
From: Parvati Rotherham
Sent: Tuesday, 24 September 2019 11:27 AM
To: [REDACTED]
Subject: RE: Questions re Wainui Clean Fill [REDACTED]
Attachments: Wainuiomata CleanFill final response to [REDACTED] 24.09.19.pdf

Dear [REDACTED]

Thank you for your questions. Please note that the site you are referring to is the Wainuiomata cleanfill, not landfill. I have coordinated a response to your questions, please see attached.

I have also copied our two Facebook notes on the cleanfill dated 2 August and 9 September at the end of this email to provide you with comprehensive information about this site.

The cleanfill at Wainuiomata is owned by Hutt City Council and managed by an operator under contract.

It is currently compliant and there is a rigorous checking process in place. It is being checked regularly by council compliance officers with the most recent visit on 12th September.

As you are a Mayoral Candidate a copy of this will be put on our website for transparency with other candidates and the public.

Kind Regards,

Parvati

From: [REDACTED]
Sent: Friday, 20 September 2019 7:44 PM
To: Parvati Rotherham
Subject: Re: Questions re Wainui Clean Fill from [REDACTED]

Thank you for your high level of professionalism. We need that in today's world where so many people can lose their rag. We are all under pressure for a whole raft of reasons. I was a Early Childhood Teacher for thirty years and had stints as president of both Lions and Toastmasters Clubs and have worked with problem teenage boys. I trust you to get back to when you are able.
Regards [REDACTED]



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On Fri, Sep 20, 2019 at 2:06 PM Parvati Rotherham <Parvati.Rotherham@huttcity.govt.nz> wrote:

[REDACTED]

Thanks for your email and questions. There are a few there, I'll need to review them and advise when we might be able to give you a full response.

Thanks,

Parvati

From: [REDACTED]

Sent: Friday, 20 September 2019 1:43 PM

To: Parvati Rotherham

Subject: Questions re Wainui Clean Fill from [REDACTED]

As promised I attach a list of questions You and the Chief Executive have kindly permitted me to ask. If they sound too bolshie, I am passionate about this as are all those in Wainui. Once again I am not questioning your or the Chief Executive's integrity or commitment to serving the Hutt.

I am open to a face to face meeting at any time.

Best regards [REDACTED]



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Questions from [REDACTED]

Re the use of and extension for the continued use of The Wainuiomata Landfill situated on a known flood plain – the landfill in question situated on 126-196 Coast Road Wainuiomata Lower Hutt, next to old wastewater treatment plant.

Question One

Have you or the Chief Executive physically visited the clean fill?

Hutt City Council compliance staff routinely visit the cleanfill.

The Team Leader, Resource Consents and the Chief Executive have both visited the site along with other staff including the manager of solid waste.

Routine audits are also conducted by Greater Wellington.

Question Two

Have you or the Chief Executive personally examined the photographic evidence that was presented by Sally-ann Moffat and others at the public meeting she called, and is available in the public domain which strongly suggests that illegal dumping has occurred at the site?

We did look into this complaint via the regulatory team when it arose and found that the concrete that was left at the clean fill by this customer is acceptable. Please note that this involved reviewing photos that were taken some time ago. We have reminded the operator that private vehicles are not allowed to deposit material at the cleanfill. We have been in touch with Sally-Ann to confirm that these materials are acceptable cleanfill materials, and should she have any further queries we have asked her to please get in touch with our regulatory team who manages complaints about the clean fill.

Question Three

Do you or the Chief Executive agree with the evidence presented by Sally-ann Moffat and others (at the meeting) that strongly suggests the rules under which those who are currently permitted to dispose of Clean Fill at the site have breached the rules under which they are supposed to operate (Copies of which they were presented with (Or should have been presented with at the time of their original consent).

The Ministry for the Environment has guidelines as to what material is permitted to be disposed of at a cleanfill. Council has not witnessed any non-cleanfill materials being dumped at the site. Please note regular audits are undertaken by Hutt City Council compliance staff, and by Greater Wellington Regional Council staff. The most recent audit by Greater Wellington staff on 30 August 2019 found no evidence of non-cleanfill material. Hutt City Council were at the cleanfill most recently on 12 September and saw no evidence of any breach in terms of the materials dumped.

Question Four

Are you or The Chief Executive aware of any warning given to those who currently or in the past have had permission to dump clean fill on the site?

See response to question two.

Question Five

Do you or the Chief Executive feel that the information you have is adequate regarding what constitutes Clean Fill under the current laws around what can be placed in a clean fill.

There is a variety of material that can be placed in the cleanfill under the Ministry for the Environment Guidelines. Please refer to our facebook note for further information.

