



THECATALYSTGROUP
planning and environment

WAINUIOMATA CLEANFILL COMPLIANCE

COMPLIANCE ASSESSMENT 3

JULY 2021

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

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OVERVIEW

NOTE TO THE READER:

This report was originally published on 30 July 2021 to provide time for this report to be read in time for the August meeting of the community liaison group on Monday 16 August. At that 16 August meeting, the consent holder tabled an up-to-date dashboard showing that truck numbers were non-compliant on 31 May 2021. The Hutt City Council Senior Compliance Officer (Mr Duffin) contacted the consent holder to request an explanation, and considered what action if any was to be taken by the consent authority.

This independent compliance audit was republished to document the non-compliance relating to truck numbers as shown by the consent holders dashboard.

PURPOSE

This report sets out the findings of the third external compliance assessment for the Wainuiomata Cleanfill prepared for the consent holder, Hutt City Council. This compliance assessment has been completed by Tess Drewitt, Senior Planner – Resource Management at The Catalyst Group (“TCG”) with the assistance of Greg Carlyon, Director and Charlie Hopkins, Practice Leader - Planning.

The deliverables associated with this contract are as follows:

- Review documentation obtained from the Council.
- Undertake a site visit with representatives from the Council and the Community Liaison Group (“CLG”).
- Produce a report for the Council.
- Present the report to the Council and CLG.

This assessment has been prepared pursuant to Condition 25 of resource consent RM190050, which requires the consent holder to *“engage an independent audit of the site on a six (6) monthly basis to ensure that the site is operating in accordance with the conditions of consent”*.

Where I have referred to “the consent holder” or “the consent authority” these are two separate roles held by the Hutt City Council. Alternatively, where I have referred to “the Council” this is a general term and neither refers specifically to the consent holder or the consent authority but the Council as a form of local government.

THE CLEANFILL

The Wainuiomata Cleanfill is located at 130 Coast Road, Wainuiomata. The site is owned by the Council and was previously part of a larger lot that included the Wainuiomata Wastewater Treatment Plant (“WWTP”). In September 2008, the WWTP was partially decommissioned, and part of that site is now used as a cleanfill. Resource consent for the cleanfill was granted by Hutt City Council and Greater Wellington Regional Council (“GWRC”) in August 2011.

Resource consent provided for a two-staged fill occurring over 6 years to April 2017. Stage 1 and 2 are now complete, with Stage 1 closed in December 2019. The consent holder's land use consent was subsequently

renewed in November 2019 to provide for Stage 3 being a southward expansion of the cleanfill. The expansion provides for additional cleanfill to be deposited on the site, with a maximum height above ground level of approximately 12 metres. Stage 3 includes substages 8 and 9. I understand sub-stage 8 has been completed since the last audit and the consent holder is now filling substage 9. The resource consent allows for continued filling for approximately 2.5 years (up to 19 June 2022).

SCOPE OF ASSESSMENT

This report assesses compliance with resource consent RM190050 held by the Council during the approximate six-month assessment period, being 1 March 2021 to 29 July 2021. This assessment is confined to assessing compliance with conditions of consent RM190050 and does not extend to matters outside of this consent, including:

- Whether the cleanfill operation is consistent with any other National Environmental Standard, or district and regional plan requirements (e.g., compliance with permitted activity standards).
- Any related compliance processes, including the use of enforcement tools.
- The appropriateness of any conditions of consent.
- Matters relating to the relationship between the consent holder and any other party except where requirements are explicitly set out in the consents.
- Matters relating to the Regional Council consents.

This report represents the third 6-monthly compliance assessment of consent RM190050. The previous two assessments were undertaken in August 2020 and February 2021.

