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# **WAINUIOMATA CLEANFILL COMPLIANCE**

**COMPLIANCE ASSESSMENT 1**

**13 AUGUST 2020**

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**USE OF THIS REPORT**

This report has been prepared by The Catalyst Group at the request of our client for the purposes for which they intended. Where we have relied on information from external sources, we have referenced these sources as appropriate and assumed them to be accurate. If you are unsure about interpretation of the content of this report, or its use beyond that for which the client intended, please get in touch with us at [enquiries@thecatalystgroup.co.nz](mailto:enquiries@thecatalystgroup.co.nz)

Doole MA, 2020 Wainuiomata Cleanfill Compliance - compliance assessment 13 August 2020, The Catalyst Group Contract Report No. 2020/154 for Hutt City Council.

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## OVERVIEW OF INDEPENDENT ASSESSMENT PROCESS

The purpose of this report is to set the review of conditions compliance required for Stage 3 of the Wainuiomata Cleanfill. Table 1 sets out the relevant condition, the compliance determination by Tonkin and Taylor and mine. The final column sets out an explanation of the information I relied on to conduct the assessment.

The process followed was as follows:

1. Dr Doole of The Catalyst Group engaged by Hutt City Council pursuant to condition 25 of Resource Consent RM190050.
2. Collated conditions, based on existing spreadsheet from Tonkin + Taylor.
3. Meeting with Paul Duffin, HCC Compliance 31 July.
4. Site visit conducted with Alistair Meehan for 6 August.
5. Discussion with GWRC Compliance officer 10 August.
6. Report finalised 13 August 2020.

## SUMMARY OF FINDINGS

I am the independent compliance expert engaged to review compliance levels of the consent pertaining to the third stage of the Wainuiomata Cleanfill. I have systematically reviewed the conditions of the relevant consent and sought information to determine the relevant state of compliance. I have clearly set out, condition-by-condition, my assessment and hope it provides a useful record for the future. I have not been privy to any evidence that there are serious compliance issues relevant to my assessment.

I have reviewed the following information in addition to undertaking an in-person site visit:

- Compliance complaints register maintained by Tonkin & Taylor<sup>1</sup>
- Noise monitoring results July 2020 (T&T report)
- Discussion with Max Curnow, GWRC Compliance
- Hutt City complaints register
- Various social media posts from CLG members
- Phone conversation (x2) with Sally-Ann Moffat

In general, I observed the Cleanfill operating to a good standard of compliance. There was some ambiguity around noise readings, but I understand that to have been resolved, and Information submitted to council now demonstrates compliance. I understand that ambiguity to have arisen from a difficulty in distinguishing operational noise from background noise of the main road and other proximal activities (I observed vehicle movements unrelated to the site and residential construction activity during my siter visit that may contribute. I also highlight that many conditions require ongoing careful management, and that the compliance status of them could change at any time.

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<sup>1</sup> It is noted that complaints do not necessarily come through official channels but rather are displayed on social media. It is unclear how often this occurs, but it would be most advantageous if complainants could put those complaints through official channels such that they can be accurately collated for future audits.

## WAINUIOMATA CLEANFILL – CONSENT CONDITION REVIEW

### RM190050 – HCC consent

An overview of the conditions of consent associated with the HCC consent (RM190050) has been undertaken in Table 1 below. Notes from T&T are paraphrased for brevity.

