and a range of recreational uses (walking, mountain biking, horse-riding, orienteering). The closed Burwood Landfill is also on site. Some of the land (531 hectares) is held by the Council as a local purpose (plantation) reserve under the Reserves Act 1977; the remainder (314 hectares) is owned freehold by the Council.
3. A large number of buildings will need to be demolished in Christchurch as a result of the earthquake of 22 February 2011. This has generated a need to dispose of a substantial quantity of building and construction material. It is estimated that the following quantities of rubble will need to be removed and disposed of:
 - 2 million tonnes of rubble from the demolition of 600 buildings within the central business district.
 - 1.5 million tonnes of rubble from the demolition and repair of approximately 8,000 homes across the city.
 - 750,000 tonnes of rubble associated with damaged infrastructure such as roads and pipes.

This totals approximately 4.25 million tonnes of rubble. Further material will be generated from demolition in urban commercial areas and waste created during the re-building phase. The rubble to be cleared primarily consists of construction and demolition materials such as concrete, bricks, wood and metal, but also includes fixtures, chattels and goods unable to be retrieved prior to demolition. Demolition material would normally be salvaged on-site. However, this roughly doubles the time taken to demolish a building and clear the site.
4. Immediately after the earthquake the Civil Defence National Controller gave authority to begin transporting demolition material to Bottle Lake Forest Park and the parts of Bottle Lake Forest Park identified as Areas A, B, C, and D on the attached plan are currently being used for this purpose. Area A is the old Burwood landfill site and Areas B, C and D are new sites.
5. The purpose of Burwood Resource Recovery Park is to enable building and construction material to be removed as soon as possible from demolition sites and then sorted, processed and recycled over a longer time period. The facilities are being used for the temporary storage of demolition material while it is sorted and uses found for it, rather than as a permanent disposal site.
6. To facilitate the operation of the Burwood Resource Recovery Park there are three issues that will need to be resolved:
 - (a) Compliance with the Resource Management Act.
 - (b) Compliance with the Reserves Act 1977.
 - (c) Resolution of land tenure issues.

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7. In terms of the Resource Management Act issues, the National Controller has given authority to begin transporting demolition material to Bottle Lake Forest Park, in line with his powers under a state of national emergency. However, once the state of national emergency is lifted, authorisation of the activity will be required to enable sorting and processing of demolition material to continue on the site. The activity is not consistent with the current resource consent conditions for the old landfill. The only practical way to provide authorisation is by Order-in-Council (for example, by providing for a streamlined resource consent process or authorising the activity directly through the order). If the Council were to apply for resource consent under usual Resource Management Act 1991 processes, it could take over 12 months for a notified consent to be issued. This time delay is simply unacceptable given the scale of the task ahead and the long period of disruption to residents, businesses and the Christchurch and national economy that would result.
8. As part of the land is held under the Reserves Act 1977 as local purpose (plantation) reserve, the Reserves Act will need to be amended to enable a lease to be granted to the operator of the Burwood Resource Recovery Park. The only practical way to achieve this is by Order-in-Council.
9. In relation to the land tenure issue, the Council currently licences the forestry park land at Bottle Lake to the Selwyn Plantation Board and Selwyn Plantation Board Limited ("SPB"). Under that licence the Board owns and manages the trees on the land, whilst safeguarding the recreational and public access benefits.
10. Council staff have approached SPB for consent to use Areas B, C and D shown on the attached plan as part of the Burwood Resource Recovery Park. Area A is outside the SPB licence and therefore available for immediate use. However, SPB is currently in the process of selling off its total forest stock, including its licence at Bottle Lake Forest Park. Under this process the trees comprised in the licence over Bottle Lake Forest Park are currently subject to a sale and purchase agreement to a New Zealand registered company called Sustainable Green Resources Limited, which is a wholly owned subsidiary of China Evergreen Forestry Company of Shanghai, China. That agreement is close to settlement. The Council will therefore need to negotiate and obtain the approval of the purchaser to enable the operation of the Burwood Resource Recovery Park to continue.
11. It is anticipated that Burwood Resource Recovery Park will operate for 5 years and that a lease or similar arrangement will be granted for that period to a joint venture or consortium led by Transpacific Industries Group for that purpose.

