

Organics Processing Plant Community Liaison Group Meeting

Minutes

6:30pm to 8pm, Tuesday 15 August 2023

Waitai-Coastal-Burwood-Linwood Community Boardroom

180 Smith Street, Woolston, Christchurch 8062

1. Executive summary of minutes

Carl Pascoe (Chair) opened the meeting by acknowledging the progress that is being made, as shown in the media. Paired with support from Council which has not been seen before. Carl added an apology from community member Bruce King who is prioritising stress related health issues.

Actions from previous meeting

Action 1: Christchurch City Council (CCC) Chief Executive (CE) Dawn Baxendale and Environment Canterbury (ECan) CE Stefanie Rixecker in attendance as requested by the community. Carl reiterated no abuse will be tolerated during these meetings whilst acknowledging the intense emotions and debating.

Action 2: Carl Pascoe (Chair) had not received any commentary on the proposed Terms of Reference (ToR) tabled at the last meeting and moved them to be accepted. Some members of the community said they had not seen the proposed ToR and declined to vote.

Action 3: Request for two sets of minutes, executive summary and verbatim, actioned.

Action 4: Request for CCC May 2022 report actioned and attached to the last meeting's minutes.

Action 5: Living Earth (LE) confirmed they have scheduled an independent review of the biofilter for late August as requested by the community.

Action 6: ECan confirmed legal advice is being sought regarding the current operation and the resource consent as requested by the community, and they will deliver an update on 31 August.

Action 7: LE confirmed an order has been placed for a second screen and it is expected to be on site late October and before the upcoming peak season.

CCC update on the 21 June 2023 report and subsequent interim options consultation

David McArdle (CCC staff) clarified there are two separate workstreams currently underway and staff will present options for both to Council in December for a decision on both to be made together:

1. Long term solution procurement process.
2. Exploring interim options until the new long-term solution is operational.

The 21 June report focused on exploring the interim options with staff spending two months investigating 23 alternative locations and 20 different processing options. From the report Council resolved to engage with the community and mana whenua on the below three shortlisted options:

1. Sending kerbside organics (KSO) to alternative processors.
2. Sending KSO to Kate Valley Landfill.
3. Continue operating at the current site with operational improvements.

Resulting in a city-wide consultation from the end of August to the start of October. It was shared with the group that the reason for it being city wide is the decision being made impacts all residents and agreements made under the Long Term Plan. Members of the community expressed concern other residents would not care. From the discussion that followed Dawn Baxendale proposed the community members in attendance to be provided with a draft version of the consultation document and have the opportunity to provide feedback.

ECan's position as the regulator and their complaint response process

Stefanie Rixecker (ECan staff) shared her frustrations with the current and insufficient legislation in New Zealand for dust, waste and odour, whilst acknowledging they must operate within the law. Discussing ECan's work interpreting the Ministry for the Environment's lengthy Guidelines for Assessing Odour and leading the way with this nationally. Explaining the Resource Management Act and requirement of evidence to prosecute in a court of law. This led to the Smelt It app and ECan shared they have spent over \$300,000 developing it and have been happy to given the many questions asked by the community over the years. The conversation covered that ECan sought to have a period of working with CCC to test the app and the technology has allowed them to leapfrog ahead in terms of gathering data. Followed by a statement that ECan will no longer be playing nicely. Later ECan shared they would be conducting their annual compliance review in October, ahead of the peak season and hotter months.

Nathan Dougherty (ECan staff) clarified their process when they receive a complaint which included 10-minute odour assessments grading the intensity and character every 10 seconds and if odour is identified going upwind to eliminate other sources. The discussion also covered acute versus chronic odour.

Greg Brynes (ECan elected member) mentioned the ceasing of compost use on the paddocks of the Wastewater Treatment Plant (CWTP) and acknowledged progress being made from these meetings,

CCC & Living Earth current site management discussion

David McArdle (CCC staff) followed on from the earlier CCC update and set the context for this discussion as what is being done between now and December. Reassuring the community their concerns are being heard and resulting in changes, referencing the ceasing of compost use at the CWTP.

Jaco Kleinhans (LE staff) talked to the biofilter refurbishment being complete and the process that was undertaken, exploring new end markets with the CWTP no longer being used, no tailings currently being stored on site, increased screening capacity from the new screen that has been ordered, and dust monitoring procedures and independent third-party analysis. From the dust discussion Nathan Doherty offered to be a direct contact for Carol Anderson (community) regarding dust.

