

From: [Dave Dews](#)
To: [REDACTED]
Cc: [Toni Stevens](#)
Subject: Professional misconduct complaint/LGOIMA request
Date: Saturday, 3 October 2020 10:56:34 AM
Attachments: [Memo noise monitoring.pdf](#)
[HCC LOE 84466.002 and 84466.006 3 July 2020.pdf](#)
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Dear [REDACTED]

I have been asked to respond to your email dated 30 August 2020 on behalf of Jo Miller.

I attach the Terms and Conditions between Tonkin & Taylor and Hutt City Council for the noise testing at the Wainuiomata Cleanfill.

I also attach the correspondence between Tonking & Taylor and Hutt City Council regarding the noise testing.

The Tonkin and Taylor staff undertaking the work were Melissa Fortune, Lindsay Leitch and Darran Humpheson.

Melissa Fortune operated as a qualified environmental scientist under the immediate direction and supervision of both Darran Humpheson and Lindsay Leitch.

Darran has 28 years' experience as an acoustic engineer. He holds a BSc(Hons) in Applied Physics, a MSc in Environmental Acoustics and is a Member of the Institute of Acoustics and a Member of the Acoustical Society of New Zealand.

Lindsay has eight years' experience as an acoustic engineer. She has BSc(Hons) in Acoustics and Music and is a Member of the Institute of Acoustics and an Associate Member of the Acoustical Society of New Zealand.

Lindsay and Darran designed the monitoring procedures (as specified in the attached noise memo) and technically reviewed and assisted in the preparation of the noise monitoring assessment.

This ensured that the monitoring was undertaken in accordance with NZS6801 and the assessment was undertaken in accordance with NZS6802, as required by the resource consent condition and specified in the NMP.

Ed Breeze is the Tonkin and Taylor Project Director for this project.

His role was related to project governance and his sign-off ensures that Tonkin and Taylors quality assurance procedures were adhered to; this includes quality assurance and technical reliability.

Regards

Dave Dews

Solid Waste Manager

Dave Dews

Solid Waste Manager

Hutt City Council, 30 Laings Road, Private Bag 31912, Lower Hutt 5040, New Zealand

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Hutt City Council
Private Bag 31 912
Lower Hutt

Attention: Mr Dave Dews

Dear Dave

Professional Services Contract: Cleanfill services 2020/2021

The Wainuiomata Cleanfill provides a cost effective disposal option for developers and maintenance contractors to dispose of unsuitable or waste cleanfill material such as slip debris, clay unsuitable for building construction, old asphalt/chipseal from road surface renewals and surplus trench fill from services upgrades. This reduces the costs for development works within Lower Hutt.

T+T undertake noise, civil and environmental monitoring of the cleanfill operation for HCC to assist the Contractor in compliance with the Site Management Plan, resource consents and community expectations. Under this project we also assist with stakeholder engagement through the Community Liaison Group (CLG), and with HCC's long term asset planning with regard to cleanfill asset(s).

This proposal has been prepared in accordance with the provisions of the following documents:

- Professional Services Contract dated 13 August 2019.

Scope of Work

The table below outlines the T+T projects covered by the Letter of Engagement with regard to HCC's cleanfill assets. These projects are all allocated to HCC cost code 1504.5064. Please refer to the attached **Appendix A** for a detailed scope, output and timetable for each project.

T+T Project Reference	Outline project description
84466.002	Wainuiomata Cleanfill Operations
84466.006	Long-term asset planning: Cleanfill Site Selection

Programme

We will start work on 1 July 2020 following your instruction to proceed. Works as outlined in **Appendix A** will continue throughout the 2020/21 financial year through to 30 June 2021.

Fees

Refer to **Appendix A** for works to be completed under a time and cost basis.

For time and cost projects our budget estimate is outlined in **Appendix A** and we aim to complete the work within our budget estimate. However, because of the nature of the work being undertaken, we can't always accurately estimate the time required.

We will invoice monthly as set out in the Professional Services Contract between Hutt City Council and Tonkin + Taylor dated 13 August 2019.

Health & Safety

T+T is committed to providing and maintaining a safe and healthy working environment at all of our places of work. In line with this commitment, and as required by health and safety legislation, we will develop and implement a health and safety management plan for our work in consultation and co-ordination with you and others who will be working on the project.

Please let us know if you have any specific health and safety planning and implementation requirements for this project so that we can review these with you and, if necessary, allow for these in our fees.

Terms and Conditions

We will carry out the work in accordance with the Professional Services Contract between Hutt City Council and Tonkin + Taylor dated 2 July 2019. These terms place certain limitations on our liability and they will apply in precedence to any terms and conditions in any purchase order or other confirming document that you may issue to us.

