

Organics Processing Plant Community Liaison Group Meeting

Minutes

6:30pm to 8pm, Tuesday 16 May 2023

Waitai-Coastal-Burwood-Linwood Community Boardroom

180 Smith Street, Woolston, Christchurch 8062

1. Executive summary of the minutes
2. Verbatim minutes

Attachments

- a. Geoffrey King's CLG odour report, Tuesday 16 May 2023
- b. Supplementary Agenda of CCC Finance and Performance Committee, Thursday 26 May 2022

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

1. Executive Summary of Minutes (Details in Verbatim Minutes)

Welcome & Introductions

Carl Pascoe (Chair) opened the meeting with a discussion about how the community can use the CLG forum to propose mitigations for the operation in the interim until it is relocated. Suggesting the community look at individual experiences and provided examples of those individual experiences.

Carl tabled an updated version of the meeting Terms of Reference. This needs to be reviewed and updated by agreement of the members of the meeting.

Feedback from the community

The Bromley residents raised the odour has been strong lately which has been very upsetting.

Concerns were raised that there is no willingness to relocate the facility;

- Paul McMahon (CCC elected member) advised there is a clear majority at CCC and willingness to move the plant, just not at 'any' cost.
- Lynette Ellis (CCC staff) explained CCC are currently going through a procurement process, talking to six different parties who have options and sites, and by the end of this year there

will be a solution which the residents will be advised about. Discussions are also happening with the Ministry of Environment to ensure the funding still happens.

- Yani Johanson (CCC elected member) addressed the community concerns and said he has never seen a Council more committed to do the right thing. Further commenting and separating the two processes currently underway at Council of the relocation procurement process and the assessing the options in the interim until the facility is relocated. Concluding not to underestimate the amount of work that is happening at the moment to find a solution and that we are moving in the right direction.

Council & Living Earth feedback & discussion

Lynette Ellis (CCC staff) shared and talked to an infographic (attached) to visualise changes to the operational made since the abatement notice deadline.

David Howie (LE) followed this with a presentation covering;

- A comparison of the original operation and transitional operation
- Seasonal variances
- An operational process review
- Investigating a second enclosed screen to prevent a backlog of unscreened material. A risk identified in the past peak season of spring/summer.

General discussion

Greg Brynes (ECan elected member) raised ECan and CCC are two publicly funded bodies and when they disagree a legal process must be followed. Greg also touched upon CCC's current anti-bullying campaign and the treatment of staff in this meeting.

The relevance of the current consent was raised given the change in operation at the site. ECan advised that they will get independent advice about on this matter.

Actions from 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.

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

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.

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

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

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.

Action 7: Timeline of when the second screen is arriving to be communicated to the CLG. **CCC/Living Earth**

2. Verbatim Minutes

Chair – Carl Pascoe

Christchurch City Council (CCC) staff – Lynette Ellis, David McArdle

CCC Elected members – Yani Johnson (late), Paul McMahan

Environment Canterbury (ECan) staff – Nathan Doherty, Lauren Hamilton

ECan elected members – Greg Brynes

Living Earth (LE) staff – David Howie, Jaco Kleinhans

Community – Andrew Walker, Bruce King, Geoffrey King, Katinka Visser, Margaret MacPherson, Michael Williams, Sheryl Ladkin, Vickie Walker

Minutes – Christie Burrows

Apologies – Daniel O’Carroll, Don Gould, Keith McKay

1. Welcome and Introduction

Carl Pascoe, Chair – Introduced the meeting and advised the Health and Safety protocols for the meeting being held in the Community Boardroom.

Carl Pascoe, Chair - Asked the room to note the agenda items are being shifted around.

Carl Pascoe, Chair - Expressed he is an independent chair and is not on anyone’s side. He reviewed and rewrote the Terms of Reference. He gave his rationale as to why the changes when they were circulated.

Carl Pascoe, Chair - Commented in his opinion the following comments:

1. CCC at a political level i.e. the Councillors, despite many years of lobbying have shown no appetite to close down the plant.
2. The economic lifespan of the new plant is about 15 years.

Carl Pascoe, Chair - Has a cynical view the reason for not closing the old plant before the new plant is established, is this 15 year life span. Which led **Carl Pascoe** to have the thought that the community here can use this forum all day long to argue, yell and scream at ECan for not closing down the plant and nothing will change. He said if you want to do lobbying and advocacy of political body to change its mind or approach these sort of forums are not it. If the community are going to have to wait for the next few years, then let’s start looking at it from a couple of different ways. Firstly, looking at the plants operation and how you can reduce and mitigate in the interim. It is an ongoing process. He commented that what triggered his thinking is at the last meeting it was said Bromley pays the price for the rest of the city.

Q. Carl Pascoe, Chair - What if the CCC collected the greens bins every fortnight as opposed to weekly?

A. Community – Replied it would still smell and the red bins would fill up quickly.

Carl Pascoe, Chair - One approach we can take, is looking at the process from end to end and what other approaches can we look at. Rather than looking at the whole area let's look at the individuals experience. Some examples - Bruce King and the dust and dirt in his gutters. Vickie and Andrew Walker it is their air quality in their house. Carol Anderson it was the black marks on their veranda and for Geoffrey King has to leave his house and stay in a motel.

Carl Pascoe, Chair - Asked the room what if we look at the processing side of it. They are not going to shut the plant until they have another one to replace it. It has been this way for 14 years.

Q. Vicki Walker, community - Asked why couldn't they not stop the amount that is coming to process the amount they have already got?

A. Carl Pascoe, Chair - Said this is one part to discuss and the other is to look at each individual households and have a discussion at this table and how can CCC mitigate their individual problems.

Q. Katinka Visser, community - Asked is it even the residents' problem to be giving solutions to CCC. Why do they as the residents have to give them the answers?

Bruce King, community - Asked why the plant is still going when it is not operating under consent. The smell should not be leaving the boundary.

A. Carl Pascoe, Chair - Said there is an area to do something different when it comes to how the community approaches the political lobbying.

Michael Williams, community - Said it is not the ineffectiveness of this group, it is the lack of action by the local authorities.

Carl Pascoe, Chair said he is not criticising the work of the group. He is saying to consider trying something different to see if can get a different result.

Vicki Walker, community - Said this would not happen anywhere else in the county for 14 years.

Q. Carl Pascoe, Chair - Said for example what if council paid for a review of resident's house to check if there was anything they could do to mitigate the smell.

Vicki Walker, community - Strongly expressed she would not be comfortable for people to come into her home. She said she wants to live in her property and this needs to stop now because they are over it.

Andrew Walker, community - Said Living Earth had two years over lockdown where they experimented with different mixtures and trying different things. They have had 14 years of living and breathing in crap.

Vicki Walker, community - Explains she has been sick with Pneumonia and lung infection and now has asthma and they she is "fucking sick of it". She has her family here and she will not leave. She loves her community and that is torture.

Margaret Macpherson, community - Said everyone around this table are all guilty and really need to take action and take a look at themselves moving forward and think about the people in the community and what is like for them. She mentions most of them in the room are retired and this is not how they should be living in their retirement; they should be able to breathe in fresh air.

Vicki Walker, community - Comments both herself and Andrew are still working.

Margaret Macpherson, community - Goes on to say CCC and ECan shame on you as you have allowed it to happen for 14 years with excuse after excuse.

Vicki Walker, community - Says she has worked hard all her life for her property and now it is not worth what it should be worth. She would not leave another family to come into her property with the smell as not fair.

Michael Williams, community - Said to Carl he could multiply the experiences held by individuals across the whole community, as they are similar experiences held by most and he does not see how this would be effective.