DOCUMENTS REVIEWED

The following material has been reviewed in preparing this assessment:

- Decision by Independent Commissioner Mr Robert Schofield in relation to a resource consent application made by Tonkin & Taylor Ltd (“T&T”) on behalf of the Council for the expansion of the existing cleanfill at 130 Coast Road, Wainuiomata, dated 18 December 2019 (the “Decision”).
- Wainuiomata Cleanfill Compliance Report 1, prepared by TCG, dated 13 August 2020.
- Wainuiomata Cleanfill Compliance Report 2, prepared by TCG, dated 24 February 2020.
- Site Management Plan (“SMP”) for Cleanfill Operations, prepared by T&T, dated February 2020 (November 2020 update following CLG request)
- Wainuiomata Cleanfill - Draft Noise Management Plan, prepared by T&T, dated February 2020
- CLG meeting minutes from March and May 2021
- Complaints register held by the consent holder, looking at entries between 01/02/2014 to 29/07/2021
- SMP non-compliance register, undated. Accessed Wednesday 14 July 2021

- Quarterly Wainuiomata Environmental Report (the Dashboard) for the CLG (Feb - April 2021) Accessed Wednesday 14 July 2021
- Noise monitoring results - March 2021, prepared by T&T, dated 3 May 2020
- Noise monitoring report, published by Acoustic Engineering Services Limited (AES) on 20 July 2021
- Noise Survey - Peer Review, prepared by Marshall Day Acoustics (30 July 2021).
- Various email communications between the consent holder and regulatory authority, and members of the community (including the CLG), within the assessment period.

I also conducted a site visit with the consent holder, consent authority, and several members of the CLG, including my colleague Charlie Hopkins, on 20 July 2021. The weather was sunny and clear with no rain, but the ground was wet under foot following an extended period of heavy rain in the days preceding.

LIMITATIONS AND ASSUMPTIONS

This compliance assessment has the following limitations:

- It is a point in time assessment based on information obtained from the consent holder and through the site visit. It is, therefore, dependent on the information provided and what I was able to witness at the site visit. This audit only assesses compliance in the window of time being March to July of 2021 (the “assessment period”).
- Aside from the site visit, I have not had any direct communications with the consent holder or the community regarding any non-compliances. This matter has been addressed by my colleague Charlie Hopkins in his facilitation role with the Community Liaison Group.

The assessment also assumes that:

- the information provided by the consent holder is true and correct; and
- the consent holder has not omitted any information relevant to this assessment.

COMPLIANCE RATINGS

The assessment provides a compliance rating for each condition of consent as well as an overall rating for the consent. Table 1 provides a description of the compliance ratings used in this assessment.

Table 1: Compliance ratings

Compliance rating	Description
Compliant	Fully compliant with the requirements of the condition.
Non-compliant	Non-compliant with one or more requirements of the condition.
Not assessed	Not enough information is available to assess compliance with one or more requirements of the condition.
Not applicable	The condition is not currently applicable (e.g., it has already been complied with, or compliance is not required during the timeframe of this assessment).

COMPLIANCE ASSESSMENT - SUMMARY OF FINDINGS

The Appendix provides a full assessment of compliance with each consent condition. This assessment has found the consent holder to be non-compliant with Conditions 12 and 15 relating to noise exceedances and the Noise Management Plan ("NMP"), as well as conditions 4 and 9 relating to truck numbers. The consent holder is compliant with all remaining conditions, although some require attention to ensure ongoing compliance.

Overall, the consent holder is **NON-COMPLIANT** with resource consent RM190050.

DISCUSSION

NOISE MONITORING - APRIL 2021

Tonkin & Taylor (T+T) prepared a noise monitoring report during the assessment period on behalf of the consent holder (monitoring in March, reporting in April), which was peer reviewed by Marshall Day (April 2021). The initial report identifies a non-compliance with the noise limits (Condition 12). However, upon peer-review and further work, I understand there is now ongoing disagreement between experts about the status of this non-compliance. As I understand from reviewing the documents and correspondence, T+T holds the view that the consent holder is compliant, while the peer reviewer (Marshall Day) holds the alternate view that there may be a remaining non-compliance. The reason for the difference in expert opinion, I am told, relates to an interpretation of an assessment standard. Below I have set out the process that unfolded.

