

HUTT CITY COUNCIL**REGULATORY COMMITTEE**

Minutes of a meeting held in the Council Chambers, 2nd Floor, 30 Laings Road,
Lower Hutt on

Tuesday 15 September 2020 commencing at 2.00pm

PRESENT:

Cr A Mitchell (Chair)	Mayor C Barry
Cr J Briggs	Cr K Brown
Cr B Dyer	Cr S Edwards
Cr S Rasheed	Cr N Shaw
Cr L Sutton	

APOLOGIES: Cr Hislop

IN ATTENDANCE:

Ms H Oram, Director Environment and Sustainability
Mr M Boggs, Director Strategy and Engagement (part meeting)
Mr B Cato, Chief Legal Officer
Mr H Wesney, Head of District Plan Policy (part meeting)
Mr D Kerite, Head of Environmental Consents (part meeting)
Mr G Stuart, Head of Regulatory Services and Emergency Management (part meeting)
Mr D Simmons, Traffic Asset Manager (part meeting)
Mr J Jeffries, Senior Environmental Policy Analyst (part meeting)
Mr S Davis, Policy Planner (part meeting)
Mr B Haddrell, Policy Planner (part meeting)
Ms P Rotherham, Team Leader Resource Consents (part meeting)
Mr C Agate, Traffic Engineer - Network Operations (part meeting)
Ms K Stannard, Head of Democratic Services

PUBLIC BUSINESS**1. APOLOGIES**

RESOLVED: (Cr Mitchell/Cr Briggs)

Minute No. RC 20501(2)

"That the apology received from Cr Hislop be accepted and leave of absence be granted."

2. **PUBLIC COMMENT**

Comments are recorded under the item to which they relate.

3. **CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

4. **MINUTES OF THE PROPOSED APPEARANCE INDUSTRIES BYLAW HEARINGS
SUBCOMMITTEE DATED 3 AUGUST 2020 (20/1015)**

Report No. RC2020/5/100 by the Senior Democracy Advisor

RESOLVED: (Cr Mitchell/Cr Edwards)

Minute No. RC 20502(2)

"That the minutes of the meeting held on 3 August 2020 be adopted."

5. RECOMMENDATION TO COUNCIL - 29 September 2020

- i) Updating District Plan to remove minimum car parking rate requirements in accordance with the National Policy Statement-Urban Development (20/885)

The Head of District Plan Policy and the Senior Environmental Policy Analyst elaborated on the report.

In response to a question from a member, the Traffic Asset Manager advised that the review of parking was in its early stage. He stated that consultation on the review of parking would commence in late 2020 or early 2021.

RECOMMENDED: (Cr Mitchell/Cr Dyer) **Minute No. RC 20503(2)**

“That the Committee recommends that Council removes all provisions of the district plan that set minimum car parking rate requirements, other than for accessible car parks as set out in Appendix 1 attached to the report.”

For the following reason that Policy 11 of the National Policy Statement on Urban Development 2020 came into force on 20 August 2020 and requires Council to remove any provisions from the District Plan that set minimum car parking rate requirements, other than for accessible car parks.

6. **PROPOSED ROAD CLOSURES FOR EVENTS** (20/786)

Report No. RC2020/5/200 by the Traffic Engineer - Network Operations

Speaking under public comment, **Ms Belinda Moss, representing the Eastbourne Community Board, the Lowry Bay Residents Association and the Point Howard Association** elaborated on the significant noise impact on the Point Howard and Lowry Bay residents from the Port Road events. She highlighted that the noise was at its loudest before and after the events. She spoke of the positive and constructive meeting with the event organisers earlier in the year. She hoped that from the meeting, officers would take extra care with monitoring the events. She expressed disappointment that the officer's report was presented only to the Petone Community Board. She highlighted that readership of the Hutt News by Eastbourne residents was low and suggested that officers also published public notices in the monthly Eastbourne Herald. She asked Council not to consider additional events in the area as three events in the summer was the maximum that residents should tolerate and accommodate.

