
WELLINGTON REGIONAL COUNCIL CONSENT

WGN180401 non-notified resource consent application: notice of decision

Dated 24.08.18

File No: WGN180401 [35497] & [35498]
24 August 2018

Kevin Whitley
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Sent via email to Kevin Whitley kevin.whitley@aglgroup.co.nz

Dear Kevin

WGN180401 non-notified resource consent application: notice of decision

I am pleased to inform you that on **24 August 2018** your application to undertake activities associated with the remediation of 14A Waiu Street, Wainuiomata was granted. I have enclosed a copy of the report outlining the reasons for this decision and the consent certificate¹. If you have any questions or concerns about any aspect of your consent, I would be happy to discuss them with you.

Consent term and conditions

Your consent expires on 24 August 2023.

It is important that you familiarise yourself with all of the conditions on your consent.

Charges to expect

1. Consent processing charges

The costs of processing your resource consent application are still being determined.

All final processing costs will be determined by the 20th of the following month after which time you will be sent an invoice.

2. Annual consent monitoring charges

You will receive an annual consent monitoring charge each year on the anniversary date of when your consent was granted. There are three components to your consent monitoring charge. Your *customer service charge* is fixed at \$40 per year for each consent, and your

¹ You have the right to object to our decision under section 357(2) of the Resource Management Act 1991. Your objection must be in writing and be made within 15 working days of receiving this letter.

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state of the environment (SoE) monitoring charge is fixed at \$750.00 per year² for discharges to land and \$150.00 for discharges to air. Your compliance monitoring charge will be based on the actual and reasonable amount of time spent monitoring your resource consent. Note that approval of management plans is required, and site inspection(s) may be necessary.

The Resource Management Charging Policy is reviewed on an annual basis. As a result of this process the charges associated with the monitoring of your consent may alter.

Consent transfers

If you sell or transfer management of the property, it is important that you complete a Transfer of Permit form so that future owners can take responsibility for the consent. If you do not complete a transfer, you will continue to be liable for the annual consent monitoring charges associated with the consent.

Please feel free to contact me on 021 667 801 or Jeremy Rusbatch, Team Leader, Environmental Regulation, if you have any questions or concerns.

Yours sincerely



Gwenyth Stewart
Resource Management Consultant

Copy: Ian Leary, itl@spencerholmes.co.nz

Encl: Officer's report, consent certificate

² Your SoE monitoring charge is the full amount to be charged from 2017-18. Up until that time only a proportion of your SoE monitoring charge will be charged.

Non-notified resource consent application report and decision

Summary of decision

File Reference:	WGN180401
Date Granted:	24 August 2018
Applicant:	KJ Whitley (Receiver) for Paddy Hannan Contracting Limited
Decision made under:	104B, 105, 107 and 108 of the Resource Management Act 1991 (the Act)
Consents Granted:	Operative Regional Air Quality Management Plan [35497]: Discretionary activity Discharge of dust to air associated with the operation of a Class Three managed fill site¹. Operative Regional Plan for Discharge to Land [35498]: Discretionary activity Discharge permit to operate a Class Three managed fill site² including the: • Excavation of existing deposited material; • Deposition of managed fill; and • Discharge of sediment laden stormwater to land where it may enter water. Proposed Natural Resources Plan [35497]: Discretionary activity Discharge of dust to air associated with the operation of a Class Three managed fill site³.

¹ As defined in the Technical Guidelines for Disposal to Land, Waste management Institute New Zealand, April 2016

² As defined in the Technical Guidelines for Disposal to Land, Waste management Institute New Zealand, April 2016

³ As defined in the Technical Guidelines for Disposal to Land, Waste management Institute New Zealand, April 2016

[35498]: Discretionary activity

Discharge permit to operate a Class Three managed fill site⁴ including the:

- Excavation of existing deposited material;
- Deposition of managed fill; and
- Discharge of sediment laden stormwater to land where it may enter water.

Activity:	To undertake activities associated with the remediation of 14A Waiu Street, Lower Hutt for preparation as commercial site
Location:	14A Waiu Street, Lower Hutt
Map Reference:	At or about map reference NZTM 1761682.5431716
Legal Description:	Lot 3 DP 489061
Duration of Consent:	5 years to expire on 24 August 2023
Consent conditions:	Attachment 1

⁴ As defined in the Technical Guidelines for Disposal to Land, Waste management Institute New Zealand, April 2016

Processing timeframes:

Application lodged:	19/04/18	Application officially received:	19/04/18
Application stopped (S95E):	01/05/18	Application started:	26/07/18
Applicant to be notified of decision by:	15/08/18	Applicant notified of decision on:	24/08/18
Time taken to process application:	27 working days (timeframes extended under section 37 of the Act at the applicant's request)		

Decision:

Decision recommended by:	Gwen Stewart	Resource Management Consultant for Environmental Regulation	
Decision peer reviewed by:	Hugh Dixon- Paver	Resource Advisor, Environmental Regulation	
Decision approved by:	Jeremy Rusbatch	Team Leader, Environmental Regulation	

Reasons for decision report

1. Background

KJ Whitley (Receiver) for Paddy Hannan Contracting Limited (the applicant) has applied to Greater Wellington Regional Council (GWRC) for the required resource consent to remediate 14 Waiu Street Wainuiomata, Lower Hutt, in order to prepare the site for commercial land use.

The site was previously used as a cleanfill site and Paddy Hannan Contracting Limited held consents from GWRC under consent number WGN060349 summarised below:

- [25401] and [25403] enabled the diversion of a tributary of Black Creek into a constructed channel and the reclamation of the stream bed (so that the stream now runs around the perimeter of the site rather than through it). This work has been completed.
- [25913] to take water from a tributary of Black Creek for dust suppression purposes. This was never exercised and has now expired.
- [26078] to construct a storage pond in the bed of a tributary to Black Creek. This consent has never been exercised. The consent is not due to expire until 2042. The applicant seeks to surrender this consent.
- [25402] to enable the discharge of sediment laden stormwater to a tributary of Black Creek associated with undertaking bulk earthworks (Cleanfilling). This consent has now expired.
- [25912] to discharge dust to air from the operation of a cleanfill. This consent has now expired.

Paddy Hannan Contracting Limited also held consents issued by Hutt City Council (HCC) to enable cleanfilling. These were the subject of an enforcement order granted on December 2013 by the Environment Court which required the consent holder to comply with conditions of consent.

In February 2014, Paddy Hannan Contracting Limited went into receivership. The current applicant has been appointed receiver of the company that owns the land.

The applicant has provided information in the application which demonstrates that cleanfilling under the previous GWRC consent has not been undertaken in accordance with the consent conditions, a site visit undertaken during the processing of this application confirms this. Key matters of non-compliance are listed below:

- The material has not been compacted sufficiently and there are isolated pockets of loose fill.
- The presence of unsuitable material, notably concrete with protruding rebar, is obvious even at surface.

- The site was irregularly contoured such that surface water runoff did not appear well controlled.
- Not all material placed is likely to have met the definition of cleanfill (two test pit soil samples taken during the geotechnical investigation of the site (discussed below) show that concentrations of some contaminants exceed likely background concentrations at two locations and therefore most likely also exceed likely background concentrations elsewhere).

2. Proposal

The applicant proposes to undertake remediation of the site by excavating the existing deposited material, compacting it, and capping the site with a further 3 metres vertical extension of fill material. The desired outcome is to achieve geotechnical stability such that the site is suitable for commercial land use including buildings.