The noise monitoring report was provided to the consent authority on Friday 9 April 2021. The noise monitoring report peer-review was undertaken by Steve Arden and completed on 22 April 2021. On Tuesday 27 April the consent authority issued an email to the consent holder stating, "From our review of the March results the site is operating at a reasonable level of noise for the activity however, it is clear that the operation of the bulldozer continues to breach the noise levels stipulated in the resource consent". The consent authority then provided the following notice to the consent holder requiring that use of the bulldozer temporarily cease:

"Therefore the following action is required:

- 1. Immediately, cease operating the bulldozer until suitable mitigation is in place to ensure compliance with the consented noise limits*
- 2. Provide further details about how you will ensure the bulldozer will comply for us to review and approve. Once approved the bulldozer may recommence works if required."*

Then following further work, on 26 May 2021 the consent authority issued a subsequent note to the consent holder:

"Given we have now agreed that the exceedance is non-perceptible, I will allow the dozer to operate as long as it is kept away from the boundary of any residential neighbours. It would be useful to aid our compliance work if a plan was supplied to show where the bulldozer could operate and be compliant."

It is my understanding that the experts who undertook the March 2021 noise monitoring reporting (T+T) remain of the view that the site is compliant with the noise limits. It is also my understanding that the outstanding difference in opinions relates to an interpretation of environmental noise standard

NZS6802:2008.

In my experience, disagreement regarding 1 decibel (1 dB) would usually be inconsequential and likely within the margin of error for such monitoring and reporting. However, in this case the disagreement of noise emissions happens to span across the noise limit set in conditions and, on that basis, the difference in interpretation from the experts would place the consent holder as being either non-compliant or compliant depending on which expert opinion is adopted.

At this time, and based on the information that is publicly available, I think that it is most appropriate to adopt the position of the consent authority (i.e., the noise limit has been breached) for the following reasons:

1. This adopts the precautionary approach where expert opinions are not resolved
2. The consent authority has already undertaken informal compliance action (a voluntary stop-works notice on 27 April) and subsequently rescinded that notice (recommencement notice on 18 May)
3. The consent authority concluded the effects of the non-compliance were "non-perceptible".

For the reasons stated above, I consider that the noise limits set in conditions were breached once on Friday 26 March 2021.

With regard to the supply of the noise report from the consent holder to the consent authority, the consent holder has made improvements compared to the February audit, and is now compliant with Condition 16 requiring all noise monitoring results to be reported within 2 weeks.

NOISE MONITORING - JULY 2021

On 20 July 2021, a noise monitoring report was published by Acoustic Engineering Services Limited (AES) on behalf of the consent holder. AES was engaged by the consent holder to undertake noise monitoring of the Wainuiomata Cleanfill at 130 Coast Road to determine if it is complying with consent Condition 12. Unattended noise monitoring was undertaken at the nominated location on the site at 200 Coast Road from 29 June 2021 through to Tuesday 6 July 2021. AES concluded that when "*assessed in accordance with NZS6802:2008, the sound would have at all times complied with Condition 12 of the Consent for the activity*". The noise monitoring report was received by the Team Leader Resource Consents on Tuesday 20 July; the monitoring was undertaken up to Tuesday 6 July. On that basis the condition requiring that the results be supplied "*within two weeks of completion of each monitoring visit*", is complied with. A peer review has been commissioned by the consent authority upon receiving the AES report. This peer review is provided by Marshall Day Acoustics (memo dated 30/07/21). This peer review concludes that "*Based on the information provided, we agree with the AES report, that noise levels are compliant with the noise limits of Condition 12 over the survey period*".

While this second round of monitoring is encouraging, this cannot remedy the previous non-compliance and therefore the overall finding must remain as non-compliant. However, this later achievement may be the result of improved practice relating to the use of the bulldozer and if that were the case then the consent holder may be able to avoid future non-compliances.