We provide our deliverables for your benefit only and they cannot be relied upon by any third parties. However, if you want us to, we may allow a third party to rely on them after signing an appropriate reliance statement with us.

This offer is valid for three months from the date of this letter.

Closing Remarks

We trust that this satisfactorily meets your needs. We look forward to receiving your instruction to proceed and to working with you on this project. You can confirm your acceptance by returning the attached signatory form. Alternatively, we will take your written instruction to proceed as confirmation that you accept this proposal.

Please contact Alastair Meehan at AMeehan@tonkintaylor.co.nz or 027 469 8034 if you would like to discuss anything about this project.

Yours sincerely



Ed Breese
Project Director

Attached:

- 1 Signatory page
- 2 Appendix A: Schedule 1

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Signatory form

T+T Ref: 84466.002 and 84466.006
 Date: 3 July 2020
 Contract: Professional Services Contract: Cleanfill services 2020/2021

Confirmation by Client: I/we acknowledge that I/we have read the Conditions of Engagement, including the Limitations of Liability, and I/we accept those terms and authorise the above

Company: Hutt City Council
 Private Bag 31 912
 Lower Hutt

Attention: Mr Dave Dews

Signature: 
 Name: DAVID DEWS
 Date: 6/7/2020

Please provide the following information if different from your address

Client Name and Address	Invoicing Name and Address (if different)
_____	_____
_____	_____
_____	_____
_____	_____

Please return one signed copy to Ed Breese of Tonkin + Taylor at ebreese@tonkintaylor.co.nz or to the address on the letterhead.

3-Jul-20
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Appendix A: Schedule 1

T+T Project Reference	Scope	Deliverables/Output	Staff	Timetable	Fees (excluding GST)		
					Lump Sum	Time & Cost	Fee
Wainuiomata Cleanfill operations (84466.002)	<p>T+T will provide support to HCC to enable ongoing support with operations at the Wainuiomata Cleanfill. This includes:</p> <ul style="list-style-type: none"> Attendance and administration of CLG meetings (currently occurring 6-weekly). Stakeholder liaison and compliance monitoring. Ongoing liaison with HCC and GWRC regulatory teams. Preparation and response to 6-monthly independent audits. Preparation on an Environmental Restoration Plan. Noise monitoring. Monthly site inspections to confirm compliance with the SMP, including progress and engineering monitoring of the concrete block armour flood protection wall and inspection of batter angles of the final slopes for long term stability. Limited allowance (1hr/mth) for liaison with HCC and Wainui Cleanfill Ltd, including (as requested) advice on filling profiles and other design elements. 	<ul style="list-style-type: none"> Attendance at CLG meetings. Circulation of minutes from CLG meetings. Noise monitoring report (quarterly.) Consent-related reporting (quarterly). Environmental Restoration Plan. Certification of batter slopes and environmental controls. Email updates to HCC and Wainui Cleanfill Ltd regarding observations and maintenance actions arising from site inspections. 	<p>Alastair Meehan Billy Rodenburg Southern Turner Michael Stiff Darran Humpheson Ed Breese</p>	<ul style="list-style-type: none"> Initial response to CLG-related enquiries from stakeholders within 48 hours. Circulation of minutes from CLG meetings within 48 hours of a meeting occurring. Provision of quarterly reporting to GWRC (as required by consent conditions). Preparation of the draft Environmental Restoration Plan (for review) by December 2020. Quarterly noise monitoring – commencing July 2020. Noise monitoring report to be provided within 48 hours of monitoring occurring; and Site inspections undertaken monthly. 	No	Yes	\$36,700
Long-term asset planning: Cleanfill discussion document, site selection and consenting (84466.006)	<p>T+T will provide support to HCC relating to the long-term aspirations regarding cleanfilling within the district. In line with previous advice to councillors we anticipate this to include:</p> <ul style="list-style-type: none"> The preparation of a discussion document addressing: <ul style="list-style-type: none"> HCC obligations and commitments in respect of legislation, regional initiatives and Council's strategic direction; The benefits and costs of running a cleanfill facility; A brief history of clean filling in the Hutt Valley; High level assessment if Council owns a suitable site(s) for a cleanfill operation; What are the alternatives (for example greater recycling of demolition waste or beneficial use of cleanfill materials); and Likely costs / returns to Council. Identification of minimum site criteria to inform preparation of a long-list. 	<ul style="list-style-type: none"> Discussion document and high-level overview of prospective sites for ELT. 	<p>Alastair Meehan Ed Breese</p>	<ul style="list-style-type: none"> Discussion document and high-level overview of prospective sites – delivery August 2020. MCA workshop – September 2020; and Shortlist of prospective sites for further consideration – September 2020. 	No	Yes	\$24,000