Question Six

Have you or the Chief Executive or a person designated by you or the Chief Executive ever been physically present on site to see what comes out of a truck and onto the site?

Yes, Hutt City Council compliance officers have been on site when trucks have been dumping and have not observed any non-cleanfill material.

Question Seven

Do you or the Chief Executive think there is a need for full toxicology report on the site before final planting.

It is current practice as part of the cleanfill acceptance criteria to require laboratory analysis where there is a concern that the material maybe contaminated.

Question Eight

What steps do you and or the Chief Executive intend to take to ensure better monitoring of the site? Council is satisfied with the monitoring regime in place for the cleanfill.

Hutt City Council compliance officers routinely and proactively monitor the site. In addition, if a complaint is received we will attend to it, usually the same day or within 24 hours.

Will you or the chief Executive consider asking the council for extra funds to ensure no truck arrives at the site with anything but clean Fill and has been certified as such.

Refer previous comment re testing of sites. We have not identified the need for any additional resources.

Will you oversee installation of security cameras?

Please note the load in each vehicle is physically inspected by the operator.

Question Nine

Between what hours are trucks legally allowed access to the site.

Condition 5 of the resource consent RM170015 states:

The cleanfill shall only operate within the hours of Monday to Friday 7.30am – 5.00pm and Saturday 7.30am – 12.00pm (except where deposition of fill is required outside these hours/days for emergency civil works).

Question Ten

Do you or the Chief Executive feel misled by people who have given personal assurances around what might or might not be in the trucks?

We rely on our staff, who physically inspect each load from each truck and independent audit reports.

Do you or the Chief Executive feel vital information has been withheld from you?

See previous response re audits.

Are you happy about what information was supplied to the Mayor and other councillors regarding the application for an extension for use of the site?

Information regarding the resource consent on the extension of the cleanfill is on our website and is assessed as per the process for all consents. This is an operational matter.

Question Eleven

What advice have you or the Chief Executive sought or received from the Ministry for the Environment on issues and legalities pertinent to the use of and the extension of the life of the Wainuiomata Clean fill.

Hutt City Council and Greater Wellington Regional Council are the consenting authorities for the Cleanfill. The Ministry for the Environment does not have any part to play in the consenting of the cleanfill. The Ministry has produced "The Guide to Management of Cleanfills" which is a best practice manual, and is used by the operators of the cleanfill and for compliance purposes. It is up to the local authorities to use this document as guidance and issue consents accordingly.

Question Twelve

Have you, the present Chief Executive or Past chief Executive (to the best of your knowledge) sought advice from those people in Christchurch tasked with seeing that vast amounts of clean Fill are properly and legally disposed of and the systems they have in place for making sure illegal dumping does not occur (as they have years of experience with problems relating to clean Fill)?

Councils across the country share best practice and we are always keen to learn from the experiences of others. Our waste management consultants Tonkin & Taylor are leaders in the sector and supply the Council with advice.

Question Thirteen

Are you or the Chief Executive conducting or planning to conduct an official enquiry into issues raised around the past and present use of the Wainuiomata Clean fill, how and why the extension application was non-notified even to those nearest to the site, given that the decision would have been known by those responsible that that this application would have implications not only for them and the rest of Wainuiomata but for the whole of Lower Hutt, given that the site is on a flood plain?

I hope the below information is useful to you regarding the consent process in relation to the cleanfill.

Original consent

The original consent issued in 2011 was notified to a limited number of affected parties, due to the cumulative effects of the traffic, noise, visual and character effects, dust, vibration, erosion, stability and flooding and nuisance. This consent was due to lapse in 2016 as it had not been fully given effect to. An application to extend this original consent was applied for and granted without further notification, on the basis that the operating environment and consent conditions remained substantially unchanged, and in the knowledge that the extension would only allow operations to continue under the new consent for a limited period.

Consent extension

In granting the extension to the consent, a number of issues were considered by the planner (and independent experts) to determine what the level of effects were – these included noise, the separation distance between the clean fill operations and surrounding/adjoining properties, the management of the site via existing and future iterations of management plans (such as site management plan, noise management plan), visual amenity, odour, traffic, vibration, flooding and dust. These were all found to be “less than minor” – which is the test in the RMA which determines whether or not the application should be notified.

New application

In March 2019 a new consent was lodged for Stage 3. This consent is being processed by an independent expert planner. This consent has been notified to 115B, 119, 199, 200, 201, 201A, 202, 203, 205 Coast Road. Submissions close 16 August with a hearing on 5 November to determine whether to approve or decline the resource consent. Those residents who submit are able to have their say at the hearing in September, along with the applicant and the independent planning consultant processing the resource consent.