As an aside, I note that all noise monitoring and assessment is being undertaken in accordance with NZS6802:2008. However, the noise limits in Condition 12 only apply to noise from cleanfill deposition activities, and specifically exclude emergency and construction works. Construction activities are instead to be assessed in accordance with NZS6803:1999 "Acoustics - Construction Noise". I understand from on-site

discussions that the consent holder is assessing all noise in accordance with the stricter NZ6802:2008 standard, whether this is in relation to cleanfill deposition or construction activities. While this is commendable, it makes things more difficult from a compliance perspective, particularly if non-compliance relates to noise from construction activities. The consent holder may choose to distinguish between the noise sources in the future, however from an effects-and cost management- perspective it may be more appropriate to continue with the existing approach.

COMPLAINTS

The complaints log records four (4) complaints received during the assessment period (Feb - Jul). The complaints relate to:

1. Material being tracked onto the public road (18 February 2021) (RMS 509264)
2. Noise complaint: "clanging noise" early in the morning (25 March 2021) (RMS 513333)
3. Noise complaint: bulldozer use (26 March 2021) (RMS 513225)
4. Dirt bikes on the cleanfill / park (29 March 2021) (no RMS)

With regard to the:

- material being tracked onto the public road (18 February 2021), the complaints log records that this was remedied by Dave Dews and no further follow up was required. It appears as though this incident was managed in accordance with Condition 8 (i.e., clean-up within 12 hours).
- noise complaint (25 March 2021), the complaints log states that the site was not open at the time that the complaint was received. On that basis, I have found that the consent holder was not non-compliant at this time. I do note that this complaint was received on a day that noise monitoring was being undertaken on the site (see conclusions above) and therefore any noise effects will have been captured by that monitoring. With regard to the noise complaint (26 March 2021), the complaints log records that the noise relates to bulldozer use. This complaint was also received during the noise monitoring period, same as the 25 March complaint.
- motorcycles (dirt bikes), this matter is not consented and therefore not subject to compliance of the consent holder.

I have written to the consent authority's senior monitoring and enforcement officer to request a copy of the record of all complaints received for this site between the period 1 February to 28 July 2021. Following the site visit of Tuesday 20 July, the consent authority filed two complaints: the clanging of tail gates on trucks (ref. 529699) and wheel wash not being used properly (ref. 529698). Prior to the next audit the complaints log will need to be updated with these two complaints from 20 July.

I also note that some potential compliance issues were raised with me while on site. The matters raised were in relation to two potential non-compliances regarding the hours of operation and material tracking on the main road, following exit from the landfill. These matters are concerning, and I suggest any complaints or issues are recorded through the formal mechanism so that they can be investigated by the consent holder and the consent authority. I appreciate the concerns raised, however, I believe my role is not to determine the outcome of potential complaints without giving the consent holder the opportunity to investigate and, if required, remedy these complaints.

APPENDIX - WAINUIOMATA CLEANFILL – CONSENT CONDITION REVIEW

RM190050 – HCC consent

A full assessment of compliance with the conditions of consent is provided below.

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
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.	Overall, the cleanfill appears to be substantially operating in accordance with the resource consent. In particular, the regular undertaking of noise monitoring, having the site- and noise management plans in place, the participation in the community liaison group, and the ongoing communication with the consent authority each contribute to this evaluation.	Compliant
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 was verified at the site visit.	Compliant
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>	Section 3.2 of the SMP details the material acceptance criteria, which is consistent with Condition 3.	Compliant

