

HUTT CITY COUNCIL
INFRASTRUCTURE AND REGULATORY COMMITTEE
KOMITI HANGANGA

Minutes of a meeting held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt on
Tuesday 9 March 2021 commencing at 2.00pm

PRESENT:

Cr D Hislop (Chair)	Mayor C Barry
Cr D Bassett	Cr K Brown
Cr B Dyer	Cr A Mitchell (Deputy Chair)
Cr N Shaw	Cr L Sutton

APOLOGIES: There were no apologies.

IN ATTENDANCE:

Cr S Edwards
 Cr J Briggs
 Ms J Miller, Chief Executive
 Ms H Oram, Director Environment and Sustainability
 Mr K Puketapu-Dentice, Director Economy and Development (part meeting)
 Ms J Livschitz, Chief Financial Officer (part meeting)
 Mr D Kerite, Head of Environmental Consents
 Mr G Stuart, Head of Regulatory Services and Emergency Management
 Mr B Hodgins, Strategic Advisor (part meeting)
 Mr D Simmons, Traffic Asset Manager (part meeting)
 Ms T Malki, Traffic Engineer (part meeting)
 Mr J Gloag, Head of Transport (part meeting)
 Ms P Rotherham, Team Leader, Resource Consents (part meeting)
 Ms J Randall, Democracy Advisor

PUBLIC BUSINESS

1. APOLOGIES

There were no apologies.

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. RECOMMENDATION TO COUNCIL | Te Kaunihera o Te Awa Kairangi - 24 March 2021

Wellington Water Half Year Performance (21/162)

The Strategic Advisor elaborated on the report. He introduced Mr Mark Ford, General Manager of Business Services from Wellington Water Limited (WWL).

In response to questions from members, Mr Ford confirmed a relationship with Mana Whenua would be formalised. He advised WWL had recently appointed an iwi liaison officer to the team who would assist with this.

In response to questions from members, Mr Ford said WWL was taking a planned approach to asset assessment in order to make good decisions on investment options. He added this would include an assessment of the capacity of contractors to ensure WWL could deliver. He noted the aging network was WWL's biggest challenge with a service request increase of 30-40%.

In response to questions from members, the Strategic Advisor and Mr Ford expressed confidence the assessment would be completed in time for decisions to be made. The Strategic Advisor advised greater investment through the Long Term Plan would result in more information and better decisions.

The Chair advised Cr Bassett had recently resigned from the Wellington Water Committee. She thanked Cr Bassett for his leadership of the committee over the past eight years.

RECOMMENDED: (Cr Hislop/Cr Bassett)

Minute No. IARCC 21101

"That the Committee recommends that Council:

- (1) *receives the half year report of Wellington Water Limited attached as Appendix 1 to the report; and*
- (2) *notes that the Infrastructure and Strategy Committee has performed the responsibilities of the Policy, Finance and Strategy Committee in accordance with its Terms of Reference so that the matter can be considered in a timely manner."*

5. **PROPOSED NEW PRIVATE STREET NAME: SUBDIVISION OF 1115 HIGH STREET, TAITA (21/234)**

Report No. IARCC2021/1/46 by the Traffic Engineer

Speaking under public comment **Mr M Jennings** read out a statement attached as pages 9-10 to the minutes.

In response to questions from members, Mr Jennings advised he had followed tikanga in ensuring his proposed street name was endorsed by Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui. He confirmed the name was most appropriate for the site of 1115 High Street. He highlighted that if the proposed street name was not chosen, it could be appropriate for another street on the same parcel of land. He added it was an opportunity to build a narrative to honour other chiefs, many of whom were still standing in the shadows of history.

Speaking under public comment, **Ms T O'Donnell and Ms D McGrath** spoke in favour of 'McGrath' as the name of the new road. Ms O'Donnell explained her mother, Ms McGrath, had lived in Clement Grove for 65 years with her husband who had been actively involved in sports groups and community activities.

In response to questions from members, Ms O'Donnell said she did not have any knowledge of their relationship to Jack McGrath.