The Traffic Engineer – Network Operations elaborated on the report.

In response to a question from a member, the Director Environment and Sustainability confirmed that noise standards were addressed in the Lower Hutt District Plan or by Council's Environment Consents team.

In response to questions from members regarding noise coming from the events, the Traffic Engineer – Network Operations acknowledged there was some noise with the scrutineering of vehicles before the events. He advised that officers could mention to the organisers about reducing the noise from the events.

In response to a question from a member, the Traffic Engineer – Network Operations agreed to undertake noise testing when the vehicles were being unloaded and scrutinised as part of the monitoring.

In response to a question from a member, the Traffic Asset Manager advised that Port Road was situated within the Petone area. He agreed that future matters that affected Petone and Eastbourne would be considered by both the Eastbourne and Petone Community Boards.

In response to a question from a member, the Traffic Asset Manager advised that it was a good time to review the road closure consultation requirements and also review how far the consultation was reaching.

Cr Edwards spoke of the concern of residents with the early morning noise coming from the events. He asked officers to talk to the organisers about trying to keep the noise down.

Cr Dyer expressed support with the previous speaker's comments.

Cr Briggs thanked the public speaker for updating members on the noise impact on residents from the previous events. He said it was good to see additional safety measures put in place for the events. He expressed support for the recommendations

adding he looked forward to considering any future improvements before the next events.

RESOLVED: (Cr Mitchell/Cr Dyer)

Minute No. RC 20504

“That the Committee:

- (i) *receives the information;*
- (ii) *agrees to temporarily close the following sections of road for the events (as listed below), subject to the conditions listed in the Traffic Impact Reports attached as Appendix 1, Appendix 2 and Appendix 3 to the report:*
 - (a) *Cam County (Inc.) Port Road Drags – 2020: Sunday 29 November 2020 between the hours of 7:00am to 6:00pm (attached as Appendix 1 to the report):*
 - 1) *Port Road, Seaview (the section of road from the intersection of Marchbanks Street, to a point 500 metres north of the Barnes Street intersection); and*
 - 2) *Toop Street, Seaview (the section of road from the intersection of Marchbanks Street, to the intersection of Port Road);*
 - (b) *Hutt Valley Motorsport Club (Inc) - Port Road Sprints – 2020/21: Sunday 25 October 2020 and Sunday 24 January 2021 between the hours of 7:00am to 6:00pm (attached as Appendix 2 to the report):*
 - 1) *Port Road, Seaview (the section of road from the intersection of Marchbanks Street, to a point 500 metres north of the Barnes Street intersection);*
 - 2) *Toop Street, Seaview (the section of road from the intersection of Port Road, for 100 metres towards the intersection of Marchbanks Street);*
 - 3) *Meachen Street, Seaview (the entire length (including service lanes) between Barnes Street and Port Road); and*
 - 4) *Barnes Street, Seaview (the section of road between its intersection of Port Road and Wareham Place);*
 - (c) *Wellington Triumph Sports Car Club - Coast Road Sealed Sprint 2020: Sunday 8 November 2020, between 7:30am and 4:00pm (attached as Appendix 3 to the report);*
 - 1) *Coast Road, Wainuiomata (the section from the East Harbour Bridge intersection (-41.36427° lat : 174.88336° long) to the end of the sealed section (-41.41467° lat : 174.89532° long));*
- (iii) *agrees to temporarily close the following sections of road (if required) for the reserve days associated with the events (as listed below), subject to the conditions listed in the Traffic Impact Reports attached as Appendix 1, Appendix 2 and Appendix 3 to the report:*
 - (a) *Cam County (Inc.) Port Road Drags – 2020: Sunday 6 December 2020 between the hours of 7:00am to 6:00pm;*
 - 1) *Port Road, Seaview (the section of road from the intersection of Marchbanks Street, to a point 500 metres north of the Barnes Street intersection); and*
 - 2) *Toop Street, Seaview (the section of road from the intersection of Marchbanks Street, to the intersection of Port Road);*
 - (b) *Hutt Valley Motorsport Club (Inc.) - Port Road Sprints – 2020/21: Monday 26 October 2020 and/or Monday 25 January 2021, between the hours of 7:00am to*