Katinka Visser, community - Said what really gets her is when she rings the CCC call centre and they have no idea where she lives. They have no idea what she is going through.

Geoffrey King, community - Said ECan have a problem with the call centre, they have a problem with the CE. The people who go out and monitor. ECan is dysfunctional full stop.

Q. Vicki Walker, community – Asks Carl Pascoe as an independent chair what can the residents do as from her point of view she can only see Class A action and she will go and knock on all the doors.

A. Carl Pascoe, Chair – Replied, this is your choice to make, and it is as different approach from what you have chosen to date.

Vicki Walker, community - Commented they are over it. They are not rich people, and they work hard. They should not have to bust their guts. Carl understands where Vicki is coming from and her frustration with the two local authorities.

Katinka Visser, community – Commented on the staff turn-over and how frequent staff leave.

Vicki Walker, community – Said they pay their rates to employ these people who are not doing their jobs. It is not fair not they are getting a poor job done to rectify the poor air quality.

Carl Pascoe, Chair - Said he agrees and Clr. Johanson has worked solidly for 14 years to convince the bulk of his colleagues for their support.

Vicki Walker, community - Said time to go the media.

Carl Pascoe, Chair - Commented it is time to try something different as getting the same results.

Bruce King, community – He went round the businesses in the community, and they are not prepared to take any action as they are scared CCC would pick on them. There are people on their streets that are also scared to complain.

Bruce King, community - Also heard at meeting recently the comment where it was said the residents could sell their property. They cannot sell their property knowing about the issues as they will be sued. He said the idiots around the table are being told what to do by the governance. They do not have the balls to stand up to support the people they are meant to support.

Carl Pascoe, Chair - Explained any employee of an organisation has rules that they must abide by and are constrained by what they can and cannot say.

Q. Michael Williams, community - How many meetings has there been held about this process and this process only by Living Earth, CCC and ECan?

A. David McArdle, CCC staff - Confirmed ECan and CCC as the consent holders have regular meetings. Then there are meetings between CCC and Living Earth as the contractor.

Q. Community - Asked what you get out of the meetings?

A. Lynette Ells, CCC staff – Confirmed Living Earth and CCC do meet together regularly to resolve the issues and try to solve the problems. She said we have brought along tonight some information we

would like to share with you. We are taking ownership of what is happening and move forward in steps.

Community - The residents said the smell has been really bad the last couple of days.

Bruce King, community – Complained CCC has taken over the meeting when it is meant to be the voices of the community.

Carl Pascoe, Chair – Said to Bruce that he gave his view of a different way of working and Bruce clearly does not want this approach.

Vicki Walker, community - Said it's frustrating and to close the plant.

Carl Pascoe, Chair - Comments this may be the ideal and understands her frustration.

Paul McMahon, CCC elected member – Commented from his understanding there is clear strong majority around the CCC table to close the plant and move it and the key thing is, but not at any cost. He reiterated Carl Pascoe's suggestion to look at how to mitigate the impact on the individuals in the interim as an option to consider. The other option to threat a Class action is available however it will most likely take just as much time and will be much more expensive.

Q. Michael Williams, community – Asked what are the costs? How much rubbish is going out in the red bins? What about Kate Valley? We need better questions to get back better information from the people who have accountability to respond to the community.

A. Carl Pascoe, Chair – Commented one lever to pull is to make it politically untenable for the elected members to close the plant. It is important to get savvy on how to pull the lever. In the meantime, simply saying let's look at each individual experience of those who are suffering and see what can be done to help. In Auckland and the flooding, they have there, they are considering managed retreats.

Carl Pascoe, Chair – Asked the residents where are your advocates? When you are so involved and are suffering and caught up in the events yourself you cannot see yourselves. You could say at this meeting we want two full time independent advocates who are paid by the local authorities.

Geoffrey King, community – Said it's a good idea but they will be conned by CCC and corrupt. He continued to say Carl Pascoe has changed in the last couple of meetings and has not been the same.

Carl Pascoe, Chair - Continued if you cannot get the smell eliminated in for five years and you want to live in the area, then we need to look at ways where we can make it more bearable. Need to stop looking at the how many complaints are issued by ECan. We need to look to the Geoffrey King's ratings of the smells. He said let's get the facts into it.

Bruce King, community – Referred to an article from 2022 on the plant and how long they have been waiting for action and they have had enough of all the talk.

Geoffrey King, community – Said they have been through many staff changes and questioned qualifications.

Q. Vickie Walker, community – Asked **Jaco Kleinhans, LE staff** why does it smell so much. Is there too much mixture? Can the plant not handle the amount? Why cannot you stop it smelling?

A. Lynette Ellis, CCC staff – This is what we would like to talk through with you tonight and we have brought with us information to share with you. She assured, the staff are genuinely wanting to fix this and are working really hard to get this sorted for the residents.

Q. Geoffrey King, community asked if a few of people from the community could have a meeting with the CEO's and the staff at the top of the local authorities. He said they don't want to listen to them.

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.

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

Michael Williams, community – Suggested to have a condensed version of the minutes of these meetings along with answers to their questions recorded. The minutes are too long. Do we need verbatim minutes?

Paul McMahon, CCC elected member - Said the reason most likely behind the decision for having the minutes taken in form of verbatim is for people who may miss the meeting. Also, if minutes are condensed it is then on the person taking the minutes to make the decision on what to record. Paul suggested to have the verbatim minutes completed and available on request. And also have the executive minutes summary that are circulated with the main key points, actions.

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.

5. Living Earth and Christchurch City Council discuss current site management and suggested processes moving forward

Lynette Ellis, CCC staff – She has been talking to the team about how we communicate what we are doing down on site, what should be there, and we are expecting to be there. She would also like to ask some questions at the end to understand what has been happening the last few days as a few of you have mentioned tonight how the smell has been really bad recently. Said what we (CCC and Living Earth) have done is put together some pictorial facts information to show what has been happening on site. This information is on what they have been doing in the 12 months and how they have changed the operation since the abatement notice was issued.

CCC has been issued infringement notices and have paid the fines.

The information will be available on CCC's website.

This is a pictorial description of what happens on site.

Michael Williams, Community - Asked how many times odour has been mentioned in the pictorial facts.

Lynette Ellis, CCC staff - Confirmed it hasn't. The information is how we process the material and to show what happens at the plant. This is to help show what we are doing to mitigate the risk points. It is a starting point to lead into the slides shown by Living Earth.

David Howie, LE staff – Introduced himself to the room. Living Earth and CCC, as Lynette Ellis has mentioned they, have been working together on this. He was at the last meeting and are very aware of the concerns raised. They have been trying to understand where the odour risks and looking to identify where in the process to make changes. There have been changes already and want your feedback.

This is a progression over time. David Howie walked through the slides.

- Site is consented for 120,000 tonnes per annum. 60,000 tonnes on site is a figure has been discussed previously. Progressed down to 22,000 tonnes at the time of the Abatement Notice. Subsequent to that now down to 5,000 tonnes. This is a significant reduction of volume of material on site that has the potential to generate odour. This is a significant area of change.
- Two schematics comparing the original operation and the transitional operation. The key difference being the removal of the windrows, which is a key factor in the reduction of the material on site. Residents comment they have not gone far and are on paddocks close by.
- Graphs displayed which show variables throughout the year. Wind, KSO grass content, input per day.
- Reviewed processes, material onsite and capacity of the equipment they have at the plant to process the volumes.
- Through spring, summer and autumn period is when there is more volume coming in than the screening unit has capacity to process. This effectively creates a backlog of material at the plant. What they have done is look at having two screens onsite to not have a backlog of material onsite. This is a change they are working through at the moment to have a second screen on site by the time spring is upon us to ensure to not have a backlog of material on site.