The traffic engineer elaborated on the report. She advised that Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui had now approved the street names that had been proposed by officers in the report with the addition of 'Te'. The names proposed were now 'Te Manihera Matangi', or 'Te Manihera', or 'Matangi'. She explained Mana Whenua had been consulted on the name as the land under development was of significance to them.

The Traffic Asset Manager advised that officers now recommended the name 'Te Ara o Tahana Rerengai' as per the public comment from Mr M Jennings, since it had been endorsed and accepted by Te Rūnanganui o Te Āti Awa. He noted the name would require the approval of Land Information New Zealand if it were to be adopted. He highlighted that a back-up street name would need to be nominated in the event it was not approved.

Cr Brown said that, although Council did not have a policy that included endorsement by Mana Whenua, Council's relationship with Mana Whenua should take precedence when street naming was being considered.

Mayor Barry reminded members of Council's commitment to the use of more Te Reo Māori names. He said Council needed to follow talk about partnership through to action to satisfy Council's obligations under the Treaty of Waitangi.

The Chief Executive advised that Council's Street Naming Policy would be reviewed and this would be complete by the end of 2021.

The Chair thanked the Chief Executive for committing to review Council's Street Naming Policy. She asked that names not chosen at the meeting be added to the Reserved Street

Names list.

Cr Dyer requested that Mana Whenua be consulted before adding 'Tahana Rerengaio' to Council's Reserved Street Name list since Mana Whenua had chosen the name specifically for the site at 1115 High Street.

RESOLVED: (Cr Shaw/Cr Sutton) (BY DIVISION) (CHAIR'S CASTING VOTE)

Minute No. IARCC 21102

"That the Committee:

- (i) approves the name 'McGrath Way' for the private road attached as Appendix 1 to the report; and*
- (ii) approves the appropriate road type as shown in the list attached as Appendix 3 to the report."*

For the reason that the development may proceed to completion as a variety of utility connections and other administrative bodies require formalised street addresses in order for the necessary connections to be provided.

A division was called. The motion was declared CARRIED by Division with the voting as follows:

For

Cr Hislop
Cr Bassett
Cr Shaw
Cr Sutton

Total: 4

Against

Cr Mitchell
Cr Brown
Cr Dyer
Mayor Barry

Total: 4

The vote was equal 4-4. The Chair voted for the motion using her casting vote per Hutt City Council Standing Order 19.3.

RESOLVED: (Cr Hislop/Cr Mitchell)

Minute No. IARCC 21103

"That the Committee:

- (1) agrees that the alternative street names put forward to the committee in the officer's report and in statements be added to the list of Reserved Street Names; and*
- (2) urges that a review of the Street Naming Policy be completed as soon as possible."*

6. **PROPOSED NEW PUBLIC STREET NAME: SUBDIVISION OF 147 HOLBORN DRIVE, STOKES VALLEY (21/235)**

Report No. IARCC2021/1/47 by the Traffic Engineer

Speaking under public comment **Ms M Oliver** expressed support for a road name in Te Reo Māori. She suggested 'Nga Pukepuke' for the hills situated next to the new road.

Speaking under public comment, Cr Dyer read out a statement from **Mr K Osborne**, attached as page 11 to the minutes.

Speaking under public comment, Cr Dyer read out a statement from **Ms S Farquharson**, attached as page 11 to the minutes.

Speaking under public comment, Cr Dyer read out a statement from **Ms S Oliver**, attached as page 12 to the minutes.

Speaking under public comment, Cr Dyer read out a statement from **Ms K Minett**, attached as page 12 to the minutes.

The Traffic Engineer elaborated on the report.

The Traffic Asset Manager advised that officers recommended the name 'Te Awa Rere Grove' due to the commitment to use more Te Reo Māori street names and the street's close proximity to Te Awa Kairangi. He noted that if members wished to recommend an alternative name from public comments received, the proposed name would require the approval of Land Information New Zealand. A back-up street name would need to be nominated in the event it was not approved.

RESOLVED: (Cr Hislop/Cr Bassett)

Minute No. IARCC 21104

"That the Committee approves the name 'Te Awa Rere Grove' for the public road attached as Appendix 1 to the report."

These recommendations are made so the development may proceed to completion as a variety of utility connections and other administrative bodies require formalised street addresses in order for the necessary connections to be provided.