The topic of issues with the biofilter refurbishment and the two problematic tunnels at the start of June was discussed between Yani Johanson (CCC elected member), David McArdle (CCC staff) and Paul McMahan (CCC elected member). The community were informed as soon as LE and CCC found out there was an issue. Carl Pascoe (Chair) summarised with the need for proactive communication with the community and not waiting until something happens.

Any questions or feedback can be sent to Bromley@ccc.govt.nz

2. Verbatim Minutes

Chair – Carl Pascoe

CCC staff – Dawn Baxendale, Lynette Ellis, Alec McNeil, David McArdle

CCC elected members – Yani Johnson, Jackie Simmons, Paul McMahon

ECan staff – Stefanie Rixecker, Judith Earl-Goulet, Nathan Doherty

ECan elected members – Greg Brynes, Genevieve Robinson

Living Earth (LE) staff – Jaco Kleinhans

Community – Andrew Walker, Daniel O’Carroll, Don Gould, Geoffrey King, Katinka Visser, Margaret MacPherson, Michael Williams, Tony Planicka, Vickie Walker

Minutes – Corey Sutton

Apologies – Bruce King, David Howie, Jolene Terrier, Max Terrier

1. Welcome and Introduction

Carl Pascoe, Chair – Introduced the meeting.

Shared Bruce King’s apologies and noted he is prioritising stress related health issues.

Shared Jolene and Max Terrier’s apologies and noted they had submitted written questions which will be addressed later in the meeting.

Jaco Kleinhans, LE – Added an apology from David Howie

Carl Pascoe, Chair – Acknowledged progress is being made as shown in the media and there is support from the Council, as noted by Councillor Johanson, which has not previously been shown.

Michael Williams, community – Enquired about the progress.

Carl Pascoe, Chair – Assured Michael this will be explained later in the meeting.

Michael Williams, community – Acknowledged Bruce King and showed appreciation his 15 years of effort. Asked about a direct way to acknowledge him from the community group.

Carl Pascoe, Chair – Determined that is entirely a community group issue.

2. Confirm previous meeting’s minutes

Carl Pascoe, Chair – Assumed confirmed.

3. Report back on actions from previous meeting

Action 1: Formal request from the community to Carl Pascoe, Chair to arrange a meeting with Chief Executive and next tier of Managers from the local authorities to meet with the residents.

Carl Pascoe, Chair – Reiterated no abuse will be tolerated during these meetings, despite intense emotions and debating.

Michael Williams, community – Speaks up to confirm they can still disagree before thanking both Dawn Baxendale and Stefanie Rixecker for attending.

Action 2: Request to the community for them to review the proposed ToR and provide any feedback to Carl Pascoe, Chair.

Carl Pascoe, Chair – Commented tabled last meeting after being included with the agenda for that meeting and no commentary had been received since therefore moved to be accepted.

Community - Some members of the community said they had not seen the proposed new ToR.

Action 3: Going forward two sets of minutes will be taken. Verbatim minutes of meeting available on request and executive summary of the minutes to be circulated.

Actioned as requested.

Action 4: CCC to share the May 2022 report to Council (with the cost breakdown to send materials to Kate Valley) with the CLG.

Actioned as requested, attached to the last meeting's minute when dispatched.

Action 5: CCC/Living Earth to arrange for an independent review of the biofilter operation.

David McArdle, CCC staff – Offered comment and said it will be addressed in the reports later in the meeting.

Action 6: The community asked to find out whether the plant can operate under the current resource consent with the changes have been made to process. Nathan Dougherty from ECan will arrange an independent advisor to answer this request. Bruce and Jeffery have already asked me the same question and I have chased it up.

Stefanie Rixecker, ECan staff – Confirmed an update is due 31st August.

Yani Johanson, CCC elected member - Commented the consent review is possible by the last weekend of March each year and when he asked ahead of the last March deadline, he was told it is a very complicated process. The impression he took from that is that it is not possible under the Resource Management Act (RMA).

Lynette Ellis, CCC staff – Responds this is different to what was raised and resulted in Action 6, adding they are two different issues,

Nathan Dougherty, ECan staff – Confirmed legal advice is being sought.