Lynette Ellis, CCC staff – Commented the risk was identified in the process to be when the material was being taken out of the tunnels to feed it through the screens over the Christmas period.

Q. Katinka Visser, community - Asked are there certain time periods during the day where this part of the process happens? There are certain times of the day where the smell is stronger.

A. Jaco Kleinhans, LE staff - In the past yes, for example turning the windrows at night.

Q. Michael Williams, community – Commented he has never seen a breakdown of the costs on how much it would cost to send the material to Kate Valley.

A. Lynette Ellis, CCC staff – Answered this information is publicly available and will circulate it to the attendees of the meeting. The report was presented to Council in May 2022. She emphasised they are here tonight to talk through what is happening onsite and be clear and transparent in their communication.

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

Q. Community - Asked why is it smelling at the moment? The last few days it has been really bad.

A. Jaco Kleinhans, LE staff – When you pile material up and do not screen it quickly enough the biological process keeps going. The biological process consumes oxygen. When oxygen levels start dropping that is when it goes into anaerobic, and it is odour generating. That is why we would turn the windrows when we had them. We no longer have windrows therefore do not turn them. What we do is pick up the material and take it to the screen. If you do not take it quick enough to the screen it is an odour risk.

Q. Katinka Visser, community - Are there not enough staff to sort it.

A. Jaco Kleinhans, LE staff – Answered it is a production line and we have identified the bottlenecks. We are looking at how to resolve the bottlenecks.

Q. Katinka Visser, community – Said it's too late and let's not collect the bins during high peak months. Are you told to push the material through quicker?

A. Lynette Ellis, CCC staff – Answered no it is the volume that is coming into the plant which means less time spent in the tunnels. It was a warm and wet summer. It was a really high growth season.

Q. Bruce King, community – This means the plant was never made big enough?

A. Lynette Ellis, CCC staff – Yes, it is big enough. The plant was originally designed to operate with the windrows outside. It is managing the out of tunnel process operation so that is big enough to take the material.

Bruce King, community – Commented the compost is crap and there seems to be water pooling in areas after it rains that never had water. Good compost soaks up water.

David McArdle, CCC staff – Key point in context of the timeline is the abatement notice enforcement date was the 31 January and post abatement notice we have removed the windrows and are operating without them. Last summer was the first period without the windrows and there have been some learnings. We are reviewing the transitional operation to identify where we can make improvements and are investigating a second permanent screen to manage the peak season better.

Yani Johanson, CCC elected member – Apologised for being late. The thing he is hearing and appreciate the peak period and you have given a really good explanation of why it is still smelling. He smelt it tonight. Is it because of material collected in the peak season.

Q. Lynette Ellis, CCC staff – Asked (regarding the smells over the past few days) where are you smelling it? Is it the paddocks?

A. Margaret MacPherson, community – Answered we don't know it's as soon as step outside the house.

A. Lynette Ellis, CCC staff – Answered sorry do not have the answers tonight.

Bruce King, community – If the plant is not consented to be running without the windrows, then it should stop operating. It should cease to operate right now. It is an illegal operation.

A. Lynette Ellis, CCC staff – Said she hears what you are saying and understand your logic.

Carl Pascoe, Chair - Challenge from the group that they would like assurance the plant is operating under the resource consent rules given the changes made to the operation.

Q. Paul McMahan, CCC elected member - What is the timeframe for the second screen to be operational?

A. Lynette Ellis, CCC staff – The objective is to have it in Christchurch by the time of the next peak seasons, being September/October.

Jaco Kleinbans, LE staff – Commented there is challenge to have the screen shipped as it is made in Austria. It has not yet been ordered. We are in the process of selecting the supplier.

Geoffrey King, community – Said they do not get it. It is the biofilter.

Carl Pascoe, Chair – Asked please can an independent person look at the biofilter and come back to the group with your findings by the next meeting. Along with assurance of the independent person.

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

Bruce King, community – Raised the resource consenting issue again.

Geoffrey King, community – Commented the local authorities are criminals.

Greg Brynes, ECan elected member – These people are staff, and they have very limited capacity to ask and answer anything other than what is their job. CCC have an anti-bullying campaign out at the moment which is about the abuse frontline staff take. They don't need it. I am happy for you to call me anything but not them.

There are numerous times where ECan have gone to CCC and said they are in breach where they have said they are not. What then happens is ECan, as a publicly funded organisation has to spend money on an investigation to gather evidence to prosecute. Then CCC respond through their legal team. There is a legal process that must be followed, and he agrees if in breach of resource consent then should be able to contest. Sadly, it is super frustrating.

Nathan Dougherty, ECan staff – Said he is going to undertake to organise an independent advisor to address the question of whether the plant can operate under the current resource consent with the changes made to the process. He will bring the information back to this group.

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.

Yani Johanson, CCC elected member – Asked if ECan have looked at the resource consent conditions as at the previous meeting it was raised for ECan to do a review on the resource consent conditions.

Nathan Dougherty, ECan staff - Answered there are three very strict rules to do a review. The legal test that would apply here is if the applicant said there was not going to be an odour discharged and there turned out to be an odour discharge. In this case the applicant, CCC did say there was going to be an odour discharge. Therefore, the legal test here to enable ECan to do a review is not granted as there are no grounds. That flips over to the issue as a compliance issue. Confirmed there are no grounds to do a review.

Yani Johanson, CCC elected member - Read out a number of points from the resource consent. Asked if this could be included in the independent review because it would seem to him that this shows ECan do have the right to do a review of the consent.

Nathan Dougherty, ECan staff - Names the independent advisor will be Wynn Williams.

Q. Katinka Visser, Community – Asked ECan do they take notice of the Smelt It app complaints and all the levels of offence from the odour? She said she does not like to break the rules and generally will use the rating from when she is inside her house.

A. Nathan Dougherty, ECan staff – Answered to use the location, i.e. outside if that is the most applicable for you.

Geoffrey King, community – Asked what has the ratings on the app achieved?

A. Nathan Dougherty, ECan staff – Replied there have been 14 abatement notices issued.

Q. Katinka Visser, community – Explained her experience when calling the call centre. She said the call centre didn't know about their situation in Bromley and it really upset her. And she tried to ring the other day and couldn't get through. There was a wait time which she did not have time to wait. There is the Smelt It app, however you need to have a computer or access to one and not everyone does.

Vickie Walker, community – Said they are over the Smelt It app and wasting their time.

Margaret Macpherson, community – said the price for the new plant will increase in 5 years and commented it will never be done.

Lynette Ellis, CCC staff – Yes, we are in current situation where costs are going up daily. CCC are currently going through a procurement process which will have a result by the end of this year if it

can be done. We are currently talking to six different parties who have options and sites. CCC is also talking to the Ministry of Environment to ensure the funding still happens. We as staff have been instructed to make it happen. The procurement process will allow CCC Council to lock in prices that will not change. By the end of this year there will be a solution which the residents will be advised about.

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

Carl Pascoe, Chair – Wrapped up the meeting.

- Community to review the Terms of Reference.
- ECan to arrange an independent review on the legal position of the resource consent.
- Living Earth to arrange an independent review of biofilter.
- CCC to provide a copy of May 2022 CCC report to CLG with costs to dispose of KSO to Kate Valley.
- Timeline of when the second screen is coming.

Bruce King, community – Said he is listening to a bunch of hogwash and will be making another complaint to the Ombudsman.