7. **PROPOSED TEMPORARY ROAD CLOSURE - MURITAI ROAD, EASTBOURNE - ANZAC DAY SERVICE 2021 (21/242)**

Report No. IARCC2021/1/48 by the Traffic Engineer - Network Operations

The Traffic Asset Manager elaborated on the report.

In response to a question from a member, the Traffic Asset Manager confirmed the advertising and publicity requirements for the proposed closure had been met.

RESOLVED: (Cr Hislop/Cr Dyer)

Minute No. IARCC 21105

"That the Committee:

- (1) *notes and receives the information;*
- (2) *notes that the recommendations should not be amended without first carrying out further consultation with affected parties, and verification from Council's Traffic Engineer that the amendment(s) are not likely to cause unreasonable impact on traffic;*
- (3) *agrees to temporarily close the following road, subject to the conditions listed in the attached Traffic Impact Report (attached as Appendix 1 to the report):*

Anzac Day Service – 2021: Sunday 25 April 2021 between the hours of 9:30am to 11:00am (attached as Appendix 2 to the report);

Muritai Road, Eastbourne (the section of road between the intersections of Rimu and Makaro Streets); and

- (4) *agrees to temporarily rescind the existing parking restrictions during the listed event, and impose a 'No Stopping' parking restriction on the following roads:*

Anzac Day Service – 2021: Sunday 25 April 2021 between the hours of 9:30am to 11:00am (attached as Appendix 2 to the report);

Muritai Road, Eastbourne (the section of road between the intersections of Rimu and Makaro Streets)."

For the reasons that the proposed road closure and parking restrictions are required to accommodate the annual Eastbourne Memorial Returned Services Association - Anzac Day Service 2021, and closures for previous years' events have not solicited any complaints from the public.

8. **PROPOSED TEMPORARY ROAD CLOSURES: LAINGS ROAD, KNIGHTS ROAD AND QUEENS DRIVE, HUTT CENTRAL - ANZAC DAY DAWN SERVICE AND WREATH LAYING 2021** (21/245)

Report No. IARCC2021/1/49 by the Traffic Engineer - Network Operations

The Traffic Asset Manager elaborated on the report.

In response to a question from a member, the Traffic Asset Manager confirmed advertising and publicity requirements had been met and there had been no objections to the proposed road closure.

RESOLVED: (Cr Hislop/Cr Bassett)

Minute No. IARCC 21106

“That the Committee:

- (1) *notes and receives the information;*
- (2) *notes that the recommendations should not be amended without first carrying out further consultation with affected parties, and verification from Council’s Traffic Engineer that the amendment(s) are not likely to cause unreasonable impact on traffic;*
- (3) *agrees to temporarily close the following roads, subject to the conditions listed in the attached Traffic Impact Report (attached as Appendix 1 to the report):*

Anzac Day Dawn Service – 2021: Sunday 25 April 2021 between the hours of 5:00am to 7:00am (attached as Appendix 2 to the report);

- (a) *Laings Road, Hutt Central (the section of road between the intersections of Myrtle Street and Queens Drive); and*
- (b) *Knights Road, Hutt Central (the section of road between the intersections of Stevens Grove and Laings Road); and*

Anzac Day Dawn Service and Wreath Laying – 2021: Sunday 25 April 2021 between the hours of 5:00am to 11:00am (attached as Appendix 2 to the report);

Queens Drive, Hutt Central (the section of road between the High Street roundabout and Laings Road); and

- (4) *agrees to temporarily rescind the existing parking restrictions during the listed event, and impose a ‘No Stopping’ parking restriction on the following roads:*

Anzac Day Dawn Service – 2021: Sunday 25 April 2021 between the hours of 5:00am to 7:00am (attached as Appendix 2 to the report);

- (a) *Laings Road, Hutt Central (the section of road between the intersections of Myrtle Street and Queens Drive); and*
- (b) *Knights Road, Hutt Central (the section of road between the intersections of Stevens Grove and Laings Road); and*

Anzac Day Dawn Service and Wreath Laying – 2021: Sunday 25 April 2021 between the hours of 5:00am to 11:00am (attached as Appendix 2 to the report); and

Queens Drive, Hutt Central (the section of road between the High Street roundabout and Laings Road).”