Q. Yani Johanson, CCC elected member – Checked if this was an external and independent legal advice?

A. Nathan Dougherty, ECan staff – Yes

Action 7: Timeline of when the second screen is arriving to be communicated to the CLG.

Jaco Kleinhans, LE – Shared this will be addressed in the reports later in the meeting.

4. Update on CCC resolutions regarding June 21 report to Council

David McArdle, CCC staff – Clarified two separate workstreams;

1. The procurement process to relocate the facility.
2. What we do in the interim until the new facility is opened, which was the focus of the 21 June report to Council.

Continued to explain 21 June report to Council covered wide range of options being considered until the new facility is opened. Staff spent two months investigating 23 alternative locations and 20 different processing options, and odour, implementation time, costs and other considerations for each.

From this report Council resolved to engage with the community and mana whenua on the shortlisted options:

1. Sending kerbside organics (KSO) to alternative processors. Noting there are none in the South Island that have the relevant resource consent, the only alternative processors are in the North Island.
2. Sending KSO to Kate Valley Landfill.
3. Continue operating at the current site with operational improvements.

Shared there will be a city-wide consultation starting at the end of the month and running until the start of October. The reasoning for it being city-wide is the changes will affect the whole city and agreements that have been set with the Long Term Plan. The consultation document is being finalised and we are presenting on the document to the Community Board next Thursday.

Vickie Walker, community – Expresses concern residents on the other side of city will not care.

Lynette Ellis, CCC staff – Reassured Vicky and the community that it is not a poll, we are merely collecting feedback. Continued to explain we (staff) have an obligation under the Local Government Act as staff when advising elected members to provide them with the views of the community, the facts and then they weight those up against those who are affected and the implications.

Carl Pascoe, Chair – Suggested it would be appreciated if the local community could be given an opportunity to go through the consultation document and provide their opinion on what should be included in the consultation document, such as their status in the process, being the residents most affected by the OPP.

Paul McMahon, CCC elected member – Supported the community having input and added Councillors are not looking for reasons not to close the OPP, they just have to go through the process otherwise they would open the Council up for judicial challenge.

Dawn Baxendale, CCC staff – Suggested if the draft consultation document is going to the Community Board next Thursday, that it is circulated to the community before then for feedback.

Carl Pascoe, Chair – Summarised for the group, a document is going to the wider community to consult on the options for closing the OPP, the three previously mentioned by David, and that it will be shared with this community for comment before it is finalised and goes public.

Yani Johanson, CCC elected member – Welcomed the opportunity for the liaison group to feed into the draft and commented it encourages direct involvement. Acknowledged it is a quick turnaround for staff as Council wants this resolved as soon as possible. Welcoming constructive feedback and specifically mentioned if you think the language is not plain to provide feedback on this.

David McArdle, CCC staff – Stated he would work towards sharing a draft of the consultation document with the group by Thursday which would give them a week to provide feedback. Proposed feedback is sent directly to him through the Bromley@ccc.govt.nz email account.

Continued the CCC update. In December staff will present to Council on the interim options and the long-term solution together.

Margaret MacPherson, community – Suggested CCC are stalling.

David McArdle, CCC - Reassured the community this timeline is to ensure the procurement process is robust.

Geoffrey King, community – Commented he has been sleeping in his car and that the OPP was meant to close three years ago.

Q. Carl Pascoe, Chair – Called upon Yani Johanson to comment on the timeline.

A. Yani Johanson, CCC elected member – Explained CCC are required to consult even though his preference would be to just do it. Mentioned we are still awaiting ECan's review and given the regulatory action questioned why we are not consulting on becoming compliant. Continued to explain the interim options require significant public investment hence why the advice given has been to consult. Shared it makes sense to make both decisions simultaneously. Confirmed the CCC Councillors asked staff to consult as soon as possible as there is no perfect solution. Commented on the road to the permanent solution being long and complicated but Council is on track. Commented on the interim solution also being complicated due to contracts, the material that needs to be processed, locations and other factors. Complimented staff's work to provide options and said it is then up to Councillors to decide taking into account feedback, budget amongst other considerations.

Q. Geoffrey King, Community – Questioned the integrity of some of the Councillors and commented they are not affected by the dust.