Yani Johanson, CCC elected member - Confirmed there is procurement process underway. He is unable to give details until it is completed. He continued to say from a political point of view, he has never seen a Council more committed to do the right thing. The CLG have turned a corner by the Council accepting that there needs to be a more permanent solution that does not impact the community. The second thing is what is going to be done in the interim until a new plant is confirmed. There will be a number of options outlined in a report going up to Council and it would be good for this CLG to have a copy of this report before it goes up and suggested could have an additional meeting to share this information. He said he knows people are frustrated, he too is frustrated and knows this creates a lot of anger in the community. The thing he wants to highlight is during the last two meetings for the first-time people saying what the problems are and how to address it. This is real progress. We should not underestimate the amount of work that is happening at the moment to find a solution and we are moving in the right direction. Clr. Johanson thanked the Chair for all his hard work, and he really appreciates all the work he puts in.

Carl Pascoe, Chair - In return thanked Clr. Yani Johanson.

Q. Geoffrey King, Community – Asked about how many times PDP have found issues since the last meeting. Since March how many issues have they smelt?

David McArdle, CCC staff – On the CCC OPP webpage there are fortnightly reports from PDP and if he can recall correctly there has been one issue raised since these fortnightly reports have been made available.

Carl Pascoe, Chair - Said we didn't get Geoffrey's smell ratings and days. Asked Geoffrey to email him with his recordings to be included with the minutes. Thanked everyone for coming to the meeting.

Geoffrey King's CLG odour report, Tuesday 16 May 2023

Odour data May 2022 thru to April 2023.

As requested by CLG Chair Carl Pascoe

May 2022	21/31 days of odour.....6 days at 6/6
June 2022	19/30 days of odour.....4 days at 6/6
July 2022	13/31 days of odour.....3 days at 6/6
August 2022	24/31 days of odour.....6 days at 6/6
September 2022	20/30 days of odour....3 days at 6/6
October 2022	21/31 days of odour.....6 days at 6/6
November 2022	24/30 days of odour...15 days at 6/6
December 2022	29/31 days of odour.....14 days at 6/6
January 2023	31/31 days of odour.....18 days at 6/6
February 2023	22/28 days of odour9 days at 6/6
March 2023	13/31 days of odour.....4 days at 6/6
April 2023	19/30 days of odour.....2 days at 6/6.

That equals 247 days I have experienced odour out of 365 days. In other words roughly 2/3rds of the year I am subjected to the foul debilitating odour that affects our lives, lifestyles and health.

Of the 247 days of odour I experienced, 90 days were at the maximum recordings @ 6/6/

We have been subjected to this regime of debilitating odour for 14 years now.

I estimate that approximately 80,000 residents from 16 Community hubs are subjected to the debilitating foul odour and black dust that the OPP generates.

The CLG meetings have been going for 12 years and to no avail and have been in breach of the consent put in place by the Commissioners in 2011.

It must be remembered that the odour stated above is only detected at my residence 15 Seascapes Gardens, in the prevailing NE wind or when there is no wind at all. The latter, it just lingers in the air. Other people / residents may be subjected to a greater number of days than I have.

Days when no odour is detected the wind is either from the NW or SW or I am not in residence.

Each and every day on the compass someone somewhere is experiencing the odour.

The odour comes from the nonexistent 'Bio Filter' or when the windrows were present (now done away with) or the partly finished product was spread round the neighbourhood.

We use to cop the stench from the Gelatine Factory in Woolston, when the wind came from the SW direction. However this ceased when the arsonist put paid to the plant, that was around 2016 ? ECAN failed to close this operation for breaches of consents as well.

The plant breaches the foundation document by Simpson Grierson lawyers # 06/07-192. The defining clause in the document is clause 3.9 especially 3.9.2 to be precise: Odour.

It has also breached:

The 1991 Resource Management Act.

The 2004 Clean Air Act.

The 2015 Work Safe Act.

It breaches the Environment Canterbury Consents to operate (plenty of proof available) and admissions but no rectifications.

CCC and ECANs climate change requirements are also breached.

Equally as frustrating and debilitating is the stance taken by the Management and staff at the CCC and ECAN and more to the point some of the elected Councillors at both Council's:

The two worst offenders at the present are Stefanie Rixecker of ECAN and Dawn Baxendale of the CCC. Two super bullies. Plus we could also add the pathological liar Judith Earl-Gourlet from ECAN.

We have been subjected to lies, deceit, deception, abuse, threats and bullying by senior staff, including Heads of Departments and both the present CEO's of ECAN and the CCC and also included are their predecessors. Since 2012, when I became involved in this crusade to close the foul debilitating operations we have not progressed one inch because of the above mentioned behaviour from both ECAN and the CCC.

What is most frustrating are the deliberate pathological lies by those supposedly senior managers who are suppose to govern and deliver the letter of the law and consents.

It affects our mental health, we are suppose to be in retirement and enjoying life instead we are subjected to this bullying regime that is in place at the CCC and ECAN.

Our problems also include some Councillors such as the Killjoy triplets who always vote to keep the operations open. Yet with two of them it affects their constituents to a greater degree.

I have a lot of respect for our ward CCC Councillor, Yani Johanson and the present ECAN Councillor Greg Byrne, who both appear to be switched on as to the problem and what is happening round the Council tables with some of the Councillors. They are up against the negativity from within to fix the problem once and for all.

The present Mayor at the CCC understands the problem, but we have difficulty communicating with him. The previous Mayor, Lianne Dalziel, deliberately did not get involve and deliberately lied about the situation or the CCC involvement, yet CCC owns the complex, the OPP.

ECANs present Chairperson, Councillor Scott, from Pleasant Point South Canterbury, along with Councillor Sunckell, Selwyn, had grown adult women petrified and frightened at a meeting 3 years ago such was their abuse and demeanour. This abuse and bullying by elected members who are there to represent us is far from satisfactory.

Mr Chair person, over the past two meetings of the CLG, you have shown that you now have a handle on the subject. You have woken to the rotten, abusive, tactics and practices of the CCC and ECAN contingents at this meeting and you clearly understand why no progress has been made in 12 years.

Previous to your involvement in the CLG meetings your predecessors have not taken an open look into the situation. They have been stooges of the CCC and ECAN. We have been subjected to no progress by their incompetence. I have even been technically assaulted by your predecessor on 3 occasions and this is presently in front of the Ombudsman.

The way we, the Community, have been treated by both the CCC and ECAN has been appalling with lies, deceit, deception, abuse and bullying and before this exercise is over those responsible will be before the legal fraternity. Positions from tea lady to the CEO, there will be no exceptions in our search for compensation.

The longer it takes the more compensation we will apply for.

So it is in the CCC interest to close the OPP immediately.

We will not tolerate yet another 5 years (as we were informed Tuesday 16th May at the CLG meeting) before the apparent closure and shift takes place.

No human being should have to be subjected to the treatment that we have endured over the past 12 years.

Geoffrey King.

15 Seascape Gardens

Christchurch 8062.

021 0616664.