For the reasons that the proposed road closures and parking restrictions are required to

accommodate the Civic - Anzac Day Dawn Service and Wreath Laying 2021, and closures for previous years' events have not solicited any complaints from the public.

9. **PROPOSED TEMPORARY ROAD CLOSURE - REYNOLDS BACH DRIVE, SILVERSTREAM - HUTT VALLEY MOTORSPORT CLUB HILL CLIMB 2021** (21/250)

Report No. IARCC2021/1/50 by the Traffic Engineer - Network Operations

The Traffic Asset Manager elaborated on the report. He advised that consent for the road closure had now been received from the Silverstream Landfill.

In response to a question from a member, the Traffic Asset Manager confirmed that insurances were a condition under the safety plan for the event.

RESOLVED: (Cr Hislop/Cr Dyer)

Minute No. IARCC 21107

"That the Committee:

- (1) *notes and receives the information;*
- (2) *notes that the recommendations should not be amended without first carrying out further consultation with affected parties, and verification from Council's Traffic Engineer that the amendment(s) are not likely to cause unreasonable impact on traffic;*
- (3) *agrees to temporarily close the following road, subject to the conditions listed in the attached Traffic Impact Report (attached as Appendix 1 to the report):*

Hutt Valley Motorsport Club Hill Climb – 2021: Friday 2 April 2021 (Good Friday) between the hours of 7:00am to 6:00pm (attached as Appendix 2 to the report);

Reynolds Bach Drive, Stokes Valley (the section of road between the 'gates' to the end of Reynolds Bach Drive); and

- (4) *agrees to temporarily rescind the existing parking restrictions during the listed event, and impose a 'No Stopping' parking restriction on the following roads:*

Hutt Valley Motorsport Club Hill Climb – 2021: Friday 2 April 2021 (Good Friday) between the hours of 7:00am to 6:00pm (attached as Appendix 2 to the report);

Reynolds Bach Drive, Stokes Valley (the section of road between the 'gates' to the end of Reynolds Bach Drive)."

For the reasons that the proposed road closure and parking restrictions are required to accommodate the annual Hill Climb event, and closures for previous years' events have not solicited any complaints from the public.

10. REGULATORY MATTERS (21/147)

Report No. IARCC2021/1/51 by the Head of Environmental Consents and the Head of Regulatory Services and Emergency Management

Speaking under public comment, **Ms S Moffatt** elaborated on her submission attached as pages 13-15 to the minutes.

Speaking under public comment **Mr M Shierlaw** expressed frustration that excessive noise levels had not been reduced for residents living next to the Wainuiomata Cleanfill. He considered that noise assessments should not be undertaken by the same company that acted for Council. He recommended that Council instead enlist an independent acoustic engineer. He added that if an independent test still found a breach in noise levels the problem must be addressed.

In response to a question from a member, the Director, Environment and Sustainability confirmed Council had received a report from the Acoustical Society of New Zealand. She said Council would be reporting this to the 'Community Liaison Group for the Wainuiomata Cleanfill' (CLG) and would convey the regulator's determination on the report. She advised the Head of Environmental Consents would be acting for the regulator and the Director, Environment and Sustainability would be acting for the consent holder. She confirmed the acoustics report did identify an issue with engineering consultants performing the dual role of acting for Council and undertaking noise assessments. She said the Head of Environmental Consents would report his findings on this matter to the CLG.

RESOLVED: (Cr Hislop/Cr Shaw)

Minute No. IARCC 21108

"That the Committee receives and notes the information."

11. QUESTIONS

There were no questions.

There being no further business the Chair declared the meeting closed at 3.52 pm.

D Hislop
CHAIR

CONFIRMED as a true and correct record
Dated this 24th day of March 2021

Submission - Mr M Jennings

Tena koe,

On behalf of the descendants of Te Waari Tahana Rerengaio Angiotu, I would like to propose the following options; "Tahana Rerengaio" or "Te Waari Rerengaio" or "Tahana" or "Rerengaio" or "Te Waari" for the private road of the subdivision at no.1115 High Street, Taita. "Tahana Rerengaio" is the preferred choice in this instance.