6:00pm:

- 1) Port Road, Seaview (the section of road from the intersection of Marchbanks Street, to a point 500 metres north of the Barnes Street intersection);
 - 2) Toop Street, Seaview (the section of road from the intersection of Port Road, for 100 metres towards the intersection of Marchbanks Street);
 - 3) Meachen Street, Seaview (the entire length (including service lanes) between Barnes Street and Port Road); and
 - 4) Barnes Street, Seaview (the section of road between its intersection of Port Road and Wareham Place);
- (iv) agrees to temporarily rescind the existing parking restrictions during the listed events, and impose 'No Stopping' parking restrictions on sections of the following roads:
- (a) Cam County (Inc.) Port Road Drags – 2020: Sunday 29 November 2020 or Sunday 6 December 2020 between the hours of 7:00am to 6:00pm:
 - 1) Port Road, Seaview (the section of road from the intersection of Marchbanks Street, to a point 500 metres north of the Barnes Street intersection); and
 - 2) Toop Street, Seaview (the section of road from the intersection of Marchbanks Street, to the intersection of Port Road);
 - (b) Hutt Valley Motorsport Club (Inc.) - Port Road Sprints – 2020/21: Sunday 25 October 2020 or Monday 26 October 2020 and Sunday 24 January 2021 or Monday 25 January 2021 between the hours of 7:00am to 6:00pm:
 - 1) Port Road, Seaview (the section of road from the intersection of Marchbanks Street, to a point 500 metres north of the Barnes Street intersection);
 - 2) Toop Street, Seaview (the section of road from the intersection of Port Road, for 100 metres towards the intersection of Marchbanks Street);
 - 3) Meachen Street, Seaview (the entire length (including service lanes) between Barnes Street and Port Road); and
 - 4) Barnes Street, Seaview (the section of road between its intersection of Port Road and Wareham Place);
 - (c) Wellington Triumph Sports Car Club - Coast Road Sealed Sprint 2020: Sunday 8 November 2020, between 7:30am and 4:00pm:
 - 1) Coast Road, Wainuiomata (the section from the East Harbour Bridge intersection (-41.36427° lat : 174.88336° long) to the end of the sealed section (-41.41467° lat : 174.89532° long));
- (v) notes that recommendations contained in the report should not be amended without first carrying out further consultation with affected parties and verification from the Council's Traffic Engineer that the amendment is not likely to cause unreasonable impact on traffic; and
- (vi) notes that the closure of the section of Coast Road will cause disruption to users, and will require a comprehensive communication notification plan to mitigate the effects.

For the reason that the proposed temporary road closures are necessary to accommodate the safe and efficient running of events for organisers, participants, spectators and the general public.

7. **REGULATORY MATTERS** (20/951)

Report No. RC2020/5/201 by the Executive Assistant, Environment and Sustainability

Speaking under public comment, **Mr Max Shierlaw** advised that he had received a report, written by Tonkin and Taylor, relating to noise tests undertaken at the Wainuiomata Cleanfill (the cleanfill). He noted that the report claimed that elevated noise levels in excess of the 50 dB LAeq limit were not attributed to the cleanfill but were due to other noise sources eg passing vehicles, airplanes, the Wainuiomata River and birds. He highlighted that he had complained to the Acoustical Society of New Zealand (the society). He stated that, unfortunately, the complaint could not proceed as the authors of the report were not members of the society. He also stated that Council had a consent to operate the cleanfill and benefited directly from that operation. He asked members to take action and transfer all regulatory responsibilities of the cleanfill operation to Greater Wellington Regional Council (GW).