A. Yani Johanson, CCC elected member – Responded there was a decision last week not to stay at the current site, which was near unanimous. Acknowledged it is frustrating and unacceptable how much people have suffered but things are in motion and this Council, this Mayor, are absolutely committed to moving the OPP. Mentioned the staff reports included options for the current site to reduce the impacts in the meantime. Commented in the past 12 years a lot of progress in getting a greater level of detail of understanding what's happening at the plant and when things go wrong what is being done. Stated Pattle Delamore Partners identifying cases of offensive and objectionable odour is objective evidence that the OPP needs to move. Credited staff for conducting independent monitoring. Asked to be judged when we make those decisions in December.

Margaret MacPherson, community – Shared her appreciation for Yani’s efforts.

Q. Don Gould, community – Asked through the Chair if rates implications would be stated in the consultation document?

A. David McArdle, CCC staff – Yes, as both a dollar figure and a percentage increase, both over a five-year period, against a baseline of the current operation.

Don Gould, community – Raised concerns that any rise in rates for those not effected will not induce empathy.

Jackie Simmons, CCC elected member – Responded Council and staff have an obligation to provide context for different impacts.

Q. Will feedback from the consultation be provided to the community?

A. Yes, the results will be made public along with analysis and reporting on the results.

Q. Will the community have the opportunity to have input on how that feedback is provided?

A. Still to be decided but we will aim to keep open communication with the community.

5. Resident lived experiences since last meeting including the Geoffrey King odour report

Geoffrey King, community – Did not bring the report or provide to the Chair. Questioned ECan on during June there was 19 complaints made but only one visit made to verify.

Stefanie Rixeter, ECan staff – Acknowledged this is not the first time she has interacted with the community on this matter, having met Bruce (acknowledging his apologies) and Geoffrey.

As a regulator stated, “as Minister Parker has heard me on this”, it is utterly infuriating that settings in this country for dust, waste and odour are insufficient and that she agrees with the community. However, they must work within the law, even if she disagrees with it.

Explained there is a guide to assessing odour, which is equivalent to “not just a doorstep but five bibles stuck together”, and that ECan have done more to read and interpret the guide than any other Council up and down the country. Frankly others are waiting for us to see how it goes as no one else wants to test it. She has been working to understand, before she was Chief Executive and Director of Science at ECan, how to determine if there is odour.

Explained the RMA requires if they were to go to court to prosecute evidence is required as proof and beyond reasonable doubt, like a criminal conviction. Stated no one in New Zealand has used any app to prove this and Smelt It has allowed them to leapfrog ahead thanks to technology. As a Council they have spent over \$300,000 developing this app and they were happy to because of the questions the community have raised over the many, many years. Explained ECan sought to have a period of time of working with CCC to test the app in order to gather data. Stefanie stated ECan had to draw a line in the sand and say they are “no longer playing nicely”. Acknowledged this is difficult as the community are all ratepayers for both Councils. Shared they are learning as they go and acknowledged mistakes have been made.

Commented they are relatively small team but with the largest geographical region, and the same team has to prioritise and effectively triage dead fish in rivers, oil pollution, any other spills within rivers across the region, and rural issues. Resulting in her response team having a list of items and then they go out as quickly as they can.

Q. Michael Williams, community – *Questioned why have resource consents if you can't enforce them?*

A. Steffanie Rixecker, ECan staff – *Acknowledged that it was a good question of our government and a good question of the RMA. Referred to the consent that odour shall not exceed the boundary. Shared they would like to show empathy but are bound by the law.*

Q. Michael Williams, community – *Asked what would be considered a reasonable number of complaints?*

A. Steffanie Rixecker, ECan staff – *Responded there is no single number and talked about the difference between acute and chronic odour because that is part of what they need to prove.*

Jackie Simmons, CCC elected member – *Expressed her frustration through the Chair.*

Nathan Dougherty, ECan staff – *Explained the process when they receive a call, they review it against a range of other issues. Perhaps the officer will attend the location where the call was received from and, expanding on Steffanie's acute versus chronic comment, ascertaining if its continuing. If it is not continuing and its low, it's disappointing but not necessarily worthwhile continuing to pursue. If there is a hint of odour it is likely the officer will conduct a ten-minute assessment grading the intensity and character of the odour every ten seconds, either electronically or using an assessment sheet. If reoccurring and scoring a three out of six, known as "Distinct", this could lead to the odour being charged as offensive. If limited or fleeting, then it cannot be graded as offensive. Once completed and if an odour source has been identified you then have to go upwind to eliminate other odour sources and characterise them, in accordance with the Ministry for the Environment guidelines.*