As you will be aware from an archaeological assessment prepared by Victoria Grouden (M.A.) for the subdivision in February 2020, The site at 1115 High Street, Taitā, Lower Hutt is part of what was originally surveyed out as Hutt District section 58, one of the reserves (tenths) set aside for mana whenua by Colonel William McCleverty in 1847. Parts of three of these lots of the original Hutt District section 58 are included in the current development site at 1115 High Street, including Lot 14a of Tahana Ngaio, or as he is now known to his descendants, Te Waari Tahana Rerengaio Angiotu of Ngāti Tama and Te Āti Awa.

To my knowledge, it is likely that this Lot was originally conveyed to Tahana Rerengaio by Hēmi Pārai, as evidenced by other conveyances of Tenths land parcels by Hēmi Parai to Tahana Rerengaiio throughout Te Awa Kairangi, including Hutt District sections 120 and 121 where, as fate would have it, I currently reside.

Te Waari Tahana Rerengaio Angiotū was the son of the Ngāti Tama fighting chief Tahana Rerengaio Iand Te Whetū of Te Āti Awa. Tahana was born in Northern Taranaki in the early part of the 19th century and, as a young man, joined with his father in leading a group of their people to settle in Te Whanganui-a-Tara and Te Tau Ihu o Te Waka a Māui districts and, as such, his descendants still retain significant land interests in these areas.

During this Migration period, Te Waari Tahana Rerengaio Angiotū married Meri Makarini, half-sister of Ngārongoā Hūria Mātenga, daughter of Wikitōria Te Amohau Te Pūoho, and granddaughter of Henare Tātana Te Keha. Henare Te Keha was a first cousin to Hōniana Te Puni Kōkopu and Te Wharepōuri Te Kakapi o Te Rangi, and second-cousin to Manihera Te Toru Matangi, principally of Ngāti Tāwhirikura and Ngāti Te Whiti whakapapa. Henare Te Keha was the husband of Hūhana Te Awaiti Ngākirikiri of Ngāti Puketapu and Ngāti Te Whiti who, along with her brother, Pūmipi Te Rau, signed the Treaty in May of 1840.

Through his marriage with Meri Makarini, Tahana Rerengaio had three daughters, Ani Kaitawa, Mataaria Rei, and Meri Te Waari, the youngest two of whom succeeded to Lot 14a of Hutt District section 58 in 1898. Subsequently, in 1914, Meri Te Waari's interests were transferred to her children from her marriage to Tapuke Niu Tireni; Kehu Tapuke, Hikitia Mary Tapuke, Pōhatu Retimana Tapuke, Kahutai George Tapuke, and Rauhuia Julia Kārena Tapuke. I am aware that there was another child of Meri Te Waari, Hepetema Louie Whanganui, however he was not included in this title. I am the great-grandson of Pōhatu Retimana Richmond Tapuke.

Of behalf of the many descendants of Te Waari Tahana Rerengaio Angiotū, who now number in the many hundreds and include (but are not limited to) the Tapuke, Kipa, Skipper, Te Waari, Ward- Holmes, Meihana, Mason and Rei families, I would like to formally request the addition of the above naming options for the private road of the subdivision at no.1115 High Street, Taitā for consideration by Hutt City Council's Infrastructure and Regulatory Committee on Tuesday 9 March 2021.

Naku noa, Matiu Pōhatu Jennings

Submission – Mr K Osborne

Our family home is being built on this new street, we are very excited about it and can't wait to move in. We currently live on Holborn drive and love the area, we thank you for being able to be part of the process of naming the street.

While Te Awa rere is a nice link to the area we can't actually see the river from the subdivision so that the name is just a nice name and has little relevance. Whereas Bayswater has much more history & theme linked back to the entire suburb but particularly off Holborn drive. The streets off Holborn are all named after parts of London and more specifically Bayswater is where Robert Stokes after whom Stokes Valley is named passed away in Bayswater.

Our choice for our new home would be Bayswater.

Thanks for your consideration.

Kind regards
Kent Osborne.