The applicant has stated that works at the site to achieve the required geotechnical outcomes include;

- Excavation replacement and compaction of the top 1.5m of existing deposited material in accordance with the recommendations of the geotechnical report submitted with the application (A-Build, 2015).
- Placement of an 81,500m³ of additional fill in accordance with the recommendations of the geotechnical report submitted with the application (A- Build, 2015).

The side batters are proposed to be sloped at 1V:2H accordance with the recommendations of the geotechnical report.

Works will occur over an area of just over 3 hectares.

The applicant has included a methodology for works in section 1.4 of the application.

The day-to-day running of the site is proposed to be managed though the Cleanfill Management Plan submitted with the application which implements the controls and plans outlined below, being;

- The Erosion and Sediment Control Plan;
- The Dust Management Plan;
- The Contaminated Soil Management Plan;
- The Geotechnical Report

These are discussed in more detail in in sections 2.1.1-2.1.4below.

In the application that applicant has proposed to accept only materials which comply with the *Ministry for the Environment Guide to the Management of Cleanfill, January 2002*.

Through consultation with GWRC's technical advisors this has been amended to only accepting material which is virgin soil or rock, with no more than 5% incidental inert manufactured materials; and 2% attached biodegradable materials by volume per load.

If the originating site appears on Greater Wellington Regional Councils (GWRC) Selected Land Use Register (SLUR), or if the operator identifies or suspects that the originating site has been used for HAIL activities, testing to the satisfaction of a suitably qualified and experienced practitioner (SQEP) must be undertaken which demonstrates that the soil is within the background ranges for Main Soil Type 2 (Greywacke) set out in Determination of Common Pollutant Background soil concentrations for the Wellington Region, prepared for GWRC by URS New Zealand Limited, Wellington, 2003 (acceptance criteria is discussed further in section 6.2 of this report).

2.1.1 Erosion Sediment Control Plan

Stormwater discharges from the site will be to the HCC-owned stormwater system which discharges to a tributary of Black Creek (more than 300m downstream of the site).

There is an open channelized stream which flows part way along the western boundary of the site. Discharges of sediment laden water are proposed to be directed away from this as described below.

The applicant proposes to control the release of sediment laden stormwater to the stormwater system by:

- Undertaking the works in stages. This will limit each open earthworks area to a total of 4000m². There are proposed to be 5 stages in total with each stage being hydroseeded to stabilise the area prior to the next stage commencing.
- The use of clean and dirty water cut-off drains to separate clean water from open earthworks areas, and send dirty water to the erosion sediment control pond (discussed below). Cut-off drains have been sized for a 5% AEP rain event;
- The use of a Sediment Retention Pond (SRP) which has been sized to accept the discharge from 8000m² for a 5% AEP rain event (the maximum area subject to excavation and filling works is 4000m² at any one time. The SRP has been sized to allow for grass to become established enough to provide stabilisation of one area while the next area is being worked).
- Placement of a silt fence along the western perimeter where the stream runs along the perimeter of the site.

The sediment controls described above are shown on *Drawings S14-0218-30/B, S14-0218-31A, S14-0218-32A and S14-0218-33A* submitted with the application. The applicant has also provided a document titled *Sediment Pond Calculator* to support the sizing of their proposed SRP

To supplement this, the applicant has provided drawings of:

- Fill stages 1-5 including clearwater diversions for each stage (S14-0218-34/A);
- The proposed haul road (S14-0218-34/C);
- The overall approved design surface showing the fall at approx. 1:200 to the north (S14-0218-19B)

Received as further information to the application via email on 28 June 2018 (discussed further in section 6.1 of this report).

2.1.2 Dust Management Plan

The applicant proposes to manage dust as proposed in section 7.5 of the Cleanfill Management Plan. In summary, dust will be controlled in the following ways:

- Limiting incoming traffic to the hard stand areas (sealed section of haul road, and sealed delivery and manoeuvring areas shown on Drawing S14 - 0218-26B received as further information to the application 31 July 2018). This area will be kept free of mud.
- All other roads and manoeuvring areas will be constructed using basecourse and may be surfaced with rotomillings or suitably hard graded material.
- Access road to be kept free of mud.
- During dry windy conditions, use a water cart along trafficked areas and sprinklers in actively-worked areas.
- Covering and wetting storage areas.
- Limiting the actively works areas to 4000m² and stabilising completed areas as quickly as practicable upon completion.
- Installing a sprinkler system which will wet loads entering the site.
- Containing stock piles within walls on the southern and northern sides of the stockpiles area. The maximum height of the stockpiles will be at least 1m below the top of the wall at all times.
- Fitting a real time total suspended particulate matter (TSP) monitor and on-site weather station at the location shown on Drawing S14 -0218-26B (received as further information to the application 31 July 2018)

programed to provide real time data and alerts to the Site Manager to ensure compliance with conditions of the HCC consent (discussed further in section 5 of this report).

2.1.3 Contaminated Soil Management Plan

The Contaminated Soil Management Plan (CSMP) was received as further information to the application 14 June 2018.

The CSMP was prepared by Pattle Delamore Partners Limited (PDP) to fulfil consent requirements for the current HCC consent which pertains to the site.

The CSMP is aimed at controlling environmental effects from contaminants that might exist within existing fill, during the disturbance of such fill, and contaminants that might exist within future fill.

The CSMP sets out general safety requirements for personnel on site (section 5.3) such as minimising contact with soil and washing hands thoroughly before eating, drinking, smoking or leaving site.

Section 5.5 sets out procedures in the event that unexpected contaminated material is encountered and section 5.6 sets out procedures for testing sediments in the SRP when it is decommissioned, or in the event that it requires maintenance to ensure contamination, if encountered, is appropriately dealt with.

2.1.4 Soil compaction

Soil compaction will be undertaken in accordance with recommendations made by ABuild in their Geotechnical Report submitted with the application or subsequent geotechnical advice from ABuild.

In summary the report recommends that to obtain geotechnical stability so that the site is suitable for building the following must be undertaken:

- a) Stripping of organic growth and removal.
- b) Removal of stockpiles and breaking up of large concrete debris into smaller pieces.
- c) Excavation and re-compaction of the existing fill to a depth of 1m to 1.5m, to an acceptable standard.
- d) Re-grading of over-steep batters to an acceptable profile.
- e) Placement and compaction of a further 3m of fill material, including placing a final compacted hardfill capping layer 0.8 – 1 m thick.

Soil compaction will be regularly inspected by the applicant's geotechnical engineers to ensure that it is being carried out in accordance with the recommendations of the Geotechnical Report.

2.2 Existing Hutt City Council Consents

On the 27 June 2016 Hutt City Council issued the following consent (RM150061) to enable filling activities to recommence:

- *Earthworks exceeding 50m³ and 1.2m by a 1.5m sub-excavation from the existing level and a 1.8m above the 1.2m permitted (totalling 3m in height above the current levels) - Restricted Discretionary under 14I 2.2(b); this proposal exceeds the height by 0.3m for the sub-excavation and a further 3m of filling for the clean fill. The volume of 50m³ is exceeded by 80,950m³.*
- *Discretionary under Clause 11 of the National Environmental Standards for assessing and managing contaminants in soil to protect human health.*

The consents were issued by an independent commissioner following a fully notified hearing. The consent was issued with conditions which relate to:

- Engineering;
- Erosion and Sediment Control;
- Dust mitigation;
- Contamination;
- Landscaping;
- Avoidance of effects to Wellington Electricity infrastructure; and
- Vibration.

A copy of the HCC decision is saved to file under document number RESC-8-2486.