Finance and Performance Committee
SUPPLEMENTARY AGENDA

Notice of Meeting:

An ordinary meeting of the Finance & Performance Committee will be held on:

Date: Thursday 26 May 2022
 Time: 9.30am
 Venue: Council Chambers, Civic Offices,
 53 Hereford Street, Christchurch

Membership
 Chairperson Deputy Mayor Andrew Turner
 Deputy Chairperson Councillor Sam MacDonald
 Members Mayor Lianne Dalziel
 Councillor Jimmy Chen
 Councillor Catherine Chu
 Councillor Melanie Coker
 Councillor Pauline Cotter
 Councillor Mike Davidson
 Councillor Celeste Donovan
 Councillor Anne Galloway
 Councillor James Gough
 Councillor Yani Johanson
 Councillor Aaron Keown
 Councillor Phil Mauger
 Councillor Jake McLellan
 Councillor Tim Scandrett
 Councillor Sara Templeton

24 May 2022

Principal Advisor
 Leah Scales
 General Manager - Resources / CFO
 Tel: 941 8999

Principal Advisor
 Dawn Baxendale
 Chief Executive
 Tel: 941 6996

David Corlett
 Committee and Hearings Advisor
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Note: The reports contained within this agenda are for consideration and should not be construed as a Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

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Finance and Performance Committee
 26 May 2022



Finance and Performance Committee
 26 May 2022



Part A Matters Requiring a Council Decision
 Part B Reports for Information
 Part C Decisions Under Delegation

TABLE OF CONTENTS

C	18.	Resolution to Include Supplementary Reports.....	4
C	19.	Implications of Organics Processing Plant Closure.....	5
C	15.	Resolution to Exclude the Public.....	20

Finance and Performance Committee
 26 May 2022



18. Resolution to Include Supplementary Reports

1. Background

- 1.1 Approval is sought to submit the following report to the Finance and Performance Committee meeting on 26 May 2022:
 19. Implications of Organics Processing Plant Closure
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the report was not included on the main agenda is that it was not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Finance and Performance Committee receive the report at the current meeting.

2. Recommendation

- 2.1 That the report be received and considered at the Finance and Performance Committee meeting on 26 May 2022.
 19. Implications of Organics Processing Plant Closure



19. Implications of Organics Processing Plant Closure

Reference / Te Tohutoro: 22/652379
Report of / Te Pou Matua: Lynette Ellis – Head of Transport & Waste Management
General Manager / Jane Davis – General Manager for Infrastructure, Planning and
Pouwhakarae: Regulatory Services

1. Purpose of the Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is to provide the Finance & Performance Committee with information about the net cost and implications of immediate closure of the Organics Processing Plant (OPP), ahead of establishing a new plant at another site.
- 1.2 Members of the local Bromley community have told Council that the impact of odour in the area is negatively impacting their wellbeing and have requested that the OPP be closed effective immediately.
- 1.3 This report has been prepared in response to the resolution made at the 26 April Finance and Performance Committee meeting, FPCO/2022/00019;
6. Request staff bring back in one month the full net cost to Council and implications of immediately closing the plant.
- 1.4 There are significant implications, cost impacts and risks related to the closure of the OPP and the associated diversion of organics to landfill. A tabular summary of the impacts identified and implications, to Council and its commercial customers who utilise the services of the OPP, is attached (A).
- 1.5 The decision in this report is of high significance in relation to the Christchurch City Council's Significance and Engagement Policy. Immediate termination of the OPP operation means organics are diverted to landfill. A decision to undertake this will have city wide impacts and any decision to close the OPP now will require consultation to learn the views and preferences of the wider community.
- 1.6 We consider that the costs and risks of immediate closure are such that the current operations should continue, with a focus on continuing to manage the on-site operations to avoid offensive odours beyond the boundary, while investigating setting up an alternative facility.

2. Officer Recommendations Ngā Tūtohu

That the Finance and Performance Committee:

1. Receive the report and the information contained in the report.
2. Confirm the previous resolution of 26 April 2022, to
Support the continued operation at the Metro Place site with the current process controls to manage and mitigate odour until an alternative facility is operational.
3. Notes staff will consider whether any further process control measures can be implemented to mitigate the risk of odours beyond the boundary
4. Notes staff will use all measures possible to expedite the procurement process for an alternative facility.
5. Agrees that the public excluded information will be released when the Chief Executive is satisfied that the threshold for release has been met.

3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 Council staff have considered the impacts and implications of immediate closure of the existing OPP at Bromley and made an estimate of the net cost to Council of early closure.
- 3.2 The closure of the OPP at the Metro Place site in Bromley would provide immediate relief to the affected residents of the local community.

Organics Diverted to landfill

- 3.3 If the existing OPP is closed before an alternative plant is established there is no other organics processing facility available to take City's kerbside organic waste. This means this organics stream (green bins) would need to be diverted to landfill.
- 3.4 For diversion to landfill, the kerbside organics would be collected and transported to council owned or commercial waste transfer stations, where organics would be consolidated with municipal solid waste, before being compacted and transported to Kate Valley Regional Landfill for disposal as landfill.
- 3.5 In order to accept this material at council owned transfer stations (Styx, Parkhouse and Metro), a number of considerations, including compliance with Canterbury Air Regional Plan would need to be met. Staff consider it likely that these sites would require significant upgrades to enclose operations as the acceptance of putrescible organics at the existing facilities is likely to create additional odour.
- 3.6 Commercial transfer stations may provide a suitable alternative to council owned facilities, dependant on throughput capacity (for blending), resource consents and ability to source appropriate transport units.
- 3.7 Regardless of the transfer station arrangement chosen, the likely cost of sending this material to landfill is likely to include the costs associated with: waste handling/aggregation, transport and disposal.

Policy

- 3.8 The diversion of organics to landfill would undermine Council's sustainability commitments and be inconsistent with Council's policy: the diversion of organics to landfill is contrary to the Council's Waste Management and Minimisation Plan (WMMP 2020) and the Ōtautahi Climate Resilience Strategy 2021.
- 3.9 The diversion of organics would be contrary to Government policy and legislative framework including the Waste Minimisation Act 2008, Te panoni I te hangarua / Transforming Recycling, Emissions Reduction Plan (16 May 2022) and NZ's first emission budget.

Cost

- 3.10 There would be significant cost implications resulting from an immediate closure of the OPP with one-off costs in 2022/23 and 2023/24 plus a net annual operating cost increase of \$6.1m from 2022/23. Depending on the timeframe to establish a new facility, this would equate to a total cost after inflation of:
 - \$28.5m for three years, or
 - \$41.4m for five years.
- 3.11 The rates impact would be 1.23% for increased annual costs to divert to Kate Valley plus another 1.5% for one-off costs.
- 3.12 There are a number of assumptions in these calculations and there is a risk that costs to Council could be higher.

Other considerations

- 3.13 Climate change implications would be significant due to increased production of biogenic methane and increased truck movements to Kate Valley.
- 3.14 There is a consenting and compliance risk both for the Transfer Stations and Kate Valley.
- 3.15 The behaviour change implications of diverting organics to landfill may be long and difficult to revert.

4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 Use of the existing OPP facility to receive and compact the organic waste stream as this means the facility would not be closed, until an alternative plant is established and operational.
 - There is no compactor or bulk bin handling system at the Organics Processing Plant in Metro Place,
 - There is a requirement to mix the organic matter with municipal waste to avoid pockets of methane forming in the landfill and this facility is not consented for this activity.
 - There will still be activity at the site.
- 4.2 Send kerbside collection material to another organics processing facility.

- There is not currently an operational facility with available capacity to take our organic waste.
- 4.3 Use red bin collection weekly and do not have green bins.
- There is a requirement to vary the kerbside collection contract.
 - Changing the behaviour of residents heightens the risk of bin contamination when the process reverts to separation of organics.
 - Modifying the 3 bin kerbside system will require the Council to change the terms and conditions for the kerbside collection service which sit under the Council's Waste Management Bylaw 2009. A city-wide change to those terms and conditions would require consultation to ascertain the views and preferences of interested and affected persons.