Q. Geoffrey King, community – *Asked if Notice of Non-Compliance can carry a fine of up to \$600,000 and/or up to \$10,000 per day for breaching the consent?*

A. ECan – *Responded these amounts can be set in court but this has not gone to court yet.*

Greg Brynes, ECan elected member – *Discussed when he came to see Geoffrey over Christmas and material was being spread by Breezes Road roundabout and the smell was sickening on hot days. Acknowledged a benefit of these meetings is that the Council has stopped spreading material over that area.*

Mentioned Paul has been good on social media and posting when there has been odour, and there has been times when he went down on his push bike and the odour has been quite different in the

space of 20 to 30 minutes. From his view it certainly has improved where he lives which to him has been a positive outcome. Greg did acknowledge he does not live as close as Geoffrey though.

Stefanie Rixecker, ECan staff – Added they have no intention of stepping away and plan to continue being committed to the cause.

Commented ECan will be conducting their annual compliance review in October, particularly before the warmer season.

Acknowledged she is aware of the impact as Geoffrey texts her every time and she shares the texts with the team.

Commented further even as the prosecutor it must be reviewed by a team. ECan want more power to prosecute to prevent this kind of thing happening. Mentioned it is deemed a criminal matter and those responsible can be sent to prison. Clarified when they do prosecute, she is the only person who signs off a prosecution on behalf of ECan.

Yani Johanson, CCC elected member – Raised ECan's timing of providing feedback on the consent review by the 31st of August and Council opening the consultation on the 30th of August.

Stefanie Rixecker, ECan staff – Responded that from their perspective, they respect that Councillors have made decisions and created resolutions and asked staff to take certain actions, we wouldn't want to get in the way of that. We can certainly take that on board and to be honest there's nothing stopping anyway from putting information out alongside the consultation document.

6. Living Earth & CCC discuss current site management and suggested processes moving forward

David McArdle, CCC staff – Followed on from what was discussed previously about decision being made in December, discussed what action is being taken until then. As previously raised by ECan, as of June no more compost is being sent to the Wastewater Treatment Plant (CWTP) and spread on the paddocks there. As part of that process, we are now finding alternative end markets for the product. You can take away from the CLGs that we are listening. Your concerns are being heard and resulting in changes.

Q. Community – Where is it being stored now if it's not being taken to the CWTP?

A. David McArdle, CCC staff – Confirmed it is still temporarily being stored on site and moved off site once sold to customers. It's just sold to different customers now.

Jaco Kleinhans, LE – Continued the update.

Confirmed the biofilter refurbishment is complete with the final layer of biofilter media added two weeks ago.

Expanded on now sending the product to the on market which includes larger customer such as horticulture and viticulture. Explained this does present operational challenges as wet weather

impacts their ability to take the product as they cannot access the paddocks.

Currently no tailings on site as consumed or removed from site all tailings.

Shared LE have placed an order for an additional screen to double screening capacity for the peak season.

Q. Michael Williams, Community – *Asked Jaco if he is confident the OPP will be able to process what's coming in for the next peak season?*

A. Jaco Kleinhans, LE – *Answered the additional screening capacity will allow him to screen quicker and should result in less product on site waiting to be screened. The next challenge is making sure the product has somewhere to go. Confirmed LE are working on this now to line up orders for the Christmas period when truck drivers, like everyone else, take leave and shut down.*

Lynette Ellis, CCC staff – *Added Jaco, David and the team are working hard to have those solutions in place beforehand and having learned from the lessons from last season.*

Q. Carl Pascoe, Chair – *Raised a question submitted from Jolene and Max who could not attend tonight; will the new screen be enclosed?*

A. Lynette Ellis, CCC staff – *This is part of the consultation material and one of the options being consulted on.*

The topic of dust and dust monitoring was raised.