3. Reasons for resource consent

3.1 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
Discharge of fill material and stormwater to land where the discharge may enter water				
15	Regional Plan for Discharges to Land (RPDL)	1 and 3	Permitted	Sediment laden stormwater discharges have the potential to arise during earthworks including during the excavation and replacement of existing material and placement of new fill material on site. Any discharges which occur will be to land, including the stormwater network. Rule 1 provides for discharges not entering water. It is possible that sediment originating from the earthworks site will enter water in the Black Creek catchment via stormwater run-off to the stormwater system; as such the
		2	Discretionary	

RMA section	Plan	Rule	Status	Comments
				proposal cannot meet the requirements of Rule 1. The discharges are not provided for under Rule 3. Therefore the activity must be assessed as a Discretionary Activity pursuant to Rule 2 which provides for discharges not otherwise provided for in the Plan.
Discharges to air associated with filling activities				
15	Regional Air Quality Management Plan	23	Discretionary	The discharge of dust to air may arise during the filling activity. There is no permitted or controlled rule which provides for this activity. It has therefore been assessed under rule 23 as a Discretionary Activity.

3.2 Proposed Natural Resources Plan

The Proposed Natural Resources Plan (PNRP) was publicly notified by the Council on 31 July 2015. All rules in the PNRP have immediate legal effect under section 86B (3) of the Act. As the application was lodged after 31 July 2015, the PNRP is relevant to determining the resource consents required, activity status, the notification decisions and the substantive assessment of the proposal under section 104 of the Act.

RMA section	Rule	Status	Comments
Discharge of fill material and stormwater to land where the discharge may enter water			
15	R70	Permitted	Rule R 70 provides for the discharge of cleanfill material to land. The PNRP defines clean fill as follows – Material that when buried will have no adverse effect on people or the environment; includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
	R93	Discretionary	a) combustible, putrescible, degradable or leachable components, and b) hazardous substances, and c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices, and d) materials that may present a risk to human health, and e) liquid waste. Material placed in the future will meet this definition.

RMA section	Rule	Status	Comments
			However, as discussed earlier in this report the existing deposited material which will be excavated, replaced and compacted, may contain materials which do not meet this definition. The proposal is therefore not provided for by this rule. In addition to this the discharge to land may result in that contaminant (sediment) entering water via the stormwater system. Rule 93 Provides for all other discharges to land as a discretionary activity.
Discharges to air associated with filling activities			
15	41	Discretionary	There are no specific rules which provide for discharges to air from filling activities. Rule 41 provides for all other discharges to air as a discretionary activity.

The proposed activity is not located within or near a scheduled site in the PNRP.

3.3 Overall activity status

Overall, the activity must be assessed as a discretionary activity under the operative Regional Plans and the Proposed Natural Resources Plan.

4. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust (PNBST)	These parties were provided with a copy of the application in accordance with the agreement between GWRC and the iwi. No comment was received from either party.
Ngati Toa Rangatira	
Other parties or persons	Comments
Gregor McLean, Erosion Sediment Control Specialist, Southern Skies	This party reviewed the application on behalf of GWRC and provided specialist technical advice regarding erosion sediment control at the site. Consultation with this party is discussed in section 6.1 of this report
Dave Bull, Contaminated Land Specialist, HAIL Environmental	This party reviewed the application on behalf of GWRC and provided specialist technical advice regarding the control of contaminants at the site. Consultation with this party is discussed in section 6.2 of this report
Wellington Water Limited	Discharges from the site will be to the stormwater network which is owned by HCC and managed by WWL. As such, consultation was undertaken with this party as an affected party to the application under section 95E of the Act (see Notification Decision in section 5 below).

Hutt City Council	Paul Duffin, Senior RMA Monitoring and Enforcement Officer who is the compliance officer for the site for the Hutt City Council consent, reviewed the draft conditions of consent and has confirmed that HCC has no concerns with the proposed conditions.
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5. Notification decision

A decision was made to process the application on a non-notified basis on 31 July 2018. Further information on the notification decision is provided in document #WGN180401-1204803674-40.

6. Environmental effects

I concur with the site description in section 1.2 of the report, and therefore adopt this part of the AEE in accordance with section 42A (1B) (b) of the Act.

Remaining matters not adopted are discussed below.

6.1 Effects to the Stormwater System and Downstream Water Quality

The bulk earthworks have the potential to generate significant amounts of sediment laden stormwater which, if not properly managed, could result in adverse effects to the operation of the stormwater network and freshwater environment in the Black Creek catchment.

The applicant has proposed erosion sediment controls to manage stormwater on the site (as outlined in section 2 of this report). These have been reviewed on behalf of GWRC by Gregor McLean, Erosion Sediment Control Specialist, Southern Skies. Mr McLean initially sought further detail as follows:

- a) Whether stormwater off the tipping and sorting area could be diverted to the SRP
- b) A typical cross-section of the road which shows that the cross fall is directed to the sediment-laden diversion (dirty water) channel
- c) A drawing showing the clean water diversion for the south catchment on the Fill 2 and 3 plans.
- d) Clarification regarding how clean water is managed though the site during stage 2.
- e) Clarification of how the catchment size will be limited to a maximum of 0.8ha (i.e. the capacity of the SRP).

In response to Mr McLean's comments the applicant has provided further information to the application on 28 July 2018 including drawings of:

- Fill stages 1-5 showing clear water diversions (S14-0218-34/A);
- The proposed haul road (s140218-34/C); and

- The overall design surface showing the fall of the site at approx. 1:200 to the north (S14-0218-19B).

The further information was reviewed by Mr McLean who confirmed he had no further concerns, but recommended that conditions be included on the consent which require a pre-construction meeting between the operator and GWRC (to ensure that conditions of consent are understood), the provision of an as-built plan, monitoring of erosion sediment control devices (to ensure that they are fully operational), and wet weather discharge quality monitoring.

As outlined in section 4 of this report, WWL were considered to be an affected party to the application as discharges from the site will be to the stormwater network, which if not sufficiently controlled has the potential to adversely affect the operation of the stormwater system.

As per the agreed process between GWRC and WWL regarding consultation as an affected party for non-notified consents, the application was reviewed by Mr McLean (as outlined above). Once Mr McLean confirmed that the ESCP was fit for purpose, I provided WWL with a copy of the draft conditions which relate to erosion sediment control at the site and a copy of Mr McLean's comments. WWL then reviewed this information and provided their affected party approval under section 95E of the Act on 26 July 2018.

Overall, taking into account the review feedback from Mr. McLean, I am satisfied that the environmental effects on water quality from the proposed works can be appropriately managed through the recommended consent conditions in Attachment 1.

6.2 Effects arising from the discharge of fill material (which may contain contaminants) to land

As discussed earlier in this report the existing fill at the site may contain material which would not meet the definition of cleanfill in the PNRP including contaminated material. The two soil samples reported in ABUILD (2015) show that concentrations of some contaminants do exceed likely background concentrations at two locations and therefore most likely also exceed likely background concentrations elsewhere.

When this existing material is excavated, re-placed and compacted, there is the potential that this may result in the re-mobilisation of contaminated material into the environment.

Conversely, in the event that no work is undertaken, existing contaminated material which may be located in the existing fill has the potential to leach into the environment in an uncontrolled manner.

The adverse effects on the environment experienced from the release or mobilisation of a contaminant into the environment varies depending on the concentration and type of the contaminant.

Considering the above, I consider that doing nothing at the site will not result in a reduced risk of the mobilisation of contaminants from the site and it is

preferable to remediate the site provided it can be undertaken in appropriate manner. To this end the application has been reviewed on behalf of GWRC by Dr Dave Bull, Contaminated Land Specialist, HAIL Environmental.