FINANCIAL IMPLICATIONS

12. In terms of resolving the land tenure issues there may, subject to the outcome of negotiations with SPB and their purchaser, be a need to provide compensation for the loss of Areas B, C, and D from the forestry licence. The extent of any compensation will not be known until negotiations are concluded.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

13. No

LEGAL CONSIDERATIONS

14. The use of the land for the purposes set out in this report would normally mean compliance with a number of legislative requirements. In the current circumstances this is not feasible.
15. The National Controller has already authorised the use of Bottle Lake Forest Park and demolition material is being taken there for sorting.
16. This report recommends the making of Orders in Council to modify provisions in the Reserves Act and Resource Management Act.

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17. So far as the decision-making requirements of in the Local Government Act 2002 are concerned, the Canterbury Earthquake (Local Government Act 2002) Order 2010 is relevant. The Order states that the Council is exempt from a number of those requirements to the extent that a decision is directly or indirectly necessary or desirable to further one or more of the purposes of the Canterbury Earthquake Response and Recovery Act 2010.
18. This exemption includes the requirement in section 78 of the Local Government Act 2002 to consider the views and preferences of persons likely to be affected by, or who have an interest in, the decision.
19. The use of the land is necessary to assist with the response to the Canterbury Earthquake (including the aftershock on 22 February 2011). It therefore falls within the purposes of the Canterbury Earthquake Response and Recovery Act 2010 and the Council is entitled to rely on the exemptions allowed by the Canterbury Earthquake (Local Government Act 2002) Order.
20. In ordinary circumstances the relevant Community Board would have the delegated authority to authorise the entering into of the proposed lease on reserve land. However, in view of the range of issues requiring resolution and the urgency of these matters it is recommended that fresh delegated authority be granted to the General Manager Corporate Support, including the power to enter into a lease.

Have you considered the legal implications of the issue under consideration?

21. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

22. No – extraordinary circumstances arise from the earthquake.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

23. No – extraordinary circumstances arise from the earthquake.

ALIGNMENT WITH STRATEGIES

24. No – extraordinary circumstances arise from the earthquake.

Do the recommendations align with the Council's strategies?

25. No – extraordinary circumstances arise from the earthquake.

CONSULTATION FULFILMENT

26. The matter of consultation has been dealt with in the Legal Consideration section of this report.

STAFF RECOMMENDATION

It is recommended that the Council resolves:

- (a) To approve the use of Areas A, B, C and D as shown on the plan attached to this report for the operation of the Burwood Resource Recovery Park to receive, process, sort, recycle and remove demolition material sourced from buildings demolished as a result of the 22 February 2011 earthquake and its related aftershocks.

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- (b) To delegate authority to the General Manager Corporate Services to take all steps that he considers necessary to continue the operation of the Burwood Resource Recovery Park, including (but not limited to):
 - (i) Promoting an Order-in-Council in relation to the Resource Management Act 1991, the Reserves Act 1977, the Public Works Act 1981, or any other statute, under the Canterbury Earthquake Response and Recovery Act 2010 containing such provisions and powers as he shall consider necessary; and
 - (ii) Exercising on behalf of the Council any power given to the Council under any such Order-in-Council; and
 - (iii) Negotiating and entering into such agreement with the Licensee under the forest licence of the Bottle Lake Forest Park (or the Licensee's purchaser) as he shall consider necessary on terms and conditions acceptable to him; and
 - (iv) Negotiating and entering into a lease or similar arrangement of the Burwood Resource Recovery Park on terms and conditions acceptable to him (and the power to administer, enforce as required the terms and conditions of such lease or similar arrangement once granted).