Submission – Ms S Farquharson

I would like you to present two suggestions to the Infrastructure and Regulatory Committee meeting on 09 March 2021 for the name of the new roadway at 147 Holborn Drive Stokes Valley. I would like to see Te Reo Maori more widely used for naming within the Hutt Valley and present the following for the committee's consideration:

- 1) Te Pukepuke Grove
using the meaning "hill" - given that property numbers 1,2,3 in the subdivision are on a small hill at the beginning of the roadway and the roadway itself is at the top of a hill on Holborn Drive.
- 2) Te Pouaka Grove
using the meaning "chest" or "box" denoting the subdivision's "treasures" nestled at the summit of Holborn Drive

Thank you in advance for your assistance in this matter and I look forward to hearing from the committee once it has considered these suggestions.

Kind regards
Shirley Farquharson
Hutt Valley resident

Submission - Ms S Oliver

To the Hutt City Council members

Thank you for giving me the opportunity to have my say in the naming of the new subdivision in Stokes Valley located at 147 Holborn Drive.

I will be one of the homeowners in this new subdivision. I am excited to have the chance to be involved in the naming process.

Reading the report and two suggestions that have been put forward, my opinion would be to use Bayswater Grove.

I feel that Bayswater is more in alignment with the theme and the history of the surrounding streets and area. Many of the streets surrounding this new subdivision reference London suburbs and streets.

As the area is surrounded by trees, I feel that Grove is the appropriate road type.

Thanks for your time.

Stacey Oliver

Submission - Ms K Minett

I would like to see the road at 147 Holborn Drive, Stokes Valley name Te Awa Rere Grove.

The name refers to the Hutt River which is very nearby, and which residents of Holborn Hill and the wider community of Stokes Valley see every day. This link is much closer than the Bayswater link, which seems tenuous at best.

Although the street names on Holborn Hill are in keeping with a London theme, street names in the wider area of Stokes Valley are both Māori and English, so Te Awa Rere would not be out of place.

Te Awa Rere would also acknowledge the Māori who lived in the Hutt Valley for some 600 years before Europeans arrived. The name values the Māori heritage of Aotearoa. In contrast, Bayswater is yet another nod to colonialism, and we are all trying to better acknowledge the individuality and true history of New Zealand.

Ngā mihi,
Katie Minett

Submission - Ms S Moffatt

Wainuiomata Cleanfill - with affected resident input

Tena koe ko Sally-ann toku ingoa

I am here to suggest solutions and fill in some potential gaps in cleanfill reporting.

The cleanfill is due for its next independent audit in February. All compliance related information is now available online at the link below

<http://www.huttcity.govt.nz/Services/Rubbish-and-recycling/cleanfill/>

The audit is now complete and the cleanfill is currently non-compliant with three conditions: 12, 15 and 16.

In addition to this you'll also see in the report that Council officers were wrong and the Auditor agrees with residents that the CLG should have been notified of ALL construction works - therefore condition 14 and section 5 of the SMP did apply in that situation and we should have been notified in 2020.

Keep this in mind the next time officers insist that I am wrong.

The consent holder has provided a copy of their complaints register; this can be found at the link above.

Below is a list of the complaints the resource consent monitoring team have received since the previous regulatory matters report.

The issues I raised on Tuesday 15th September 2020 regarding the previous complaints register have not been fully addressed. We now know that the consent holder gave THREE complaints to the previous Auditor & this Regulatory Committee were provided with EIGHT.

Received	Actioned	Complaint	Action taken
19/09/2020	19/09/2020	Clouds of dust blowing from site	Rotomillings placed on area where dust is blowing from. Alternative solution i.e. polymer to be investigated
19/11/2020	19/11/2020	Tracking on the road	Road was cleaned. Drivers that were found not to be using the wheel wash have been banned from the site
26/11/2020	1/12/2020	Road not being swept adequately and not far enough down road. Trucks on wrong side of road passing truck washing the road	Road had been cleaned by the time the issues was raised, there was further correspondence with the complainant to clarify
18/02/2021	18/02/2021	Dust on Coast Road	Visit to Coast Road at 15:20, sweeper truck on site cleaning dirt spills on Coast Road and Main Road

14. We have received two (September and December) noise monitoring reports from Tonkin and Taylor that indicated the noise from the operations at the time of monitoring breached the noise limits set by conditions of resource consent.