In summary Dr Bull recommended that;

- a) The fill placed and proposed to be placed cannot strictly meet the definition of cleanfill. As such he has suggest that the purpose of the consent relates to the "*placement of and discharges from Class Three managed fill*" as defined in the Technical guidelines for disposal to land, WasteMINZ 2016.
- b) The site should not accept timber in any form, even temporarily, and any timber that is dug out of the existing fill should be disposed of to a landfill authorised to accept it.
- c) Fibre cement products should not be accepted at the site, even temporarily.
- d) Any fibre cement products in the existing fill should be capped in accordance with Table 5 of the New Zealand Guidelines for Assessing and Managing Asbestos in Soils BRANZ Limited, Porirua, 2017
- e) If concrete crushing is to take place on site, operators should be trained to recognise and remove potential asbestos-containing material, such as asbestos cement drain pipes.
- f) Existing site soils should be assessed against the Class 3 landfill acceptance criteria set out in the WasteMINZ guidelines (Appendix C, Table C-2) at a testing frequency of one sample per 500 m³ (see WasteMINZ Table 6-4). The analytical suite would have to be determined by a SQEP. If soils did not meet these criteria, they should only be allowed to remain on site subject to approval by GWRC.
- g) Soil deposited at the site should be virgin soil or rock with no more than 5% incidental inert manufactured materials and 2% attached biodegradable materials by volume per load. If the originating site appears on GWRC's Selected Land Use Register, or if the operator identifies or suspects that the originating site has been used for HAIL activities, testing to the satisfaction of a SQEP must be undertaken, showing that the soil is within the background ranges for Main Soil Type 2 (Greywacke) set out in *Determination of common pollutant background soil concentrations for the Wellington Region*, prepared for GWRC by URS New Zealand Limited, Wellington, 2003. Otherwise soil and fill should not be accepted at the site at all.

In response to the above:

- The applicant has amended their proposal to the "*placement of and discharges from Class Three managed fill*" as defined in the Technical

guidelines for disposal to land, WasteMINZ 2016 rather than placement of “cleanfill”.

- Conditions of consent have been developed around the recommendations above (Attachment 1). These conditions have been reviewed by Dr Bull to ensure that they are sufficient for purpose. They have also been reviewed and accepted by the applicant.

Overall, taking into account the review feedback from Dr Bull, I am satisfied that the environmental effects on water quality from the proposed works can be appropriately managed through the recommended consent conditions in Attachment 1.

6.3 Effects arising from the discharge of dust to air

Dust has the potential to arising during filling activities for the duration of works (predicated to be 2 years).

The potential sources of dust identified are:

- Wind erosion from exposed soil including fill areas;
- Placement and compaction of fill material
- Tipping and sorting activities;
- Haul and access roads; and
- Crushing activities;

If not properly managed, dust discharges arising from the above may result in nuisance effects, particularly to neighbouring properties. The discharge of fine particular matter (PM10) is not anticipated from the site.

As discussed earlier in this report, the proposal has already been the subject of a Hutt City Council publically-notified hearing. The effects of dust have been fully traversed during this process and comprehensive conditions relating to the management of dust have been developed. I also note that the applicant has already had a final dust management plan approved by Hutt City Council.

As this issue has been fully assessed as part of the HCC consent process (and the proposal has not changed), I consider the conditions placed on the HCC consent to be sufficient to ensure adverse effects relating to the emission of dust from the site is appropriately managed.

As such, I have generally adopted these conditions as part of the suite of conditions listed in Attachment 1. The HCC consent required the approval of a Final Management Plan. The Cleanfill Management Plan contains a section relating to the management of dust from the site (as outlined in section 1) This has been accepted and approved by HCC as the final management plan.

As stated in section 4 of this report HCC have been consulted on the draft conditions for this consent. They are aware that their conditions have been generally adopted and have confirmed that they will take the lead regarding any dust-related compliance concerns once works begin at the site.

6.4 Cultural effects

As outlined in section 4 of this report consultation has been undertaken with PNBST and Ngati Toa. Neither of these parties has commented on the application.

I consider that provide the application is undertaken in accordance with the application and conditions of consent adverse effects to cultural values are likely to be no more than minor.

6.5 Summary of effects

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

7. Statutory assessment

7.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

7.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.
104(1)(b)(i)	National Environmental Standard (NES) for Air Quality Management	The NES for Air Quality is primarily concerned with the management of fine particulate matter (PM10); this is not anticipated to be discharged from the site. Provided the works are undertaken in accordance with the application and all conditions of consent, I consider that there is no impediment to the proposal under the NES for Air Quality Management.

RMA section	Matter to consider	Comment
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2014	The NPSFM is given effect to by policy 66 in the PNRP and 4.4.24 in the RPD (see below).
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS in particular the objectives and policies discussed below
	<i>Objective/Policy</i>	<i>Comment</i>
	Objectives 1 & 2 and Policies 1 & 2 seek to manage potential effects and ensure that discharges do not adversely affect amenity values or people's health and well-being. Objective 29 and Policies 15, 41 & 68 seek to minimise the effects of earthworks and vegetation clearance in relation to soil erosion.	An erosion and sediment control plan has been submitted as part of the application. This has been reviewed by Mr McLean who considers it to be sufficient for purpose. No significant native vegetation is being removed as part of this proposal.

RMA section	Matter to consider	Comment
	Objective 12 seeks that The quantity and quality of fresh water: • meet the range of uses • and values for which water is required; • safeguard the life supporting capacity of water bodies; and • meet the reasonably foreseeable needs of future generations. Objective 13 seeks that the region's rivers, lakes and wetlands support healthy functioning ecosystems. Policy 34 relates to Controlling activities on contaminated land	Adverse effects to water quality and freshwater habitat have the potential to occur as the result of the release of sediment laden stormwater (which may contain contaminants) to the stormwater system, which will then discharge into a tributary of Black Creek. Expert advice has been obtained during the processing of this consent to ensure that: • the erosion and sediment control plans are sufficient to control the discharge of sediment laden stormwater from the site; • appropriate conditions have been included on the consent which will ensure that existing deposited material is appropriately tested and disposed of; • appropriate conditions have been included on the consent which will ensure that new material brought to the site does not result in any further contaminated material being deposited onto the site. I consider that provided the works are undertaken in accordance with the application and all conditions of consent the proposal is consistent with Objectives 12 and 34.
	Objectives 23-28 and Policies 48, 48 & 66 recognise and provide for matters of significance to tangata whenua	The appropriate iwi have been consulted on the application. The site is not within and will not affect any identified site of significance.
104(1)(b)(vi)	Operative Regional Plan for Discharges to Land	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Operative Regional Plan for Discharges to Land in particular the objectives and policies listed below.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 4.1.5 and Policies 4.2.24A and 4.2.19	• I consider the application to be consistent with the objectives and policies of the NPSFM. • Provided works are undertaken in accordance with the application and all conditions of consent, adverse effects of discharges are expected to be no more than minor. • No significant adverse effects on soil and