In response to a question from a member, Mr Shierlaw advised of another serious complaint relating to non-cleanfill waste being dumped at the cleanfill. He highlighted that, according to the Ministry of the Environment's guidelines, that then disqualified it as a cleanfill. He added that the cleanfill should be treated as a landfill that attracted emission trading levies. He added that the matter had been referred to the Environmental Protection Agency to see if there was non-compliance with the emissions trading levy scheme.

Speaking under public comment, **Ms Sally-Ann Moffat** elaborated on the history of the cleanfill and living next door to the cleanfill. She highlighted that the Ministry of the Environment's guide to cleanfill management stated cleanfills should not be sited on a floodplain of a river. She spoke of the area's natural rich heritage. She expressed concern that over the years, as the cleanfill increased in size and activity, the area was now an awful environment to live in. She also expressed concern with the noise and dust coming from the cleanfill. She believed that complaints about noise and dust from the cleanfill were not being investigated and committee members were now being told that the cleanfill was working well. She also believed that the cleanfill was currently non-compliant and was collapsing in the middle due to a damaged stormwater pipe. She spoke of the cleanfill being shut down by GW in December 2019 due to the cleanfill operating under an expired consent. She asked for the officer's report to be re-written to reflect the facts. She also asked members to appoint a third independent body to conduct an investigation into the officer's report, audits, noise monitoring and the current perceived non-compliance of conditions 12, 14, and 25. She also asked that GW be the primary enforcer of the cleanfill and for Council to find alternative cleanfill sites as a matter of urgency. She highlighted that if it was Council's aim to increase truck numbers to the cleanfill, then it be undertaken in a transparent and lawful manner. She also asked that the information provided by her be included in future audits of the cleanfill.

Speaking under public comment, **Mr David Smith** expressed support for the comments made by the previous public speaker. He elaborated on the questions he had raised previously and the poor responses from Council to those questions. He tabled a list of questions attached as pages 11-16 to the minutes and asked members to respond. He considered there was a lot of misinformation in the community and believed someone was not doing their job properly as committee members were not receiving the correct

information. He expressed concern regarding the non notified process undertaken by Council.

In response to a question from a member, Ms Moffat advised that she was aware of a number of complaints from residents of Parenga Street and Ngaturi Grove regarding dust which were not included in the officer's report. She highlighted that she was directing complainants through the correct Council channels.

In response to a question from a member, Mr Smith considered the Community Liaison Group (the group) was not happy with the operation of the cleanfill. He elaborated on the request for cameras which still had not been actioned. Ms Moffat highlighted the list of actions from the group that still had not been actioned by the consent holder.

In response to a question from a member, Ms Moffat advised that if GW taking over the landfill was the best solution then she supported that move. She believed there would be more value in having a longer discussion with members regarding a potential solution.

Mr Smith asked that regular site visits take place at the cleanfill.

Ms Moffat spoke of a recent breach of condition 25 whereby the group should have been notified, invited and given the opportunity to observe any audits of the cleanfill. She stated that this had not occurred.

The Head of Environmental Consents, the Head of Regulatory Services and Emergency Management and the Team Leader Resource Consents elaborated on the report.

In response to a question from a member, the Head of Environmental Consents advised that the \$140 public notice fee related to advertising liquor licence notices. He said that the public notices were advertised on Council's website instead of the Hutt News during Covid-19 lockdown.

In response to a question from a member, the Director Environment and Sustainability advised that Council's Policy team had commenced gathering information from a number of sources before consulting on the proposed Cat Bylaw. She noted that the matter would be reported back through the relevant Committee of Council.

In response to questions from members, the Head of Regulatory Services and Emergency Management updated members on the extensive improvements made to the Doggone product since last year. He also advised that the improvements made to the Doggone app would be advertised through Council's channels.

Cr Briggs left the meeting at 2.55pm.

In response to questions from a member, the Head of Regulatory Services and Emergency Management elaborated on the number of dog registrations, the number of unpaid dog registrations and the number of dog owners using Doggone.