	<ul style="list-style-type: none">• Preparation of a long-list of prospective sites; and• Attendance at an MCA workshop to develop a short-list and identify a preferred site(s). <p>If HCC determines the continued provision of a cleanfill is desirable, and following the identification of a preferred site(s), future work will be required including:</p> <ul style="list-style-type: none">• Community consultation;• Site investigations; and• Preparation of necessary resource consents (including supporting technical reports). <p>These additional tasks have been excluded from the scope identified above and will be dealt with through a variation if required.</p>						
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Memo

To:	Alastair Meehan	Job No:	84466.0050
From:	Lindsay Leitch	Date:	17 June 2020
cc:	Darran Humpheson		
Subject:	Noise monitoring at Wainuomata Cleanfill		

This memo provides guidance to satisfy the Wainuomata Cleanfill noise monitoring requirements of the land-use consent.

1 Consent conditions (noise)

Condition 12 of resource consent RM190050 requires that noise from any cleanfill deposition activities (excluding emergency and construction works) shall not exceed the following levels when measured at or within the notional boundary of any dwelling existing at the time the consent is granted:

- a Monday to Friday (excluding public holidays) 7.30 am to 5.00 pm – 50 dB LAeq
- b Saturday (excluding public holidays) 7.30 am to 12.00 pm – 50 dB LAeq
- c All other times - 40 dB LAeq
- d 10.00 pm to 7.00 am (all days) – 75 dB LAfmax

For the purpose of monitoring all sound levels shall be measured in accordance with NZS 6801:2008 “Acoustics – Measurement of environmental sound” and be assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

Condition 13 of resource consent RM190050 specifies that site construction activities shall be assessed and measured in accordance with NZS 6803: 1999 “Acoustics – Construction Noise”.

Condition 14 requires that the consent holder shall notify the Team Leader, Resource Consents, Hutt City Council and the CLG of any construction activities taking place and their expected duration, at least five (5) working days prior to the commencement of those activities.

Condition 15 of resource consent RM190050 requires that the Noise Management Plan (NMP) be updated within two (2) months of the approval of that resource consent. Any subsequent changes to operations that are relevant to the associated noise generation requires a subsequent review of the NMP.

Condition 16 of resource consent RM190050 requires that the consent holder undertakes noise monitoring of the cleanfill within 30 days of work commencing within Stage 3, and thereafter at three (3) monthly intervals unless agreed by the Team Leader, Resource Consents at HCC. All noise monitoring results are to be provided to HCC within two weeks of the completion of each monitoring visit.

2 Monitoring locations

Condition 12 requires compliance at or within the notional boundaries of any nearby dwellings. Locations are given below which are representative of the notional boundaries of the closest dwellings. Access to private land will need to be arranged by HCC.

Monitoring location 1: North side of Ngaturi Park, accessed via Ngaturi Grove. Representative of 4, 6, 8, 10, 13 and 11 Ngaturi Grove.



Monitoring location 2: 115B Coast Road



Monitoring location 3: 117 Coast Road



Monitoring location 4: Entrance to 199 Coast Road (south end of cleanfill)



Monitoring location 5: entrance to 200 Coast Road



3 Monitoring procedure

Meteorological conditions should be light winds (< 5 m/s) and dry. Monitoring shall be undertaken using a calibrated Type 1 sound level meter such as the 01dB Solo at a height of 1.5 m above ground level, typically achieved by installing the meter on a tripod. The meter shall point towards the cleanfill site. Care shall be taken that the measurement is not affected by any reflecting surface such as a wall (this shall be noted, with photos if it cannot be avoided). The location selected should be representative of the most exposed location.

Notes shall be made during the measurement on noise sources (e.g. passing traffic, truck and excavator on site, birdsong). Extraneous events (such as a resident's car passing close by) shall be removed from the measurement if possible.

Five monitoring locations are given in Section 2. Location 1 is publicly accessible; the other locations will require access to be arranged with residents by HCC. Note that measurements must not be taken on the side of the road without a traffic management plan in place.

Monitoring is anticipated to be undertaken from the Wellington office as a day trip; the site is approximately 30 minutes drive from the T+T office.

Five-minute measurements should be taken at each location, and the locations should be monitored in rotation for approximately 30 minutes each. Two consecutive measurements can be taken at a location.

The 01dB sound level meter records 1 second data throughout the measurement period. Noise metrics such as L_{Aeq} , L_{Amax} , L_{A90} and L_{A10} will be obtained from the dBTrait analysis software and shall be included within the survey visit report. A survey sheet is appended to this memo which should be printed out and filled in on site. The activity on site during the survey shall be recorded in the report (information from HCC as well as any observed activities).

For any further details please contact Lindsay Leitch on 021 266 7718.

3-Jul-20

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