Jaco Kleinhans, LE – *Responded LE engage an independent third party to conduct their dust analysis and their reports are within the consent limits. The dust monitors are buckets containing filters which are placed downwind of the OPP. The filters are removed and analysed.*

Q. Don Gould, community – *Asked if electronic dust monitoring is available?*

A. Jaco Kleinhans, LE - *No*

Carol Anderson, community – *Mentioned dust on her patio and Nathan had agreed to visit six months ago but has not.*

Q. Carl Pascoe, Chair – *Asked Margaret if she is getting dust on her patio?*

A. Margaret MacPherson, community – *Yes, my concrete patio just goes black.*

Paul McMahan, CCC elected member – *Requested someone from ECan goes to look at Margaret's patio.*

Carol Anderson, community – *Commented it is too late as it has already been spray washed.*

Q. For the peak period is it possible to send everything to Kate Valley Landfill?

A. Lynette Ellis, CCC staff – *Replied this is one of the options being proposed in the consultation. Explained Kate Valley Landfill cannot currently take all of CCC's KSO due to limits on truck movements on their resource consent with Hurunui District Council. We have discussed the possibility with Waste Management, but it is Transwaste's consent, and they manage it.*

Yani Johanson, CCC elected member – Suggested at the next meeting it would be good for the community to hear about the work being done to find solutions for the upcoming peak season.

Q. Requested a point of contact at ECan for Carol.

A. Nathan Doherty, ECan staff – Volunteered himself to be the point of contact for Carol.

Q. Margaret MacPherson, community – Asked if there was any research done into what people should put into their green bin?

A. Carl Pascoe, Chair – Proposed this information is captured in the consultation document.

Further discussion around bin sizes and again Carl proposed this information is captured in the consultation document.

Waimakariri District Council's KSO was discussed, and Lynette confirmed there is a contract in place for the OPP to accept the material as they do not have a facility to process it themselves. Carl summarised it as a business transaction which would stop if it needed to.

Q. Carl Pascoe, Chair – Raised Jolene and Max's last question; at the last meeting was it said piles were left outside and became anaerobic if they aren't moved fast enough to the screen?

A. Jaco Kleinhans, LE – Clarified he said there is a risk they can go anaerobic and that is why they keep moving the piles to keep them aerated.

Q. Don Gould, community – Questioned how the piles are moved?

A. Jaco Kleinhans, LE – Front end loaders

Q. Geoffrey King, community – Asked for more information about the biofilter rebuilt.

A. Jaco Kleinhans, LE – Confirmed it was rebuilt. Then further explained the biofilter media/material is removed every three years and the floor is then inspected before new material is added back. They found damage to the floor which you cannot see when there is 1.3 metres of material on top. So the decision was made to remove and rebuild the floor in two by four wooden sections, and this was done in two sections.

Q. Geoffrey King, community – So it isn't new technology, "it's still the same World War One technology?"

A. Jaco Kleinhans, LE – Confirmed it was rebuilt to the original design.

Vickie Walker, community – Commented the community were unaware.

Jaco Kleinhans, LE – Added the full replacement was brought forward one year and done in winter being the low season.

Lynette Ellis, CCC staff - Continued the biofilter discussion and mentioned at the last meeting we committed to an independent review of the newly refurbished biofilter. We needed to let the new material settle and microbe growth to reestablish. Now this has been completed in the past two weeks the review has been scheduled and we'll pass on feedback to the community once more information is available.

Jaco Kleinhans, LE – Added data points need to be built up for the review.

Q. Carl Pascoe, Chair – Raised another question from Jolene and Max; how long does it take the biofilter to be fully functional after it's been rebuilt?

A. Jaco Kleinhans, LE – Explained the biofilter refurbishment was completed in two sections, with one section functioning whilst the other is refurbished. Therefore, the biofilter remained functional throughout.

Q. Yani Johanson, CCC elected member – Asked if the community were notified when there were issues with the biofilter refurbishment?

A. David McArdle, CCC staff – Council sent an update to the community as soon as they found out there was an issue with the biofilter refurbishment, and the compost being produced.

Paul McMahon, CCC elected member – Added the update was once there was issues, not proactively about the work being completed.

Carl Pascoe, Chair – Summarised there has been a theme throughout about the need to be proactive with the community and not wait until something happens.

11. Concluding remarks – Chair

Carl Pascoe, Chair – Shared his appreciation for a civilised and direct meeting, and his opinion that it had been one of the better meetings. Thanked everyone for their contribution. Shared he will be away in Scotland for September and back in November for the next meeting.