Cr Briggs rejoined the meeting at 2.58pm.

In response to a question from a member regarding the cleanfill, the Director Environment and Sustainability advised that it was a common situation for councils to be in where councils were the consent applicants. She highlighted that the structure of

Council's Regulatory Division was kept separate from other Council divisions due to receiving consent applications from within those divisions eg Parks and Reserves. She acknowledged that condition 25 had been breached. She spoke of officers taking a 'negotiation' approach with consent holders to try and mitigate breaches. She advised that enforcement of the cleanfill consent was not only undertaken by Council officers but also GW officers. She also advised that regular site visits were undertaken by both Council officers and GW officers. She highlighted that the group met regularly and feedback from Cr Brown was that the group was working well.

With regard to the cleanfill noise, the Director Environment and Sustainability advised that Council's Regulatory officers requested a noise report from the consent holder. She noted that upon receiving the report, Council's Environmental Health officers were not comfortable with the methodology used by the consent holder. She then noted that Council's Noise officers undertook their own noise reading which was currently being peer reviewed.

In response to a question from a member, the Team Leader Resource Consents confirmed that no dust complaints had been received from residents of Parenga Street and Ngaturi Grove.

In response to a question from a member with regard to the group waiting on reports, the Director Environment and Sustainability advised that she would follow up with the consent holder to ensure reports were being provided to the group.

In response to a question from a member, the Head of Environmental Consents advised the the Code of Compliance Key Performance Indicators had not been met due to a number of challenges. He stated that these challenges related to staff resources and staff resignations.

In response to a question from a member relating to illegal dumping at recycling stations, the Head Environmental Consents advised that the number of fines for illegal dumping was comparable to last year. He highlighted that it was a complex issue and officers had tried signage and cameras to reduce the amount of illegal dumping.

In response to a question from a member, the Head of Environmental Consents advised that key stakeholders had been notified of the liquor licence notices being published on Council's website.

In response to a question from a member, Cr Edwards, as a member of the Wellington Region Waste Management and Minimisation Plan Joint Committee, advised that the joint committee was trying to get a consistent Solid Waste Bylaw across the Wellington region. He acknowledged that the Solid Waste Bylaw would be customised if councils had different requirements.

RESOLVED: (Cr Mitchell/Cr Shaw)

Minute No. RC 20505(2)

"That the Committee notes and receives the report."

8. INFORMATION ITEM

a) Dog Control Activities Report (20/991)

Report No. RC2020/5/97 by the Head of Regulatory Services and Emergency Management

The Head of Regulatory Services and Emergency Management elaborated on the report.

In response to questions from members, the Head of Regulatory Services and Emergency Management elaborated on the engagement and education that Council's Animal Services team provided to the community. He spoke of the successful dog adoption programme, dog registrations, microchipping and the network with other rescue organisations to rehome dogs. He explained the statistics relating to the registration of dogs, the drop of numbers for barking dog complaints and the drop of numbers for uncontrolled dog complaints.

Members congratulated the Head of Regulatory Services and Emergency Management and the Animal Services team on their excellent work.

RESOLVED: (Cr Mitchell/Cr Briggs)

Minute No. RC 20506(2)

"That the Committee:

(i) notes and receives the report; and

(ii) notes the requirement under section 10A of the Dog Control Act 1996 to publish its Dog Control Policy and dog control practices and provide statistical information on Council's website by 30 October 2020."

b) Work Programme 2020 (20/1004)

Report No. RC2020/5/98 by the Head of Democratic Services

RESOLVED: (Cr Mitchell/Cr Dyer)

Minute No. RC 20507(2)

"That the report be noted and received."

9. QUESTIONS

There were no questions.

There being no further business the Chair declared the meeting closed at 3.28pm.

Cr Mitchell
CHAIR

CONFIRMED as a true and correct record
Dated this 29th day of September 2020

Questions from David Smith

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?

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 persecution 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.