RMA section	Matter to consider	Comment
		water quality are expected during the earthworks period.
	Objective 4.1.10 and Policy 4.2.48	As discussed earlier in this report, the site may contain contaminated material. Objective 4.1.10 requires that any risk to human health presented by contaminated sites is lowered to an acceptable level. Policy 4.2.48 outlines matters to have regard to when assessing discharges associated with contaminated sites. As outlined earlier in this report the extent of contamination is unknown (and may or may not be extensive). Contaminants if currently located in the deposited fill may be slowly leaching into the environment and it is not known to what extent adverse environmental effects could be currently occurring. Conditions of consent will ensure that existing deposited material is appropriately tested and disposed of.
	Operative Regional Air Quality Management Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Operative Regional Air Quality Management Plan in particular the objectives and policies listed below.
	Objective 4.1.2 and Policies 4.2.4, 4.2.5, 4.2.7 and 4.2.9	Objective 4.1.2 is that discharges to air in the region are managed in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while ensuring that adverse effects, including any adverse effects on: • Local ambient air quality; • Human health; • Amenity values; • Resource or values of significance to tangata whenua ; • the quality of ecosystems, water, and soil; and • the global atmosphere; Are avoided, remedied or mitigated. Policies 4.2.4, 4.2.5, 4.2.7 outline how to achieve objective 4.1.2 and policy 4.2.9 outlines particular matters to have regard to when considering an application for a discharge to air. I consider that with the application of the

RMA section	Matter to consider	Comment
		conditions of consent which have been developed by HCC through a notified hearing process and which have been reviewed by experts in their field (though the notified hearing process), will be sufficient to ensure that adverse effects are adequately avoided, remedied or mitigated.
	Proposed Natural Resources Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan in particular the objectives and policies listed below.
	<i>Objective/Policy</i>	<i>Comment</i>

RMA section	Matter to consider	Comment
	Objectives O2, O5, O6, O14, O15, , O44, O46, O47, O48, O51, O 39, O40 and O41 Policies P4, P7, P17, P19, P55, P61, P62, P66, P67, P89, P95 and P97	• The proposal will result in the remediation of a currently unusable site. I consider this to be a preferable community outcome (rather than not undertaking the works). • The adverse environmental effects of the proposed work have been assessed as no more than minor and appropriate measures are proposed to reduce environmental effects to the smallest amount practicable. • Appropriate Erosion & Sediment Control measures have been proposed to ensure that adverse effects to water quality and ecosystem health are no more than minor. • Consultation has been undertaken with PNBST and Te Runanga o Toa Rangatira regarding the proposed development and no concerns have been raised through this process. As such, no adverse effects on mana whenua are expected. - As outlined earlier in this report the extent of contamination is unknown. Containments if currently located in the deposited fill may be slowly leaching into the environment and it is not known to what extent adverse environmental effects could be currently occurring. Conditions of consent will ensure that existing deposited material is appropriately tested and where necessary disposed of. - Comprehensive dust management conditions have been established during the HCC fully notified process which have been reviewed by experts. I consider these to be sufficient to ensure that the proposal is compliant with Objectives O39-O41 and Policies P55 and P61
104(1)(c)	Any other matter	There are no other matters relevant to this application.
104(2A)	Value of investment for existing consents	I have considered the value of existing investment associated with this application.
105(1)	Matters relevant to discharge permits	I have had regard to the matters outlined in section 105 (1)
107	Restrictions on grant of certain discharge permits	Provided the works are undertaken in accordance with the application and conditions of consent I do not consider that the proposal will give raise to any of the adverse effects

RMA section	Matter to consider	Comment
		outlined in section 107 after reasonable mixing at the point where the discharge leaves the stormwater network and enters water. In addition to this, any discharges from the site will only occur for the duration of works i.e. they will be temporary.
108 – 108AA	Conditions on resource consents	All conditions recommended in Attachment 1 comply with the requirements of section 108-108AA
104(1)(c)	Any other matter	There are no other matters relevant to this application.

8. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the National Policy Statement for Air Quality Management National Policy Statement for Freshwater Management 2014, Regional Policy Statement, Operative Regional Plan for Discharges to Land and the Proposed Natural Resources Plan.
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of consent will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.

9. Duration of consent

The applicant anticipates that the work will take approximately two years to complete. To allow for any reasonable delay I have recommended a consent duration of five years.

10. Monitoring

The following compliance monitoring programme will be undertaken during the consent term:

- Prior to works commencement in each stage, submission of the following information for approval under condition 5:
 - a) Confirmation of contributing catchments, dimensions and storage volumes of sediment retention ponds, decanting earth bunds, silt fences and diversion channels/bunds as applicable

- b) As-built plans and photos of the key erosion and sediment controls measures including a site plan showing the locations of erosion and sediment control devices and their respective catchments
 - c) Any other details that will facilitate assessment of compliance with the ESCP and the current Erosion and Sediment Control Guidelines for the Wellington Region
- Submission of monthly site audits under condition 12
 - Submission of water quality monitoring data under condition 14
 - Submission of quarterly report under condition 43
 - Site inspection(s) when necessary

Charges relating to this monitoring programme are outlined in the cover letter enclosed with this report.

Attachment 1: Consent conditions

Interpretation

Wherever used in the conditions below, the following terms shall have the prescribed meaning:

Dry weather conditions means that the site surfaces are not sufficiently damp to have low dust generating potential.

Quarterly period is defined as the three month periods beginning 1st January, April, July and October.

Quarterly means, by the 10th working day following the end of the preceding *quarterly period*.

Annual period is defined as 1 September to 31 August.

Annually means by the 10th working day following the end of the preceding *annual period*.

Site Manager is the person responsible for the day to day management of the site

Stabilised means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, hydroseeding, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager, Environmental Regulation, Wellington Regional Council, an 80% vegetative cover has been established.

Manager means Manager, Environmental Regulation, Wellington Regional Council

General conditions

1. The location, design, implementation and operation of the activities shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 19 April 2018 and the further information received on the following date:
 - 28 June 2018 – Email with amended final Erosion and Sediment Control Plans (ESCP) attached.
 - 5 July 2018 – Email confirming that the site would operate as a Class 3 Managed Fill rather than a Cleanfill (as originally proposed).
 - 14 July 2018- Email with the appendices of the Cleanfill Management Plan attached.

- 31 July 2018 – Email with drawing S14-0218-26 Revision B attached showing the location of the haul road, total suspended particulate matter (TSP) monitor and onsite weather station for recording wind speed and direction

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing. In addition to this, the consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council Compliance or Enforcement Officer on request.

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

Managed Fill Management Plan

3. Prior to the commencement of excavation or filling works the consent holder shall submit for approval to the **Manager** a final Managed Fill Management Plan (MFMP). The final MFMP shall be based on the Cleanfill Management Plan (CMP) received with the application but shall be updated to include the requirements of this consent including:
 - Acceptance criteria
 - Management of contaminants in existing deposited fill
 - Record keeping
 - Staff training regarding the identification of fibre cement products

No filling works may commence on site until the consent holder has received written notification that the MFMP is to the satisfaction of the **Manager**.

Any subsequent amendments to the MFMP must be to the satisfaction of the **Manager**.

Pre-construction meeting

4. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite,

with a minimum of **10 working days' notice**, the Greater Wellington Regional Council and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met. Meeting initiations should be emailed to notifications@gw.govt.nz. Please quote consent number WGN180401 in the email subject line.

Certification of the Erosion and Sediment Controls (pre-works requirement)

5. Prior to the excavation and filling works commencing for each stage of works, the consent holder shall provide to the **Manager** a certificate signed by an appropriately qualified and experienced engineer to certify that the erosion and sediment controls have been constructed in accordance with the application, documents outlined in condition 1 of this consent, and the most up to date version of the *Erosion and Sediment Control Guidelines for the Wellington Region* as a minimum standard.