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
4	<p>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:</p> <p>...1 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.</p>	<p>The currently available SMP on the Council webpage was supplied from T+T to the consent authority on Friday 6 November 2020 by way of email. The document appears to be dated "version 2, February 2020", but updated following a meeting with the CLG where it was agreed to introduce a protocol for achieving compliance with daily truck limits.</p> <p>On reviewing the SMP submitted to meet conditions 6 and 9 it was our view that a breach of the conditions had occurred. Point 6.4.3 of the Site Management Plan (SMP) prepared by Tonkin and Taylor dated February 2020 required any "incident" to be reported to HCC within 24 hours of the incident occurring. We term this breach of daily truck numbers on 31/5/21 as an "incident" which was required to be advised to Council. No such communication was made.</p> <p>On that basis, the consent holder is not implementing the SMP.</p>	Non-compliant
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</p>	<p>The CLG continues to be active and receives the benefit from significant time investment from both community members and representatives, and council staff. The CLG met on Thursday 25 March and Thursday 20 May; next meetings are scheduled for 16 August, 16 November, and 16 February. The minutes from these meetings have been provided to the Team Leader within three working days of each meeting.</p>	Compliant

¹ For a full reference please refer to the consent certificate

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	<p>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.</p> <p>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"> • Providing comment on the draft SMP as specified under condition 6 below, • Informing CLG participants of construction activities, as required under condition 14, • Consultation on the draft Environmental Restoration Plan, as required under condition 23, • Review of the findings of the independent audit as required under condition 25 • Informing CLG participants of any operational changes at the site, and • Providing feedback to the consent holder about the operation of the cleanfill. 		
6	<p>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 included with the submission of the SMP to HCC. CLG members and submitters shall be provided a minimum period of five (5) working days</p>	<p>Compliance with this condition was confirmed in previous audit.</p>	<p>Not applicable</p>

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	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.	Compliance with this condition was assessed in the previous February audit and not considered here as this event is outside of the assessment period and is captured in the compliance register. Also see commentary from condition 18 below about access road potholes.	Not applicable
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 wash water. 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.	<p>Compliance with the part of this condition requiring the internal road to be sealed was confirmed in the February 2021 compliance assessment.</p> <p>The complaints register shows that during the assessment period there was one case of material and or sediment being tracked onto the road (18 Feb 21), and that was remedied in accordance with the condition.</p> <p>I can confirm the wheel wash is still in operation as of 20 July 2021. I observed, while on site, that the internal access road continues to remain sealed but is developing erosion points (potholes) which could be maintained to avoid excess water tracking onto the road. Further, there appears to be an inconsistent approach to the use of the truck wheel wash. While on site, I observed several trucks pass through the wheel wash (no truck bypassed the wheel wash). I observed that some trucks passed through the wash station quicker than others, bringing into question whether there was a need for a standardised process, for example in the SMP. I was informed while on site that the CLG has discussed and recorded that there may be instances where the use of the</p>	Compliant - needs attention

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
		<p>wheel wash may lead to adverse effects (e.g., periods of dry weather), namely the tracking of water and material off the site onto Coast Road. The consent holder may consider developing a system for more efficient and effective use of the truck wheel wash, updating the SMP accordingly, and placing a sign or notice on site.</p> <p>On Friday 23 July (after the site visit) my colleague Charlie Hopkins made an offer to the consent holder, the consent authority, and the community liaison group to receive any additional material which may relate to compliance of the activities on site. Charlie received photos of mud and other debris on Coast Road, tracking from the cleanfill site gate and internal roadway. While this is unfortunate, Condition 8 does not prohibit material from being tracked onto Coast Road but rather in the event material is tracked onto Coast Road, <i>it must be swept clear within 12 hours of being deposited</i>. On that basis, the photos do not demonstrate non-compliance.</p> <p>Overall, compliance with Condition 8 has been achieved but there is room for improvement.</p>	
9	No more than 75 trucks per day shall be permitted to access the site for the purpose of depositing cleanfill material.	Earlier this week (Friday, 13 August 2021) compliance officers were made aware that the number of truck movements permitted under the resource consent had been breached on 31 May 2021. The breach was that 80 trucks had been to the site in one day with the maximum being 75.	Non-compliant
10	The consent holder will ensure that access to the site for the	The site maintains a register of approved operator and all	Compliant