5. Detail Te Whakamahuki

CURRENT SITUATION

- 5.1 The processing of organic material, collected via the kerbside green bin service, at the Metro Place site has been happening since 2009. We have heard from the residents of Bromley about the impact odour in the area is having on their wellbeing. The residents have identified both the OPP, and more recently the wastewater treatment plant following the fire in the trickling filters, as sources of odour.
- 5.2 In December 2020 Environment Canterbury issued an abatement notice requiring compliance with a resource consent condition that there be no offensive or objectionable odour beyond the boundary of the site. In response a range of process changes have been undertaken to ensure that there is not offensive or objectionable odour beyond the boundary, under a transitional plan for the plant. Measures include:
- 5.2.1 Effective treatment of processing air, including biofilter maintenance (May 2021)
- 5.2.2 Ceased accepting pre-consumer food organics (December 2021)
- 5.2.3 The addition of a probiotic to enhance the composting process
- 5.2.4 Cleared 31,397t of compost maturing in outdoor windrows from site
- 5.2.5 All processing now occurs indoors (since January 2022)
- 5.2.6 A lower maturity compost product is moved off site within 48 hours and deposited around the wastewater treatment ponds as part of a landscaping plan.
- 5.3 These measures have reduced the odour from the plant.
- 5.4 Environment Canterbury considers that there are, or may be, continued occasional offensive and objectionable odours. The Council's assessment does not agree with that. While the situation is clarified, the following activities are continuing:
- 5.4.1 Independent consultants are continuing to undertake proactive odour assessments and monitoring
- 5.4.2 Community Liaison Group meetings are continuing
- 5.4.3 Environment Canterbury is continuing to monitor the odour and receive any odour complaints.
- 5.5 We understand Environment Canterbury is now investigating whether ongoing "chronic" odour (i.e. low level but frequent) is a breach of the resource consent.

DIVERSION PROCESS

- 5.6 In diverting organics away from the OPP, staff have proposed an approach which minimises changes to the kerbside service. There will however be a significant impact on operations at the transfer stations where the kerbside organics are handled before being transported to landfill. The primary reason for maintaining the organics collection is to minimise confusion for households.
- 5.7 Kerbside organics collections will be diverted to transfer stations across the city, rather than taken to the OPP. This will then be mixed with municipal waste, compacted and transported to Kate Valley for disposal as landfill.
- 5.8 The mixing of organics with municipal waste, as part of the compaction process, is undertaken in an open environment at the transfer stations instead of in the enclosed receive hall at the OPP. This will mean an increased risk of odour occurring at the transfer stations and an increased risk of enforcement action by ECan if the odour at those sites is offensive and objectionable.
- 5.9 55,000 tonnes of organic material will be transported to landfill per annum.
- 5.10 There will be an estimated 2,756 additional truck movements per annum, making the 140km round trip to Kate Valley from the transfer stations. This will increase the cost and carbon footprint of organics processing. Canterbury Waste Services has informed us that they would need a variation of the Kate Valley resource consent conditions to provide for the extra truck movements, and that they would need to increase their fleet by 3-4 trucks.
- 5.11 The OPP currently processes 5,280 t/annum of organic waste for Waimakariri District Council (WDC) which would also need to be diverted to landfill at Kate Valley. WDC has provided commentary on the impact of this closure (Attachment B).
- 5.12 The compost produced at the OPP, which is currently being utilised for landscaping at the Wastewater Treatment Plant, will no longer be available. This has cost and carbon impacts for this landscaping work.
- 5.13 Cost implications are covered in Section 7 of this report.
- 5.14 Policy implications are covered in Section 6 of this report.

OTHER CONSIDERATIONS

Government Policy

- 5.15 Central Government has clearly signalled a desire to reduce the amount of material being diverted to landfill through the Waste Minimisation Act 2008. This is supported by the Council's Waste Management and Minimisation Plan 2020. Further, the recent release of the Government's *Te panoni I te hangarua/Transforming Recycling* has shown a desire to divert household organics away from landfill. And in addition, the recent release of the Government's Emissions Reduction Plan is clearly driving a reduction in biogenic methane.
- 5.16 The Ministry for Environment has clearly indicated that in their opinion the diversion of organics to landfill is not consistent with Government direction. Refer attached correspondence (E).

Waste levy

- 5.17 There is the potential for the Secretary for the Environment to cease paying the Council the waste levy funding, if the Minister considers that the Council is not discharging its obligation to invest the levy money on matters to promote or achieve waste minimisation and in accordance with its Waste Management and Minimisation Plan (sections 32 and 37).

Living Earth contract

- 5.18 The immediate closure of the plant would be in breach of the contract with Living Earth unless the Council could prove that Living Earth is itself in breach of the contract.
- 5.19 If the Council wishes to terminate the contract without cause, then the Council could seek to negotiate an agreed resolution with Living Earth.

COMMUNITY VIEWS

- 5.20 We have heard from the local Bromley community that the operation of this facility is:
- 5.20.1 Affecting their quality of life
- 5.20.2 Negatively impacting their health and wellbeing
- 5.20.3 Reducing house/property values in the area
- 5.21 These impacts have been ongoing for the community for a number of years. A number of people in the community have said that only a closure of the plant would improve their sense wellbeing.
- 5.22 If the OPP was closed it would provide immediate relief for the residents of the local community.
- 5.23 However, a closure decision affects the entire district. The closure of the OPP will also have an impact on rates. The views of the wider community have not been sought regarding a closure.
- 5.24 A full community consultation process would take in the order of 6 months and would not be completed within the term of the current Council
- 5.25 The OPP is in the Waikura Linwood-Central-Heathcote ward.

6. Policy Framework Implications Ngā Hiraunga ā- Kaupapa here

6.1 The following policies are considered in relation to this proposal:

- 6.1.1 Waste Minimisation Act 2008 - The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to (a) protect the environment from harm; and (b) provide environmental, social, economic, and cultural benefits.
 - 6.1.2 Waste Management and Minimisation Plan 2020 – *make sure the organics facilities support climate change emissions targets*
 - 6.1.3 Ōtautahi Climate Resilience Strategy 2021 - *Maximise composting or organics & reduce transport emissions*
 - 6.1.4 Te panoni I te hangarua/Transforming Recycling - *Food and garden waste should be diverted from landfills to support working towards a low emission circular economy*
 - 6.1.5 Emissions Reduction Plan 2022 – *need to reduce biogenic methane emissions*
- 6.2 A decision to immediately close the OPP and divert organic waste to landfill does not align with the Council's strategic priority to 'meet the challenge of climate through every means available'.
- 6.3 A decision to close the OPP and divert organic waste to landfill does not promote the community outcome we strive to achieve, 'sustainable use of resources and minimising waste'.
- 6.4 The immediate closure of the OPP does not supports the [Council's Long Term Plan \(2018 - 2028\)](#):
- 6.4.1 Activity: Solid Waste and Resource Recovery
 - Level of Service: 8.2.7 Organic materials collected by Kerbside Collection and received for processing at the Organics Processing Plant (OPP) - 130kg +40%/-10% organic materials / person / year collected by Kerbside Collection

Policy Consistency Te Whai Kaupapa here

6.5 The decision is inconsistent with Council's Plans and Policies:

- 6.5.1 Waste Management and Minimisation Plan (WMMP 2020)
- 6.5.2 Recent submission on Te panoni I te hangarua / Transforming Recycling
- 6.5.3 Ōtautahi Climate Resilience Strategy 2021

6.6 The decision does not align with Council's target of being net carbon neutral for its operations by 2030 or the commitments under the Waste Management and Minimisation Plan 2020.

Impact on Mana Whenua Ngā Whai Take Mana Whenua 6.7 The decision does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Mana Whenua, their culture and traditions.

6.8 Full and comprehensive consultation with Mana Whenua should be undertaken before any decision is made to divert organics to landfill as this action is contrary to the Council's Plans and Strategies that have been developed in partnership with iwi.

Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

- 6.9 The Council is committed to achieving net zero emissions by 2030. Programme 9 of the Ōtautahi Christchurch Climate Resilience Strategy commits the Council to work towards zero waste and includes as a focus area work to maximise the diversion of organic material.
- 6.10 Diverting organic waste from the kerbside green bins to landfill instead of processing it increases greenhouse gas emissions. This is due to the increase in methane produced and emitted into the atmosphere from the landfilling of organic waste as well as through the carbon impact of the transportation of waste to the remote landfill site.
- 6.11 There is a Green House Gas (GHG) emissions impact of transporting* kerbside organics to landfill at Kate Valley: 55,000t @ 21 t of Waste per blue bin, 2 bins able to be carted each 140km return trip is; 274 Tonnes CO₂-e per annum. * Estimate excluding the operational impacts at each site which are offset by loader/onsite truck movements.
- 6.12 Sending organic waste to landfill emits the potent greenhouse gas methane. The regional landfill, Kate Valley, has a process to capture methane and utilise this to generate energy. However, the exiting generators may be at capacity with additional landfill gas flared, contributing CO₂ to the atmosphere. Also, no landfill gas capture system is fully effective and the most sustainable solution is to process organic waste through a bespoke system, such as composting or anaerobic digestion.

7. Resource Implications Ngā Hīraunga Rauemi

Capex/Opex / Ngā Utu Whakahaere

- 7.1 Closing the OPP immediately would result in additional operating costs in the 2022/23 and 2023/24 years and the costs sourcing an alternative commercial supply for wastewater treatment plant for 2 years.
- 7.2 An additional \$12.7m p.a. would be required as residual waste charges to send the organics to Kate Valley landfill. This is partially offset through cancelling the annual organics processing contract budget of \$6.6m.
- 7.3 Therefore, a direct result of an immediate closure of the OPP there would be one-off costs in 2022/23 and 2023/24 plus net annual operating cost increase of \$6.1m from 2022/23. At this stage we do not know how long a replacement facility will take to become operational. To provide an indication of the possible total costs, the following two scenarios provide an indication of total costs after inflation:
 - \$28.5m for three years, or
 - \$41.4m for five years.
- 7.4 The rates impact is 1.23% for annual costs to divert organics to Kate Valley plus another 1.5% for one-off costs.
- 7.5 These changes would also shift cost to the residual waste stream funded by general rates and lower the cost of the organics portion of waste minimisation which is funded via a targeted rate.

Other / He mea anō

- 7.6 Consideration of this decision is complex and there are uncertainties in the estimated cost calculation, including:
 - 7.6.1 whether the Minister would exercise discretion to withhold the levy;
 - 7.6.2 whether the Council and Living Earth will negotiate an agreed early termination on terms favourable for the Council;
 - 7.6.3 whether the Council could mount a successful claim for compensation against Living Earth for breach of contract;
 - 7.6.4 whether Council's movement of the waste through the transfer stations could avoid the compliance concerns;
 - 7.6.5 how long it would take to establish a new organics waste processing facility at a new site.

8. Legal Implications Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report / Te Manatū Whakahaere Kaupapa

8.1 The Council has the statutory power to make the decision to close the OPP but must comply with its decision-making obligations under Part 6 of the Local Government Act 2002.

Other Legal Implications / Ētahi atu Hīraunga ā-Ture

- 8.2 Section 76 of the Local Government Act 2002 requires that the decision-making provisions in Part 6 are 'appropriately observed' for high significance decisions. Section 77 also provides that if any of the options for a decision involves a significant decision in relation to land or a body of water, the Council must take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- 8.3 Furthermore, under Part 6, the more significant the matter, the higher the standard of compliance is expected from the identification and assessment of options, the consideration of the views of those affected, and the extent of the written record kept showing compliance.
- 8.4 In this case, the decision is one of high significance, and affects the whole city. The Council would need to be able to take into account the views and preferences of interested and affected persons across the city. Legal Services consider that this would require consultation.
- 8.5 Immediately closing the OPP and diverting organic waste to landfill is inconsistent with the Council's Waste Management and Minimisation Plan. The statutory importance of the Plan is reinforced by the fact that the Council must use a special consultative process to change the Plan and the Minister can direct the Secretary to withhold the levy from the Council if it is not acting in accordance with the Plan.
- 8.6 A decision to immediately close the OPP will also require dealing with Living Earth and the termination of the contract as referred to at paragraphs 5.18 and 5.19 above.
- 8.7 A decision to immediately close the OPP may also require re-consideration of the Revenue and Financing Policy and rating arrangements.

9. Risk Management Implications Nga Hiraunga Tūraru

9.1 The Council needs to consider a number of risks when considering the decision on the immediate closure of the OPP. Of particular note are the following:

Behaviour change

9.1.1 With the organics going to landfill people may change the way they use their bins. There is a risk that there will be a lengthy and costly process to encourage people to 'Bin Good' when organics operating again.

Resource Management Act

9.1.2 Compliance action from Environment Canterbury in relation to objectionable odour at the transfer stations. There is a risk of breach of the RMA in relation to operations at those sites, if the Council does not take adequate steps to avoid, remedy or mitigate adverse effects. However, we understand that this also remains a significant risk for current operations at the Living Earth site.

9.1.3 The operators of Kate Valley landfill will require a variation to their current resource consents in relation to truck movements. Such a variation may be opposed by the Hurunui community and consent variation may not be granted.

Contractual

9.1.4 There are a number of risks associated with terminating the contract with Living Earth

Financial

9.1.5 Financial estimates have been undertaken, there is still a risk that the final costs are higher than anticipated. There is also a risk that Council loses government funding via the organics levy and cannot leverage future funding opportunities.

9.1.6 Operating costs increase or capital investment will be required at the Transfer Stations due to the increased volume and activity.

Attachments / Ngā Tāpirihanga

No.	Title	Page
A	OPP Closure Summary Redacted	15
B	Projected Impacts on Waimakariri District of Immediate Closure of Christchurch City Council's Compost Plant Letter to CCC Ross Trotter	18
C	OPP - MFE Email - Emissions Reduction Plan (<i>Under Separate Cover</i>) - CONFIDENTIAL	
D	OPP Closure PX redactions from the officer report (<i>Under Separate Cover</i>) - CONFIDENTIAL	

In addition to the attached documents, the following background information is available:

Document Name	Location / File Link
Nil	Nil

Confirmation of Statutory Compliance / Te Whakatūturutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories / Ngā Kaiwaitohu

Authors	Lynne Armitage - Project Manager Brent Pizzey - Senior Legal Counsel Ross Trotter - Manager Resource Recovery Rowan Latham - Contract & Project Lead Vivienne Wilson - Senior Legal Counsel
Approved By	Peter Langbein - Finance Business Partner Lynette Ellis - Head of Transport & Waste Management Jane Davis - General Manager Infrastructure, Planning & Regulatory Services

	Context	Impact(s)	Implications
		<ul style="list-style-type: none"> Capital requirements Increased labour requirements Plant and equipment maintenance Risk – odour (putrescible waste, not enclosed) 	
<p>Canterbury Waste Services (CWS) – owned by Waste management. Operational arm of TransWaste (Kate Valley)</p>	Organic material diverted from OPP to landfill	<ul style="list-style-type: none"> Approximately 55,000 T p.a of kerbside organics being transported 140 km (70km each way) to Kate Valley landfill. Extra transport distance, 140km round trip Truck movements - Additional 53 heavy vehicle movements each week (2756 / annum). CWS say that the number of additional trips requires a variation of consent conditions. Truck numbers – may have to subcontract transport noting long lead time for additional vehicles & R&M liability for older trucks approaching retirement. Insufficient 'pods' available for CWS to transport the additional organic waste materials to landfill. Note cost & lead time for manufacture of additional Garden waste, which makes up a significant proportion of the volume in the organics stream, cannot be compacted to the same extent as general waste, consequently there is a risk that the pods will be lighter and more loads will be required to transport the additional volume of materials to landfill. 	<ul style="list-style-type: none"> Transwaste Canterbury, Supply agreement - MOU CWS need variation to consent to allow for additional truck movements
<p>Waimakariri District Council (WDC)</p>	The OPP takes 5,207T/annum of organic waste from WDC this material would be diverted to landfill.	<ul style="list-style-type: none"> Forecast is 5,207 in 2022-2023 T/annum This organic material would need to be diverted to landfill (likely Kate Valley) Increase in the number of truck movements along SH1 (through Woodend and the Pegasus roundabout; and through Amberley). 	<ul style="list-style-type: none"> WDC Waste Minimisation & Management Plan Waste Levy received from the Ministry Current Ministry work programme - Emissions Reduction Plan, Transforming Recycling consultation– this decision contradicts our own submission Waste Management Act 2008 New Zealand Waste Strategy 2010