Certification shall include, but not be limited to, the following:

- a) Confirmation of contributing catchments, dimensions and storage volumes of sediment retention ponds, decanting earth bunds, silt fences and diversion channels/bunds as applicable;
- b) As-built plans and photos of the key erosion and sediment controls measures including a site plan showing the locations of erosion and sediment control devices and their respective catchments; and
- c) Any other details that will facilitate assessment of compliance with the ESCP and the current Erosion and Sediment Control Guidelines for the Wellington Region.

Certification shall be to the satisfaction of the **Manager** and shall be submitted within **5 working days** of completing the assessment and prior to commencing excavation and filling works for that stage.

Note: The consent holder is advised to complete the sediment control device as-built check sheets available on the Greater Wellington Regional Council's website and to submit these with the certification required under this condition.

Amendments to ESCP

6. Any amendments proposed to the ESCP under condition 1, shall be confirmed in writing by the consent holder. The consent holder may only implement changes to the ESCP under condition 1 once they have received written notification that the changes are to the satisfaction of the **Manager**.

Erosion and sediment control treatment requirements

7. The consent holder shall install, operate and maintain all erosion and sediment control measures to ensure that they operate and perform as intended in accordance with the approved ESCP and as a minimum the *Erosion and Sediment Control Guidelines for the Wellington Region (September 2002)*.
8. The consent holder shall ensure that, prior to the completion of operations each working day, all necessary erosion and sediment control measures are reinstated in accordance with the ESCP.
9. All erosion and sediment control measures shall remain the responsibility of the consent holder and no erosion or sediment control measures shall be decommissioned or removed prior to receiving written confirmation that the relevant phase is stabilised to the satisfaction of the *Manager*.

Winter works

10. If, in the opinion of a GWRC compliance officer, the site is not performing to an acceptable standard during the period of 1 June to 30 September, or the approved ESCP referred to in condition 1 cannot be complied with; all earth-worked areas shall be immediately stabilised. Any stabilisation shall be maintained to the satisfaction of the *Manager*.

Note: The decision regarding whether the site is performing to an acceptable standard will be made based on results of monitoring undertaken in accordance with condition 14.

Site auditing requirements

11. The consent holder shall ensure that the site is audited by a suitably qualified and experienced person on a minimum of:
 - a monthly basis, and
 - after a rainfall event of greater than 20mm in a 24 hour period, or 7mm in a 1 hour period, as measured at the GWRC Wainuiomata Reservoir rainfall monitoring site; or
 - at a frequency that is to the satisfaction of the *Manager*.
 - at the request of an Wellington Regional Council enforcement officer

The audits are to ensure that the erosion and sediment control methods, including flocculation, are being maintained in accordance with the **ESCP** as listed in condition 1 and the **Flocculation Management Plan (FMP)** required by condition 19 of this consent (if the FMP is required to be implemented).

The audits shall include, but not be limited to, the following information:

- a) Date
- b) Name of auditor

- c) Site conditions including annotated photographs
- d) Weather conditions and rainfall at the time of inspection and in the proceeding 48 hours
- e) Sediment management (including identification of problem areas that are not being treated by sediment control measures, and any measures put in place to treat these areas)
- f) Condition of sediment control measures, including silt fences, contour drains and sediment retention ponds
- g) Check of operation of flocculation method (if flocculation is being undertaken)
- h) Maintenance required and the date this will be completed by
- i) Contractor responsible for the maintenance
- j) General comments

Note 1: Audits will be required while any area is being cleared of vegetation and soil, or earth-worked. Once an area has been stabilised or if there are no works occurring on site, audits may be undertaken at a lesser frequency subject to GWRC written approval following prior consultation.

Note 2: Text alerts for nominated mobile phones can be set up for the GWRC rainfall monitoring stations. Email ethan.coulson@gw.govt.nz or your GWRC compliance officer with details to set up text alerts.

Note 3: The Manager or Compliance/ Enforcement Officer may require the frequency of site audits to be increased in the event that trigger values outlined in condition 15 are being exceeded.

- 12. The results of the audits as required by condition 10 shall be submitted to the **Manager** no later than **5 working days following the audit**.
- 13. The consent holder's requirements under condition 11 and 12 shall cease when the area subject to this consent has been completely stabilised and erosion and sediment controls are decommissioned; or with the written authorisation of the **Manager**.

Rainfall and water quality monitoring

- 14. The consent holder shall arrange for a suitably qualified and experienced person to sample and record the following parameters at least once within all operative Sediment Retention Ponds (SRP), as soon as practicable within daylight hours after a rainfall event of greater than 20mm in a 24 hour period,

or 7mm in a 1 hour period; as measured at the GWRC Wainuiomata Reservoir rainfall monitoring site.

Parameter	Inflow	Forebay	Pond	Outlet
pH	✓	✓	✓	✓
Temperature (°C)			✓	
Turbidity (NTU)	✓	✓	✓	✓
Total suspended solids (g/m ³)	✓	✓	✓	✓

All sampling and analysis must be undertaken to the satisfaction of the **Manager**.

All sampling results must be

- Forwarded to the **Manager** within 24hrs of the result being received.
- Recorded by the consent holder and submitted to the **Manager quarterly** in accordance with condition 43

Note 1: The consent holder is only required to undertake outlet monitoring as required by this condition if the SRP is discharging.

Note 2: sampling results should be emailed to notifications@gw.govt.nz please include the consent reference WGN180401 and the name and contact details of the site manager.

Discharge quality – compliance limits

15. The Sediment Retention Pond outlet water quality shall not exceed the following water quality parameter:

- Outlet Total Suspended Solids (TSS) 270g/m³.

Discharge quality – management trigger

16. In the event that water quality sampling undertaken in accordance with consent condition 14 exceeds the following discharge management trigger limits during any single discharge event;

- Outlet Total Suspended Solids (TSS) 170g/m³ or
- Outlet clarity 170 NTU

The consent holder shall:

- a) Immediately undertake onsite investigations to determine the cause of the exceedance and identify what changes can be made to onsite management to prevent re-occurrence.
- b) Notify the *Manager*, as soon as practicable but no later than 24 hours after the result is recorded that a discharge limit has been exceeded.
- c) Within 48 hours provide the *Manager* with a preliminary assessment outlining the reasons for the exceedance and what measures are being undertaken on site to prevent any further discharges which are in exceedance of the management triggers outlined in this consent condition.
- d) Within 5 working days provide the *Manager* with a summary report summarising the actions undertaken in accordance with (a)-(c) and any further action and/or monitoring which will be implemented on site to prevent future discharges which are in exceedance of the management triggers outlined in this condition of consent.

All actions on site shall be undertaken to the satisfaction of the *Manager*.

- 17. The consent holder's requirements under conditions 14 to 16 shall cease when the area subject to works has been completely stabilised and the pond decommissioned or with the written authorisation of the *Manager*.

Water quality compliance limits and Site Management

- 18. In the event that:

- a) the event-triggered water quality monitoring outlined in condition 14 returns water quality measurements that exceed the compliance limits listed in condition 15; and
- b) A Wellington Regional Council Compliance or Enforcement Officer directs action to improve treatment efficiency and the discharge water quality.

The consent holder shall prepare, in consultation with a suitably qualified and experienced practitioner, an Amended ESCP which includes:

- i) additional erosion sediment control measures to ensure compliance with condition 14; and/or
- ii) if specifically required by the Manager a Flocculation Management Plan (FMP) which must be prepared in accordance with condition 19 of this consent.

The Amended ESCP shall be submitted to the satisfaction of the *Manager* **within 5 working days of the direction being made** (under

condition 17 (b) of this consent) or within another time frame to the satisfaction of the *Manager*.