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	purpose of cleanfill deposition is granted only to approved commercial operators.	visitors during my visit were greeted and checked. 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.	<p>Substage 8 was completed during this assessment period, so Condition 11 is relevant to this assessment. Condition 11 is ambiguous as it does not provide a definition of "progressively stabilised", nor does it provide a firm timeframe as to when progressive stabilisation is to be complete.</p> <p>I observed at the site visit that the consent holder has started planting sections of substage 8. I was advised that planting of the remaining substage is to occur over this planting season in the coming months and will expect the remaining areas of substage 8 to be planted by the next compliance assessment. While Condition 11 refers to hydroseeding, I do not read this as a firm requirement and consider that the condition provides some flexibility as to how the area will be stabilised. The consent holder is currently stabilising the site with plants, as opposed to grass or a combination of both. This does not prevent the consent holder from planting grass on these sites in the future. Overall, I consider the consent holder to be compliant with this condition, and encourage the consent holder to stabilise exposed areas as soon as possible given the potential for heavy rainfall and sedimentation currently and over the coming months.</p>	Compliant - needs attention
12	Noise from any cleanfill deposition activities (excluding emergency and construction works) shall not exceed the	The Consent holder regularly assesses compliance with Condition 12 in accordance with the noise monitoring reports	Non-compliant

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	<p>following levels when measured at or within the notional boundary of any dwelling existing at the time the consent is granted:</p> <p>a. Monday to Friday (excluding public holidays) 7.30 am to 5.00 pm – 50 dB LAeq</p> <p>b. Saturday (excluding public holidays) 7.30 am to 12.00 pm – 50 dB LAeq</p> <p>c. All other times - 40 dB LAeq</p> <p>d. 10.00 pm to 7.00 am (all days) – 75 dB LAfmax</p>	<p>required by Condition 16.</p> <p>In this review period, T&T prepared noise monitoring reports on behalf of the consent holder in March 2021. The March 2021 report was peer reviewed by Marshall Day in April 2021. I have summarised the findings of these reports in the main report.</p> <p>The March 2021 report shows one non-compliance with the noise limits. I have therefore concluded that the consent holder is not complying with Condition 12. A fuller discussion of this matter is presented above.</p> <p>I note that the 20 July 2021 noise monitoring report published by Acoustic Engineering Services Limited concluded that condition 12 is complied with during later monitoring efforts (different monitoring to that undertaken by T+T which detected non-compliance).</p>	
13	<p>Site construction activities shall be assessed (and measured where appropriate) in accordance with NZS 6803: 1999 "Acoustics - Construction Noise".</p>	<p>The consent holders agent advised verbally while on site that NZS 6803: 1999 was not used in the March 2021 noise monitoring so as to apply the stricter tests presented in environmental noise standard NZS6802:2008. This has resulted in non-compliance with noise standards in Condition 12 however the noise experts have considered that this is an appropriate methodology.</p>	Not applicable.
14	<p>The consent holder shall notify the Team Leader, Resource Consents, Hutt City Council and members of the CLG of any</p>	<p>In the CLG meeting minutes I reviewed, I observed communications between the consent holder and the</p>	Compliant

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	<p>construction activities taking place and their expected duration, at least five (5) working days prior commencement of those activities.</p>	<p>community regarding upcoming construction activities suggesting compliance with Condition 14 during the period of this assessment. There does, however, appear to be a pattern from the consent holder of effectively blocking out large periods of time to provide maximum flexibility with weather windows. While such an approach is technically compliant, it would better achieve the purpose of the condition to give more discrete and firm construction duration estimates.</p>	
15	<p>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.</p>	<p>The NMP was updated in February 2020 and approved in March 2020. I am unaware of any subsequent changes.</p> <p>The noise monitoring reports suggest that the ongoing operation of the landfill is not in full accordance with the approved NMP, and specifically the exceedances of the noise limits detailed in Section 5.1. The noise limits are the basis for the NMP and maintaining operations within these limits is central to managing the noise effects on the wider environment. Given the exceedance of these limits, I have assessed non-compliance with Condition 15.</p> <p>While on site, other participants in the site visit informed me that they heard a loud bang, which could have been a tailgate slam. While I did not hear these noises, I acknowledge that others did so, and told me that they were loud.</p> <p>I note that the 20 July 2021 noise monitoring report published by Acoustic Engineering Services Limited</p>	Non-compliant