The new consent being applied for is for a maximum period of a further two and a half years. The proposal before the independent planner states when the area is full it will be gazetted as reserve, and planted or otherwise developed, following consultation with the community as to their preferences for future use of the area. A decision on this resource consent has not yet been made. It will be determined in a hearing in front of an independent hearings commissioner.

The time between the consent application and the decision as to which neighbours to notify, was used by the independent planner to make sure all necessary expert advice was obtained and thoroughly reviewed.

As an organisation we have reviewed our approach regarding the cleanfill and the current resource application. We are confident that the legislation has been applied correctly.

If yes will you or the Chief Executive look at possible referral for prosecution if illegal dumping is confirmed?

There are no grounds for pursuing a prosecution in this case.

If yes will the findings be made public?

N/A

If the council asks for a withdrawal of the Application to extend the life of the Clean Fill do you believe it is legally possible?

The cleanfill consenting and operation is an operational matter, and therefore not a matter for the elected members.

It is legally possible for the council as applicant to withdraw the application for an extension of the cleanfill, however there is still a need for an area for construction materials to be deposited at the cleanfill. See below information which is an extract from our facebook note.

The Wainuiomata cleanfill plays an important role in supporting the ongoing growth and development of Lower Hutt, including our construction industry - particularly in the current environment with the high volume of building in Lower Hutt.

Currently approximately 50% of the material deposited at the cleanfill is generated by developments progressing in Wainuiomata alone. A further 45% of cleanfill materials is from within Lower Hutt and includes the rebuild of the cinema at Queensgate. The remaining balance comes from the wider region.

Under what circumstances will you or the Chief Executive support a full independent public enquiry, and do you believe the Council has the legal right to ask for one?

We could ask for a full independent public enquiry but this is not necessary as there are no grounds for this.

Question Fourteen

Are you or the Chief Executive aware that the government is looking at a task force to urgently look at Tips in general that are at risk due to climate change and contamination of water supplies?

We are aware of the project being undertaken by the Ministry for the Environment, the Department of Conservation, the Country's 16 Regional Councils and Tonkin and Taylor. It is our understanding that the project is intended to identify closed landfills (former municipal landfill sites) that may be impacted by various natural hazards. Those that may be impacted will then be prioritised for further investigation or action based on the material they contain, for example general household rubbish, asbestos or industrial waste. The focus of the project is to use information on closed landfills on the Regional Council's HAIL (Hazardous Activities and Industries List) alongside information on natural hazards such as predicted flooding extents. We understand that the project methodology will examine such matters as;

- location i.e. in the flood plan, slips, adjacent to the sea etc
- landfill construction e.g. liner and capping of material
- nature of potential contaminants in the landfill
- existing management structures or procedures

We consider it unlikely that the Wainuiomata Cleanfill will be identified as site for concern as the Wainuiomata cleanfill site is outside the one in one hundred year flood zone as defined by GWRC. The material in the cleanfill is inert material, as identified in the Ministry for the Environment's Cleanfill guidelines. The boundary of the cleanfill has a stopbank along the river side boundary, addressing the potential for inundation during an extreme flood event. The stopbank design has been approved by Greater Wellington Regional Council.

If yes, do you think The Wainuiomata Clean Fill should be on that list and if yes what would that mean in relation to the application for extension of use?

No, it is a cleanfill not a landfill.

Question Fifteen

Have you or the Chief Executive or the past Chief Executive consulted the Wellington Regional Council over this issue and if not do think they should have been.

We work closely with the regional council on compliance and consenting over this site.

Greater Wellington Regional Council staff undertake routine audits of the cleanfill.

Statement re: cleanfill at Wainuiomata

HUTT CITY COUNCIL - FRIDAY, AUGUST 2, 2019 - 4 MINUTES 204 Reads

Edit: 26 August 2019

Submissions have now closed. A hearing has been set for 5 November to determine whether to approve or decline the resource consent.

There's been a bit of discussion about the cleanfill in Wainuiomata so here's a statement that answers some of the questions we have seen raised on social media today:

The Cleanfill at Wainuiomata is owned by Hutt City Council and managed by an operator under contract. It is currently compliant and there is a checking process in place. It is being checked regularly by our compliance officers with the most recent visit on 25 July.

Original consent

The original consent issued in 2011 was notified to a limited number of affected parties, due to the cumulative effects of the traffic, noise, visual and character effects, dust, vibration, erosion, stability and flooding and nuisance. This consent was due to lapse in 2016 as it had not been fully given effect to. An application to extend this original consent was applied for and granted without further notification, on the basis that the operating environment and consent conditions remained substantially unchanged, and in the knowledge that the extension would only allow operations to continue under the new consent for a limited period.