19. The FMP required by condition 18 (ii) of this consent, shall include, but not be limited to the following information:

- Confirmation of the liquid flocculent chemical to be used and the method of automated flocculation delivery to be used
- Alternative flocculent or method of flocculation to be used if the above method is found to be ineffective after use on site, including triggers and timeframes for making the change between methods
- Details of how the flocculation dosage will be triggered
- Details of the optimum dosage rate calculated from the soils in the pond's catchment area, including details of the calculations and bench testing results
- Confirmation of the actual flocculent dosing rate
- Details of when flocculent batch dosing may be required and how it will be carried out to avoid any adverse effects
- Protocols to be followed by the person implementing batch dosing to ensure that the dosage rate or application methodology will not cause any adverse environmental effects
- Procedures to be undertaken if water quality limits in condition 15 are exceeded
- Procedures for the storage of flocculation chemical(s) onsite
- A flocculation chemical spill contingency plan
- Details regarding a suitably qualified and experienced practitioner who shall sample and record the water quality of the sediment retention pond in accordance with condition 14 of this consent
- Details of rainfall event based monitoring methods and responsibilities for monitoring and maintenance of the system
- Identification of a suitably qualified and experienced person and their specific responsibilities for ensuring the operation, monitoring and maintenance of the chemical flocculation system to ensure that it is operating as outlined in the FMP, and;
- A plan for the decommissioning of flocculated sediment retention ponds

Use of automatic/automated flocculent dosing system on site shall not commence prior to receiving certification that the FMP meets the requirements of this condition from the *Manager*.

The FMP required by condition 18 of this consent will be implemented as soon as possible and within a period not exceeding 5 working days of receiving written confirmation of certification that it is in accordance with condition 18; or within another timeframe at the discretion of the Greater Wellington Regional Council Compliance or Enforcement Officer.

Cease dosing with Polyaluminium Chloride (PAC) flocculent

20. When dosing any SRP with Polyaluminium Chloride flocculent and the monitoring results under condition 14 indicate that the pH of any chemically-treated sediment retention pond outflow is at or below 5.5; and/or NTU values increase above 170, the dosing of that pond with Polyaluminium Chloride flocculent shall cease immediately. In this event the *Manager* shall be notified immediately.

The consent holder shall liaise with the *Manager* on an appropriate course of action and will carry out subsequent actions as soon as practicable within a timeframe not exceeding 5 working days or within another timeframe as specified by the *Manager*.

Progressive stabilisation

21. The consent holder shall progressively stabilise any disturbed areas as they complete each earthworks phase/area, to minimise sediment runoff. Road surfaces shall be covered with rotor millings or road metal. The progressive stabilisation shall be to the satisfaction of the *Manager*.
22. The maximum area of earthworks at any one time shall not exceed the calculated capacity of the sediment treatment devices for that area of works, as required by the approved ESCP.
23. Each stage of bulk earthworks shall be stabilised before any further stages are undertaken, unless otherwise authorised in writing by the *Manager*.

Note: For the purposes of this condition, 'stage' refers to each of the 5 broad stages of works as detailed in the ESCP as referred to in condition 1.

24. Upon achieving the desired completion levels (as identified in the application) the consent holder shall ensure that all areas subject to works are stabilised.
25. All fill material shall be placed and compacted so as to avoid erosion and instability. Any erosion of soil including failure of cut and fill batters that is attributable to the works shall be contained, remedied and mitigated by the consent holder to the satisfaction of the *Manager*.

Acceptance criteria and management of existing deposited material

26. The consent holder shall only accept material which is virgin soil or rock with no more than 5% incidental inert manufactured materials and 2% attached biodegradable materials by volume per load. If the originating site appears on Greater Wellington Regional Councils (GWRC) Selected Land Use Register (SLUR), or if the operator identifies or suspects that the originating site has been used for Hazardous Activities and Industries List (HAIL) activities, testing to the satisfaction of a suitably qualified and experienced practitioner (SQEP) must be undertaken which demonstrates that the soil is within the background ranges for Main Soil Type 2 (Greywacke) set out in Determination of Common Pollutant Background soil concentrations for the Wellington Region, prepared for GWRC by URS New Zealand Limited, Wellington, 2003.
27. The consent holder shall ensure that no timber (in any form) is accepted onto the site (permanently or temporarily). Any timber excavated from the existing fill shall be removed from the site, if it is practicable to do so, and disposed of at a landfill authorised to accept it.
28. The consent holder shall ensure that no fibre cement products are accepted onto the site (permanently or temporarily).
29. The consent holder shall ensure any fibre cement products in the existing fill is capped in accordance with Table 5 of the New Zealand Guidelines for Assessing and Managing Asbestos in Soils BRANZ Limited, Porirua, 2017.
30. The consent holder shall ensure that when concrete crushing takes place, all operators are trained in the recognition and safe removal of asbestos-containing materials, such as (but not limited to) asbestos cement drain pipes.
31. The consent holder shall ensure that existing soil and /or material excavated at the site shall be assessed against the Class 3 landfill acceptance criteria set outlined in the WasteMINZ Technical Guidelines for Disposal to Land 2016, Appendix C, Table C- 2, Ecological Receptor; at a testing frequency of one sample per 500 m³ (in accordance with WasteMINZ Technical Guidelines for Disposal to Land 2016, Table 6-4). All testing shall be carried out in accordance with the recommendations of a Suitably Qualified and Experienced Practitioner (SQEP). If soil/material exceeds the acceptance criteria outlined in the WasteMINZ Technical Guidelines for Disposal to Land 2016, Appendix C, Table C-2, Ecological Receptor the consent holder must:
 - Immediately appoint or notify the appointed SQEP and take actions all actions as advised by the SQEP to contain and prevent from disturbing any further contaminated material including but not limited to ceasing all excavation, compaction and filling works within a radius (of the point at which the contaminant was discovered) as advised by the SQEP.
 - Notify the *Manager* within 24 hrs of the exceedance being recorded detailing what the exceedance was, and detailing the area of the site affected.

- Submit a report within 5 working days of the exceedance being recorded which has been prepared by a SQEP to the satisfaction of the **Manager** which details what actions will be undertaken by the consent holder to ensure that the soil which exceeds the criteria (WasteMINZ Technical Guidelines for Disposal to Land 2016, Appendix C, Table C-2, Ecological Receptor) is disposed of (either on site or off site at a landfill authorised to accept this material) to ensure adverse effects to the environment will be adequately avoided. The report must detail what timeframe the actions will be undertaken within.

All action to dispose of soil/material which exceeds the acceptance criteria outlined in the WasteMINZ Technical Guidelines for Disposal to Land 2016, Appendix C, Table C-2, Ecological Receptor must be undertaken to the satisfaction of the **Manager**.

Results of sampling undertaken in accordance with condition 31 and any required disposal of contaminants on or off site shall be recorded by the consent holder and submitted to the **Manager quarterly** in accordance with condition 43.

Note: The consent holder is responsible for ensuring that any consents or approvals required from Hutt City Council including (but not limited to) consents required under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health, which may be required to dispose of material on site, are in place prior to any on-site disposal undertaken in accordance with condition 31 of this consent.