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
1	That the proposal is carried out substantially in accordance with the information and approved plans submitted with the application and held on file at the council.	At the time of my visit operations appeared to be as anticipated.	Complying
2	That the consent holder keeps a copy of this decision on site when work starts and makes it available on request to council staff.	A copy of the consent conditions was available to view on site.	Complying
3	<p>The consent holder shall ensure that cleanfilling is undertaken in accordance with the publication A Guide to the Management of Cleanfills by the Ministry for the Environment (2002), or any superseding guidance document released and ratified by the Ministry for the Environment.</p> <p>a) Only material such as clay, soil, rock, concrete, dry asphaltic concrete, glass, ceramics, tiles or brick that are free of combustible or putrescible components or hazardous substances or materials likely to create a hazardous leachate by means of biological breakdown, shall be deposited within the cleanfill site.</p> <p>b) Materials considered to meet the above definition are outlined in Table 4.1 of the publication A Guide to the Management of Cleanfills by Ministry for the Environment (2002).</p>	No banned material was obviously apparent to me on the day. I am unaware of substantiated complaints pertaining to Stage 3 related to a breach of this condition.	Complying
4	Prior to accepting cleanfill material from off-site, the consent holder shall submit for approval to the Team Leader Resource Consents, Hutt City Council, a Site Management Plan (SMP) in accordance with Ministry for the Environment's 'A Guide to Management of Cleanfills' dated January 2002 or superseding guidance documents. The SMP shall outline the proposed operation of the cleanfill, including the procedures and controls to manage the site, and at a minimum shall include descriptions of:	A Site Management Plan has been submitted and approved. Works appeared to be operating in accordance with the parameters in that plan.	Complying

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
	...2 All works on site must be in accordance with the SMP and any subsequent amendments to the SMP must be to the satisfaction of the Team Leader Resource Consents, Hutt City Council.		
5	<p>Prior to accepting cleanfill material from off-site the consent holder shall invite local residents and any other interested members of the community to participate in a Community Liaison Group (CLG). This group will thereafter meet on a three-monthly basis following the commencement of the consent (or at a timeframe otherwise agreed by the parties involved) and shall give the opportunity for residents and Council representatives to discuss operations and environmental remediation at the Cleanfill. Invitations will be sent to CLG members at least 4 weeks prior to suggested meeting days. The minutes from these meetings shall be provided to the Team Leader, Resource Consents within three (3) working days of the meeting occurring. The primary purpose of the CLG is to provide a mechanism for the consent holder and community members to meet in person and discuss operations at the site. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Providing comment on the draft SMP as specified under condition 6 below,</li> <li>• Informing CLG participants of construction activities, as required under condition 14,</li> <li>• Consultation on the draft Environmental Restoration Plan, as required under condition 23,</li> <li>• Review of the findings of the independent audit as required under condition 25</li> <li>• Informing CLG participants of any operational changes at the site, and</li> <li>• Providing feedback to the consent holder about the operation of the cleanfill.</li> </ul>	<p>The CLG is active and meetings appear well attended. Minutes are publicly available. The group appears to have a strong social media presence, but primarily through Sally-Ann Moffat. Minutes evidence constructive discussion and engagement.</p> <p>The condition notes a timeframe of three monthly for meeting unless agreed otherwise. Early minutes indicate a meeting frequency of less than three months was agreed. Covid-19 did not enable this to occur, which is reasonable in my view. There is evidence of communication between CLG and site operator during this time (dated 26 March, 14 April, 24 April, 7 May and 2 June), so communication channels being open, given the unprecedented nature of the circumstances, would seem adequate. Frequency post Covid has been monthly.</p>	Complying (see note re meeting frequency)
6	Prior to submitting the SMP to Hutt City Council for approval, the consent holder shall provide a draft copy of the SMP to members of the CLG and submitters to the Stage 3 consent and provide them with the opportunity to provide comment upon the document. Where comments have not been accepted the reasons why shall be	I have viewed the emails and the amended plan as a result of CLG feedback.	Complied with.