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
		concluded that Condition 12 is complied with during later monitoring efforts (different monitoring to that undertaken by T+T which detected non-compliance).	
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.	T&T undertakes regular noise monitoring on behalf of the consent holder. In this case, monitoring was undertaken on 24, 25, 26 March 2021. Note that Good Friday (Friday 2 April) and Easter Sunday (observed on Monday 5 April) are not working days; thereby making the deadline close of business Tuesday 13 April. The report was provided from T+T to Councils Team Leader Resource Consents by way of email on Friday 9 April 2021. The T+T report is dated 3 May 2021 which reflects that the report was updated following peer review.	Compliant
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).	<p>Condition 17 is reflected in Section 3.1 of the SMP. Onsite notices also advertised the site as being open during hours more restrictive than provided for in this condition. While on site, the consent holder confirmed verbally that from time to time the gates to the site are closed early for example when daily truck numbers are reached (75 t/d).</p> <p>As mentioned earlier in this report, while on site I was advised of a potential non-compliance relating to the landfill operating beyond 5 PM. I understand this non-compliance has not been reported to or investigated by the consent holder. I have therefore not made a determination on this potential non-compliance as part of this compliance assessment.</p>	Compliant

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
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 water source suitable for managing the generation of dust) on-site at all times that filling occurs.	<p>I did not note any dust issues at the site visit noting that the ground was wet underfoot following a recent extended period of rain. Section 4.2 of the SMP outlines the dust management measures on site, and the consent holder appears to be generally operating in compliance with these measures. While onsite I observed that a watercart was present, and I was told the landfill operator uses this as and when required.</p> <p>The complaints register and the compliance register do not contain any records of dust effects during the assessment period (Feb-July).</p> <p>Overall, I am satisfied that compliance with the conditions "<i>no dust nuisance occurs beyond the boundary</i>" and that "<i>measures for control will be outlined in the SMP and must include the presence of a watercart</i>" are met.</p>	Compliant
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.	I was advised at the site visit that no such discoveries have been, or are likely to be, made.	Not applicable.
20	The final batter slopes shall be designed and certified by a suitably qualified geotechnical engineer and certification shall	Condition is not currently applicable as cleanfill has not reached capacity.	Not applicable

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	be provided to the Team Leader Resource Consent within three (3) months of the cleanfill reaching capacity.		
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.	The consent holder has installed erosion protection on the southern edge of the fill area in accordance with this condition.	Compliant
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.	Condition is not currently applicable as 19 June 2022 has not passed. The consent holder dashboard shows the ratio of cleanfill placement and airspace remaining.	Not applicable
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) 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.	Condition is not currently applicable as the three-month period following closure, has not yet passed. I note the agenda for the 16 August community meeting includes the development of a draft environmental restoration plan.	Not applicable
24	The consent holder shall control weeds and maintain the	Condition is not currently applicable as the ERP is not yet in	Not applicable.

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	plants in accordance with the procedures set out in the Environmental Restoration Plan required by Condition (23) for a duration of three (3) years.	place.	
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.	The previous audit was held in February 2020, with this current audit being held in July 2021. The Team Leader and CLG were invited to attend the site visit in accordance with this condition. This invite was sent by email on 1 July, with the site visit undertaken on 20 July. This audit will be published on 30 July, with the findings being provided to the Team Leader and the CLG.	Compliant
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: <ul style="list-style-type: none"> 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 enable consistency with any relevant District Plan(s) or any National Environmental Standards or Regulations. d. The review of conditions shall allow for the deletion or 	No review has been initiated during the assessment period.	Not applicable.

Cond. #	Consent condition	Assessment (July 2021)	Compliance status
	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.		



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