BACKGROUND

27. A large number of buildings will need to be demolished in Christchurch as a result of the earthquake of 22 February 2011. This has generated a need to dispose of a substantial quantity of building and construction material. It is estimated that the following quantities of rubble will need to be removed and disposed of:
- 2 million tonnes of rubble from the demolition of 600 buildings within the central business district.
 - 1.5 million tonnes of rubble from the demolition and repair of approximately 8,000 homes across the city
 - 750,000 tonnes of rubble associated with damaged infrastructure such as roads and pipes.
- This totals approximately 4.25 million tonnes of rubble. Further material will be generated from demolition in urban commercial areas and waste created during the re-building phase. The rubble to be cleared primarily consists of construction and demolition materials such as concrete, bricks, wood and metal, but also includes fixtures, chattels and goods unable to be retrieved prior to demolition. Demolition material would normally be salvaged on-site. However, this roughly doubles the time taken to demolish a building and clear the site.
28. Immediately after the earthquake the Civil Defence National Controller gave authority to begin transporting demolition material to Bottle Lake Forest Park and the parts of Bottle Lake Forest Park identified as Areas A, B, C, and D on the attached plan are currently being used for this purpose. Area A is the old Burwood landfill site and Areas B, C and D are new sites.
29. The purpose of Burwood Resource Recovery Park is to enable building and construction material to be removed as soon as possible from demolition sites and then sorted, processed and recycled over a longer time period. The facilities are being used for the temporary storage of demolition material while it is sorted and uses found for it, rather than as a permanent disposal site.
30. Liquefaction during the earthquake resulted in a large quantity of silt being deposited on city streets. Some of this silt is contaminated with sewage. Most of the silt has now been cleared and deposited on the site of the old Burwood Landfill at Bottle Lake Forest (i.e. Area A on the attached plan). The total quantity of silt is in the order of 380,000 tonnes
31. There is a pressing need to clear building sites as soon as possible, particularly within the central business district, so that people and businesses can re-occupy neighbouring buildings and re-building can commence. However, the estimated quantity of demolition material resulting from the Christchurch earthquake is significantly higher than normal levels of waste.

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By way of comparison, Burwood Landfill received 5 million tonnes of waste over its 30 year life. The total quantity of waste going to the Kate Valley Landfill each year is in the order of 250,000 tonnes. In addition, a permanent, and legal, solution is required for the disposal of silt.

32. In managing the waste generated by the Christchurch earthquake, the following outcomes are sought:
 - Protection of public and worker health and safety
 - Rapid and affordable recovery of Christchurch
 - Avoidance and mitigation of the harmful effects of waste
 - Efficient use of resources
 - Sensitivity in the handling of buildings where fatalities have occurred
 - Identification and protection of heritage materials
 - Transparent and equitable processes
33. Council staff have identified one suitable site within Christchurch city that can be used immediately: Bottle Lake Forest Park in Burwood. The park is currently a mixed-use facility, comprising forestry and a range of recreational uses (walking, mountain biking, horse-riding, orienteering). The closed Burwood Landfill is also on site. Some of the land (531 hectares) is held by the Council as a local purpose (plantation) reserve under the Reserves Act 1977; the remainder (314 hectares) is owned freehold by the Council.
34. There are a number of advantages in using this site for a temporary processing facility:
 - The park is located in the northeast of the city, close to many of the worst affected suburbs and only eight kilometres from the city centre. It is therefore convenient both for removal of demolition material and any re-use of hard fill to rehabilitate land prior to rebuilding.
 - The site does not pose a risk to the aquifers that supply Christchurch's drinking water.
 - As there is a landfill on site, there are already measures in place to ensure security and minimise potential adverse effects such as dust and noise (eg wetting of roads, and screening by fences and tree plantings).
 - There are established transport routes to and from the closed landfill, which have been the subject of consultation with neighbouring communities in recent years.
35. It should be noted, however, that the number of trucks travelling to the site will increase from zero to up to 1,500 vehicles each day during the initial and most concentrated six month period. Council staff are investigating the possibility of creating a loop route with separate entry and exit points to avoid trucks travelling there and back on the same roads. Peak travel times will also be avoided, possibly by scheduling trips during the night. Nonetheless, increased levels of traffic will impact on roads and residents. An Order-in-Council has been issued to enable heavy vehicles to travel on roads; however, this does not address noise issues.
36. Recreational users will lose access to some areas within the park. However, the recovery facility will occupy less than one eighth of the total park area. Users will therefore continue to have access to the majority of walking and biking tracks.
37. SPB is currently in the process of selling off its total forest stock, including its licence at Bottle Lake Forest Park. As only a small portion of their licence at Bottle Lake Forest Park is affected, and as this is only one of SPB's assets being disposed of, it is anticipated that the impact of the loss of Areas B, C and D from the forestry licence on SPB (and its purchaser) will be relatively minimal.
38. The facility is expected to be operation for up to five years. Once all demolition material has been processed and removed from the site, the park will be restored to its pre-earthquake condition. The site will not be used as a permanent disposal site.
39. The Council intends to permanently dispose of silt at the old Burwood Landfill by using it in the landscaping and rehabilitation of the land. Silt that has been removed from the sewerage system will be treated separately, with the water pumped back into the wastewater system via a new sewer line from the landfill currently under construction and the remaining sand buried in the landfill.