<sup>2</sup> For a full reference please refer to the consent certificate

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
	included with the submission of the SMP to HCC. CLG members and submitters shall be provided a minimum period of five (5) working days to review and provide comments.		
7	Prior to accepting cleanfill material from off-site the consent holder shall seal the access road internal to the site between the site gate and the site entrance kiosk shown in Drawing 84466.005-20 attached in Appendix D of the AEE.	Road is sealed.	Complied with.
8	Within three (3) months of the Stage 3 operation commencing the consent holder shall install a portable wheel-wash on-site. This wash should be appropriately sized to cater for the heavy vehicles visiting site, should be of a pressure washing variety and should be designed to recycle washwater. Prior to the installation all practicable measures shall be undertaken to avoid unreasonable material from being tracked onto Coast Road. In the event material tracks onto Coast Road, it must be swept clear within 12 hours of being deposited.	At the time of my site visit the wheel wash was on site and operational and there was no evidence of dirt on the road.  Avoidance of mud on the road requires constant vigilance.	Complying
9	No more than 75 trucks per day shall be permitted to access the site for the purpose of depositing cleanfill material.	At the time of my visit, truck numbers were reported to be considerably below 75 per day. I inquired as to the process for addressing truck #76 and was advised they would simply be turned away.  The applicant appeared aware of the need to seek a variation to the consent to increase truck numbers beyond 75 and that there is no prospect of doing so lawfully within the current scope.	Complying
10	The consent holder will ensure that access to the site for the purpose of cleanfill deposition is granted only to approved commercial operators.	The site maintains a register of approved operator and all visitors during my visit were greeted and checked.	Complying

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
		Unregistered/unapproved operators are provided with the necessary forms if appropriate.	
11	Within one month of the completion of each sub-stage of the Stage 3 filling (as identified in the fill sequencing plan identified in the SMP), the consent holder shall ensure that the particular sub-stage is progressively stabilised (i.e. via hydroseeding or similar mechanism). The stage should then be monitored and maintained until 80% grass cover has been established.	The first sub-stage is nearing completion, so the next independent assessment is likely to be able to assess this condition.	
12	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	Exceedances were noted in the noise monitoring report of 23 July 2020. The T&T report notes these exceedances and provides justification for considering the site compliant thus: <i>' We have, therefore, concluded that the elevated noise levels in excess of the 50 dB LAeq limit are not attributed to Wainuiomata Cleanfill due to the dominance of other noise sources.'</i> (T&T Noise report 23/7/2020) Compliance with noise levels is a moment-in-time assessment, and compliance requires constant vigilance. Further Information has satisfied this requirement.	Complying
13	Site construction activities shall be assessed (and measured where appropriate) in accordance with NZS 6803: 1999 "Acoustics - Construction Noise".	The noise control assessment used this standard.	Complying
14	The consent holder shall notify the Team Leader, Resource Consents, Hutt City Council and members of the CLG of any construction activities taking place and their expected duration, at least five (5) working days prior commencement of those activities.	Recent communications regarding expected construction activities appears to meet this condition.	Complying

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
15	The Noise Management Plan (NMP) prepared by Tonkin and Taylor Ltd (dated November 2017) shall be updated within two (2) months of approval of this resource consent. Any subsequent changes to the operation of the cleanfill relevant to noise generation will require a review of the NMP and any amendments shall be sent to the Team Leader Resource Consents for approval. The ongoing operation of the cleanfill shall be in accordance with the approved NMP.	Noise Management Plan was sighted and ongoing compliance with it is required. It requires a number of noise mitigating actions, some of which will entail education of users of the site. Compliance with noise levels is a moment-in-time assessment, and compliance requires constant vigilance.	Complying
16	The Consent holder shall undertake noise monitoring of the cleanfill within 30 days of work commencing within Stage 3 and thereafter at three (3) month intervals unless otherwise agreed by the Team Leader Resource Consents, Hutt City Council. All noise monitoring results shall be made available to Hutt City Council within two weeks of completion of each monitoring visit.	Exceedances were noted in the noise monitoring report of 23 July 2020. The T&T report notes these exceedances and provides justification for considering the site compliant thus:  <i>' We have, therefore, concluded that the elevated noise levels in excess of the 50 dB LAeq limit are not attributed to Wainuiomata Cleanfill due to the dominance of other noise sources.'</i> (T&T Noise report 23/7/2020). Compliance with noise levels is a moment-in-time assessment, and compliance requires constant vigilance. Further Information has satisfied this requirement.	Complying
17	The cleanfill shall only operate within the hours of Monday to Friday 7.30am – 5.00pm and Saturday 7.30am – 12.00pm, excluding public holidays (except where deposition of fill is required outside these hours/days for emergency civil works).	I am not aware of any evidence of after-hours usage of the clean fill except for emergency purposes (noted from communication with CLG during Covid-19 lockdown period).	Complying
18	The consent holder shall ensure that the operation is managed in a manner to ensure that no dust nuisance occurs beyond the boundary of the site. Measures for control will be outlined in the SMP and must include the presence of a watercart (or similar	No dust issues noted on site at time of visit, batters appear largely grassed. Water truck was onsite. A discussion with GWRC confirms few	Complying



Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
	water source suitable for managing the generation of dust) on-site at all times that filling occurs.	complaints regarding dust and no officer-observed instances on record of it moving outside site boundary.	
19	That if the consent holder finds taonga (a thing of tangible or intangible value treasured in Māori culture) on the site, the consent holder must contact iwi representatives, the Heritage New Zealand and the Council within 24 hours. All work in the area must stop immediately and may not resume until iwi representatives and Council staff have carried out a site inspection and the Council gives its approval.	My advice was that no such discoveries had been made.	Complying
20	The final batter slopes shall be designed and certified by a suitably qualified geotechnical engineer and certification shall be provided to the Team Leader Resource Consent within three (3) months of the cleanfill reaching capacity.	Post fill condition not assessed.	
21	The consent holder shall manage cleanfill activities to generally avoid the placement of concrete and building rubble and other material not easily compacted in the part of the site affected by the 1:100 year floodway (as shown in Appendix D of the AEE), unless appropriate rock armouring is installed on the southern edge of the fill area.	Block wall is under construction at this time.	Complying
22	By 19 June 2022, cleanfilling shall cease, with restoration of the site in accordance with the Environmental Restoration Plan to commence during the next planting season following approval of the Environmental Restoration Plan.	Cleanfill is not yet at capacity, nor has the termination date been reached.	
23	That the consent holder shall submit an Environmental Restoration Plan for Stage 3 of the cleanfill to the Team Leader Resource Consents for approval within three (3)	Cleanfill is not yet at capacity, nor has the termination date been reached.	

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
	months of the cleanfill reaching capacity or by the lapse date, whichever is sooner. The environmental restoration plan shall include measures to grass or landscape any exposed areas and ensure the site is left in a suitable condition to enable use of the site as a reserve in future. The plan will have regard to the guidance prepared by GWRC titled 'Restoration Planting - A Guide to Planning Restoration Planting Projects in the Wellington Region' and will be informed through consultation with the CLG.		
24	The consent holder shall control weeds and maintain the plants in accordance with the procedures set out in the Environmental Restoration Plan required by Condition (23) for a duration of three (3) years.	Cleanfill is not yet at capacity, nor has the termination date been reached. The condition of plantings at Stage 1 and 2 are outside the scope of this assessment. Concerns regarding those two stages are appropriately directed to Hutt City Council as regulator.	
25	The consent holder shall engage an independent audit of the site on a six (6) monthly basis (following the exercise of this consent) to ensure that the site is operating in accordance with the conditions of consent. All costs of this audit shall be borne but the consent holder. The consent holder shall invite the Team Leader Resource Consents and representatives from the CLG (with a minimum of ten (10) working days' notice of the scheduled date) to be in attendance to observe the audit process. The findings of this audit shall be provided to Team Leader Resource Consents and the CLG.	My independent assessment was initiated at the end of July with a due date of 24th August in accordance with the condition. Notification of CLG was not undertaken by the consent holder and this was subsequently addressed via email. Otherwise this condition was complied with.	Partial non-compliance
26	Hutt City 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, on a six monthly basis following 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.	No review of the consent conditions has been sought by HCC.	

Cond. #	Consent condition	Notes (Doole)	Compliance status (Doole)
	<p>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.</p> <p>c. To enable consistency with any relevant District Plan(s) or any National Environmental Standards or Regulations.</p> <p>d. 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.</p>		



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