TRIM: 22/612279

	Context	Impact(s)	Implications
			<ul style="list-style-type: none"> Climate Change Response Act 2002 Climate Change Response (Zero carbon) Amendment Act 2019 Te hau mārohi ki anamata Transitioning to a low-emissions and climate-resilient future: Have your say, 2021 Emissions Reduction Plan 2022
Ministry for the Environment (MfE)	Organic material directed from OPP to landfill	<ul style="list-style-type: none"> Approximately 55,000 T p.a of kerbside organics (50 CCC / 5 WDC) being transported 140 km to Kate Valley landfill (round trip). Deviation from WWMP – not meeting specified organics targets. (Maximise the diversion of Organics - Action 1. Improve operations at the organics processing plant to accept more products, address processing capacity and odour challenges) Discretion of Minister to withhold the waste levy if the Council isn't spending it to promote waste minimisation in accordance with Council's waste minimisation and management plan. Note section 44 c. of the Waste Minimisation Act : 'Requirements when preparing, amending or revoking plans' (c) have regard to the New Zealand Waste Strategy, or any Government policy on waste management and minimisation that replaces the policy; Contra to the Emissions Reduction Plan 2022 (released 16 May 2022) 	<ul style="list-style-type: none"> Waste Minimisation & Management Plan (WMMP 2020) Current Ministry work programme - Emissions Reduction Plan, Transforming Recycling consultation – this decision contradicts our own submission Waste Management Act 2008 New Zealand Waste Strategy 2010 Climate Change Response Act 2002 Climate Change Response (Zero carbon) Amendment Act 2019 Te hau mārohi ki anamata Transitioning to a low-emissions and climate-resilient future: Have your say, 2021 Emissions Reduction Plan 2022

TRIM: 22/612279

Our Reference: SHW-15 / 220513076392

13 May 2022

Christchurch City Council
 PO Box 73014
 Christchurch 8154

Attention: Ross Trotter
 Emailed to: Ross.Trotter@ccc.govt.nz

Dear Ross

Projected Impacts on Waimakariri District of Immediate Closure of Christchurch City Council's Compost Plant

This letter confirms discussions held with you and your colleagues about the potential impacts on Waimakariri District Council of the closure of your Council's compost plant at Metro Place in Bromley.

Please note that at their meeting in May, our Councillors expressed concern at the thought that CCC may close the Bromley compost plant before an alternative facility is available, given that this would significantly impact not only City residents but our residents as well.

As you are aware, we provide a kerbside collection service for mixed organic waste which is similar to your service to residents within our kerbside collection area, but ours is an opt-in service with an available range of 3 bin sizes. The collected mixed food and garden waste is sent to the compost plant in Bromley. The garden waste we receive at our transfer station facilities is currently being delivered to a local composting operation, but they are not consented to accept food waste or mixed organics from kerbside.

The following table shows the likely costs our Council and ratepayers would incur over a five year period if the compost plant were to close, that being the likely timeline of the City Council having an alternative compost plant operational.

	2022/23	2023/24	2024/25	2025/26	2026/27
Additional annual costs for landfill disposal of kerbside organics	\$801,900	\$983,200	\$1,091,400	\$1,134,000	\$1,176,600
Accumulated extra costs		\$1,785,100	\$2,876,500	\$4,010,500	\$5,187,100
Number of rated organics bins	12,900	13,950	14,550	15,000	15,440
'Average' rate costs per organics bin from 22/23 AP, including GST	\$116	\$120	\$123	\$125	\$127
Forecast rate costs per organics bin if collected organics are landfilled	\$192	\$207	\$216	\$218	\$221
Increase in organics rate	66%	72%	75%	74%	74%

Likely costs and rating impacts of landfilling kerbside organics

These costs are based on the assumptions that a separate organics collection service continues, there will be no change in forecast organics bin numbers and weights, and that the mixed organics will be landfilled instead of composted at Bromley.

I am sure that you will have considered the following impacts when writing your report to your councillors about the impacts of closing the Bromley compost plant before another sustainable option is in place.

There may be insufficient 'pods' available for CWS to transport the additional organic waste materials from Christchurch City Council (CCC) and Waimakariri District Council (WDC) to landfill. There is a reasonably long lead-in time for the pods to be manufactured, and there is a high risk that there would not be sufficient pods available to take all of the additional materials from both Christchurch City and Waimakariri District, should kerbside organics be sent to landfill.

In addition to the higher rates that would need to be charged for kerbside collection services in Waimakariri, there would other impacts on the wider communities in both Waimakariri and in Hurunui.

There would be an increase in number of truck movements along SH1, through Woodend and the Pegasus roundabout, and through Amberley. WDC staff estimate there would more than 50 additional heavy vehicle movements each week from both CCC and WDC, increasing to 60 heavy vehicle movements per week in the fourth year, based on current 'pod' weights.

Garden waste, which makes up a significant proportion of the volume in our organics stream, cannot be compacted to the same extent as general waste, consequently there is a risk that at times the landfill 'pods' will be lighter and more loads would be required to transport the additional volume of materials to landfill.

The number of additional truck movements could result in CWS exceeding the consented number of vehicle movements for Kate Valley.

Should our Council continue to collect organics separately and send the materials to landfill, the Council's reputation would be at risk, and it would take considerable time to build up trust with our community in our waste minimisation services.

I trust this provides some useful additional information for your report on the impacts of an 'immediate closure' of the compost plant.

Yours faithfully



Kitty Waghorn
Solid Waste Asset Manager

15. Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.

Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

"(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority."

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE RELEASED
19.	IMPLICATIONS OF ORGANICS PROCESSING PLANT CLOSURE				
	ATTACHMENT C - OPP - MFE EMAIL - EMISSIONS REDUCTION PLAN	S7(2)(C)(I)	PROTECTION OF SOURCE OF INFORMATION	CORRESPONDENCE IN CONFIDENCE	25 MAY 2023 ON APPROVAL OF HOD TRANSPORT AND WASTE MANAGEMENT / HOD LEGAL

					SERVICES
	ATTACHMENT D - OPP CLOSURE PX REDACTIONS FROM THE OFFICER REPORT	S7(2)(B)(II), S7(2)(G), S7(2) (H), S7(2)(I)	PREJUDICE COMMERCIAL POSITION, MAINTAIN LEGAL PROFESSIONAL PRIVILEGE, COMMERCIAL ACTIVITIES, CONDUCT NEGOTIATIONS	CONTAINS WORKING LEGAL ADVICE AND CONTRACT NEGOTIATION FIGURES	25 MAY 2023 WITH APPROVAL OF THE HOD TRANSPORT & WASTE MANAGEMENT / HOD LEGAL SERVICES UNIT. UPON COMPLETION OF CONTRACT NEGOTIATION AND RESOLUTION OF LEGAL ISSUES