Consent extension

In granting the extension to the consent, a number of issues were considered by the planner (and independent experts) to determine what the level of effects were – these included noise, the separation distance between the clean fill operations and surrounding/adjoining properties, the management of the site via existing and future iterations of management plans (such as site management plan, noise management plan),

visual amenity, odour, traffic, vibration, flooding and dust. These were all found to be “less than minor” – which is the test in the RMA which determines whether or not the application should be notified.

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In March 2019 a new consent was lodged for Stage 3. This consent is being processed by an independent expert planner. This consent has been notified to 115B, 119, 199, 200, 201, 201A, 202, 203, 205 Coast Road. Submissions close 16 August with a hearing on 19 September to determine whether to approve or decline the resource consent. Those residents who submit are able to have their say at the hearing in September, along with the applicant and the independent planning consultant processing the resource consent.

The new consent being applied for is for a maximum period of a further two and a half years. The proposal before the independent planner states when the area is full it will be gazetted as reserve, and planted or otherwise developed, following consultation with the community as to their preferences for future use of the area. A decision on this resource consent has not yet been made. It will be determined in a hearing in front of an independent hearings commissioner in September.

The time between the consent application and the decision as to which neighbours to notify, was used by the independent planner to make sure all necessary expert advice was obtained and thoroughly reviewed.

Compliance

During Hutt City Council resource consent compliance visits, the cleanfill site on Wainuiomata Coast Rd has been assessed as complying with the requirements of the approved resource consent. The compliance officers have been visiting the site regularly this year with the last site visit on 25 July. At this site visit there were no observations by our compliance staff of non-compliant materials onsite. If complaints are received by the team then these are investigated fully, and where necessary compliance issues are raised with the operator. As part of the conditions of granting the consent, all loads to the

cleanfill are to be from customers approved by the operator. If non-cleanfill material is found this is required to be removed.

Hutt City Council compliance officers have observed “liquid waste” in the form of sediment slurry being deposited to the cleanfill, but this is allowed by consent conditions, as it is contained within a bunded area and allowed to dry before being incorporated into the cleanfill.

GWRC compliance officers also monitor the site twice a year and have confirmed that the appropriate sediment and erosion controls are in place to ensure that neither material in the site, nor any stormwater run-off from the site, can enter the Wainuiomata River. In the last joint compliance visit undertaken by GWRC & Hutt City Council in May some suspected MDF was found. The matter was raised to the operator, it was investigated and changes have been made to ensure compliance.

Concerns raised by residents

In response to the residents concerns about dust, the compliance officers have required restricted vehicle speeds on site (the operators agreed to this). In terms of noise complaints, this was investigated and we ensured that the operators were within the District Plan noise limits. The concerns around traffic movements are being addressed in the new resource consent – an independent traffic expert has reviewed the information and this will be addressed in the hearing. When the compliance officers receive a complaint they follow up promptly and we encourage people to come to us with any concerns they have.

-- Helen Oram, HCC Acting GM City Transformation

Wainuiomata Cleanfill Update

HUTT CITY COUNCIL · MONDAY, SEPTEMBER 9, 2019 · 2 MINUTES 209 Reads

The Wainuiomata cleanfill plays an important role in supporting the ongoing growth and development of Lower Hutt, including our construction industry - particularly in the current environment with the high volume of building in Lower Hutt.

Currently approximately 50% of the material deposited at the cleanfill is generated by developments progressing in Wainuiomata alone. A further 45% of cleanfill materials is from within Lower Hutt and includes the rebuild of the cinema at Queensgate. The remaining balance comes from the wider region.

Hutt City Council, as applicant for the resource consent to expand the operation of the cleanfill, has considered the community feedback to date and will refine its application based on some of that feedback.

The following changes will be made to the application:

Duration of cleanfill – if the application is approved council will only operate the cleanfill for 2.5 years from the date of the decision on the resource consent. This will be the final application for a cleanfill at this site. At the end of that period we will work with the Community to restore the entire space with planting etc.

Consultation with the community on replanting the current cleanfill will get underway shortly. In the meantime we are grassing parts of the cleanfill which are no longer in use.

Traffic volume – council will amend its application to have no more than 75 vehicles travelling to and from the cleanfill on any one day. The application already notes that an average of 30 to 40 vehicles per day will be able to use the cleanfill over the life of the consent. In our application we will be unable to make changes to the hours of operation of the cleanfill, but we will consult with the local school and work with the cleanfill operator to gauge if there are ways we can reduce any risk from trucks going past at school drop off and pick up times. We note that in terms of traffic volume there are 1600

traffic movements along the road to the cleanfill each day so cleanfill traffic is a very small part of this.

Very soon we will be calling for interest from those in the Wainuiomata community that want to be part of a group to provide input on the cleanfill. We will get this underway in the next couple of weeks.