Record keeping

32. The permit holder shall record details of each load of material that is deposited within the cleanfill, including:
 - a) The date and time of receipt of the material at the cleanfill site;
 - b) Quantity;
 - c) Source, including whether the material is sourced or is suspected to be sourced from a site listed on the Selected Land Use Register (SLUR);
 - d) Description of material deposited (e.g. soil, concrete, bricks);
 - e) Name of the contractor depositing the material;
 - f) Confirmation that the load contains virgin soil or rock with no more than 5% incidental inert manufactured materials and 2% attached biodegradable materials by volume per load; and
 - g) If material is from a location as identified in (c) evidence which demonstrates that the soil is within the background ranges for Main Soil Type 2 (Greywacke) set out in Determination of Common Pollutant Background soil concentrations for the Wellington Region, prepared for GWRC by URS New Zealand Limited, Wellington, 2003.

This information shall be submitted to the *Manager quarterly* in accordance with condition 43 and shall be made available for inspection by an enforcement officer of Wellington Regional Council on request.

Dust Management

33. The consent holder shall ensure that dust management is undertaken in accordance with section 7.5 of the document titled Cleanfill Management Plan submitted with the application and MFMP approved under condition 3 of this consent.
34. Prior to undertaking works in accordance with this consent, the Consent Holder shall undertake the following to ensure that dust generation from the site is kept to a practicable minimum, to the satisfaction of the *Manager*:
 - a) Form an access road as shown on drawing S14-0218-26, Revision B (submitted as further information to the application received via email 31 July 2018). At least the first 15 metres of the access road from the boundary shall be sealed, and the unsealed section of the access road shall be covered in such a manner as to allow it to be wet-swept.
 - b) Fit the hardstand transfer station with an overhead water sprinkler or other appropriate water system to be used for dust suppression of incoming loads.
 - c) Install a real time total suspended particulate matter (TSP) monitor and onsite weather station for recording wind speed and direction, at the location shown on drawing S14-0218-26 Revision B (submitted as further information to the application received via email 31 July 2018). The TSP monitor and onsite weather station shall be programed to provide real-time data and alerts to both the *Site Manager* and *Manager*.

*Note: Alerts should be emailed to notifications@gw.govt.nz please include the consent reference WGN180401 and the name and contact details of the *Site Manager*.*

35. The consent holder shall ensure that the hard stand transfer station, the access road and Waiu Street (from the site entrance to a distance of 100m south) shall be wet- swept on a regular basis to ensure the areas are free of dust-causing material to the satisfaction of the *Manager*.
36. The consent holder shall ensure that vehicles travelling to and from the site shall not be permitted to enter the cleanfill site, beyond the hardstand transfer station.
37. The consent holder shall ensure that all active waste stockpiles shall, if necessary, be watered or treated with dust suppression chemicals, or otherwise treated (including if necessary contained in bunkers with walls at least one metre taller than the stockpile, with the opening facing east or

west), to ensure dust generated from them is kept to a practicable minimum.

Note: Installing bunkers with walls will only be required if other methods of dust control have proved ineffective.

38. During ***dry weather conditions***, on receiving alerts from the on-site weather station that wind speeds are 7 m/s or greater and /or from the TSP monitor that the one-hour ambient suspended particulate concentration is $170\mu\text{g}/\text{m}^3$ or greater, the ***Site Manager*** (on behalf of the consent holder) shall review and implement on-site dust mitigation measures to ensure dust generation from the site is kept to a practicable minimum. Such measures may include (but are not limited to):
- a) Maintaining materials and surfaces that may potentially generate dust in a visibly damp condition or otherwise treating or covering of exposed areas (including haul roads, manoeuvring areas, stockpiles and truck loads and the active working area);
 - b) Undertaking visual assessments of dust emissions from the site on an on-going basis throughout the working day (and in any case at least three times each working day), recording the outcomes of those visual inspections and the date and time of inspections;
 - c) If the frequency of loads of fill arriving on site is causing issues with appropriate dust management upon receipt and/or efficient handling of materials, reducing the number of vehicle movements arriving at the site until such issues are resolved; and
 - d) Suspending all operations on site (excluding dust mitigation).

All actions undertaken in accordance with condition 38 including details of the discharge event that triggered the actions shall be recorded by the consent holder and submitted to the ***Manager quarterly*** in accordance with condition 43.

Note: For the avoidance of doubt, the consent holder is still required to adopt good dust mitigation procedures during ***dry weather conditions*** at wind speeds less than 7m/s and at TSP concentration less than $170\mu\text{g}/\text{m}^3$.

39. During ***dry weather conditions***, and for all wind directions except from the southerly quadrant, the ***Site Manager*** (on behalf of the Consent Holder) shall ensure that all on-site activities which could generate dust cease on receiving alerts from the TSP monitor that the one-hour ambient suspended particulate concentration is $250\mu\text{g}/\text{m}^3$ or greater. Those on-site activities that are ceased shall not recommence until the ***Site Manager*** confirms that the one-hour ambient suspended particulate concentrations (as recorded by the on-site TSP monitor) is below $250\mu\text{g}/\text{m}^3$.

All actions undertaken in accordance with condition 39 including details of the discharge event that triggered the actions shall be recorded by the consent holder and submitted to the *Manager quarterly* in accordance with condition 43.

40. The consent holder shall ensure that the active area of the filling site (being the active work area, site haul roads and tipping area of the transfer station) shall be limited to a maximum of 4,000m² at any one time. All completed areas of the site shall be rehabilitated (though hydroseeding or grassing) as soon as practicable following completion.
41. The consent holder shall ensure that the speed limit for all vehicles on site shall be 10kph.
42. The *Site Manager* (on behalf of the consent holder) shall ensure that sufficient equipment (for example, a water cart) and water supplies are maintained on-site at all times for use as dust suppression, so that dust generation from the site is kept to a practicable minimum.
43. The consent holder shall compile and submit the results of records and monitoring undertaken in accordance with consent conditions and provide a report to the *Manager quarterly*. Conditions which require record keeping and monitoring are as follows:
 - Condition 14 (water quality monitoring)
 - Condition 31 (results of soil sampling)
 - Condition 32 (record of material accepted onto site)
 - Condition 44 (record of complaints)
 - Conditions 38 and 39 (record of actions taken to ensure compliance with dust emission limits set by those conditions)
44. In the event that the consent holder achieves full compliance with consent conditions, all reporting required under this consent which is required to be submitted *quarterly* may be reduced to *annually* at the discretion of the *Manager*.

The consent holder may only reduce reporting requirements to *annually* once they have received written confirmation that the reduction from *quarterly* to *annually* has been approved to the satisfaction of the *Manager*.

Notification requirements

45. The consent holder shall notify the *Manager* within 24 hours or the next working day if any contaminants (including sediment) are released from the site and enter any stormwater pipe or watercourse, due to any of the following:
 - a) Discharges from unstabilised areas that are not treated by sediment control measures required under this consent;
 - b) Failure of any erosion and sediment control measure; or

- c) Any other incident which either directly or indirectly causes or is likely to cause adverse ecological effects in the receiving environment.

Note: Notifications should be emailed to notifications@gw.govt.nz

Complaints

- 46. The consent holder shall maintain a written record of any complaints received alleging adverse effects from or related to the exercise of this consent, for the duration of works authorised by this consent. This record shall include:
 - a) The name and address of the complainant;
 - b) The date and time that the complaint was received;
 - c) Details of the alleged event;
 - d) Weather conditions at the time of the complaint; and
 - e) Any measures taken to mitigate the complaint.

Complaints received shall be forwarded to the Manager, Environmental Regulation, Wellington Regional Council within 24 hours of receiving the complaint via the following email: notifications@gw.govt.nz.

Review condition

- 47. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
 - a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
 - b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
 - c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
 - d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are

shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the "exercise of the consent" is deemed to be once the works authorised by this consent have commenced.