The fact is that the last THREE noise reports show noise exceedances. July, September and December. Council are 3/3 so far with exceedances of noise.

The Acoustical Society of NZ conducted independent investigation and found improper conduct. Their summation is as follows: *"it was not possible to conclude with any reasonable degree of confidence that compliance with the consent conditions was achieved."*

15. The noise monitoring reports are a one-off sample of noise on a particular day. They are peer-reviewed by experts and the resource consents team work with the consent holder and their experts to find the best practical solution to any noise limit breaches observed on the day. The practice of the Resource Consents enforcement officers is that if the effects from a breach are not adverse and the consent holder is willing to undertake action to ensure compliance, formal enforcement is not necessarily undertaken.

Where is the peer review feedback? Is it in the report? Has it been acted upon and taken into account?

Peer reviews quotes:

August 2020: "incorrectly determined" and "insufficient"

Dec 2020: "insufficient measurements have been carried out to establish overall compliance."

Jan 2021: "As the bulldozer has previously been established as the loudest activity on site, then it can reasonably be assumed that noise levels would be higher at 199 Coast Road than those reported in the survey".

"the noisiest cleanfill activities have been under-represented"

Yet Council is still using the same company to conduct the tests and the same methods.

16. Since the noise limit breach at 199 Coast Road was noted in the September report, the consent holder has undertaken best practical options to mitigate the situation, this included talking to the affected person directly and moving the noisy equipment away from the affected property boundary. Furthermore, a sign has been put up to remind customers to not slam their tailgates. The operator has also banned customers that have not complied with their business rules.

Tailgate slams were raised by residents as an issue at the Hearing in 2019 - please explain why were they not addressed sooner? The peer reviews state that the noise adjustments are wrong - this indicates that there are in fact **more** breaches at **more** than one or two properties.

17. The December report has been peer-reviewed, and the reviewer determined that insufficient measurements have been carried out to establish overall compliance with the applicable noise limit (on a day to day basis). Where there have been minor exceedances of the noise limits, both owners have been spoken to and have not laid complaints.

The fact is that both of those owners were at the Hearing held in this very room opposing this cleanfill extension I see that is not mentioned in this report. Council didn't listen to them then when they warned of ongoing noise issues. I know for a fact that

what those owners want is for the cleanfill to CLOSE and to close soon and stop ruining the peaceful enjoyment of our properties

We have been complaining to Council about on-going noise, dust and other environmental effects since 2018 and here we still are today, except now your own testing proves our points.

18. Enforcement officers have asked for explanations from the consent holder about steps that can be undertaken to ensure the next round of monitoring is more representative and what changes to work practices can be implemented to ensure that works are clearly complying with the standard. A response is expected by 26 February 2021 and will be discussed at the next Community Liaison Group Meeting on the 4 March 2021.

The March 4 CLG meeting was cancelled by the HCC contractor/ Chairperson.

"Compliance by councils is important because of the scale and potential effects of their activities on the environment. Councils should also lead by example and hold themselves to the same (or higher) standard than the public in order to be credible as regulators. Internal compliance is particularly important for unitary councils, as there is no other council in their area to monitor compliance and hold them accountable for their decisions". (Local Authority Act)

I understand that any Council or Regulatory Committee are only as good as the data they are supplied with because effective decision making relies on accurate data. What we have here is a situation where we have expert peer reviews and expert independent investigations showing that the data Council have been using since at least July 2020 is not robust and has been found by qualified independent experts to be incorrectly determined.

I have a concern that I want to raise which is that I fear that Council is potentially damaging their credibility as regulators because your own data has been shown to be incorrectly determined and you're still using it and following its methodology. How can we work towards finding a solution and restoring faith?

I have some 'good will' suggestions for your consideration: I publicly and formally request that the Regulatory Committee:

- 1) Open an independent investigation into the 'improper conduct' uncovered by the Acoustical Society of NZ and subsequently into the reporting and the operations of the Wainuiomata Cleanfill (Investigator to be openly discussed and mutually agreed upon with CLG)
- 2) Ensure that all future noise reports of the Cleanfill are conducted by independent parties,
- 3) Ensure that all peer review feedback to date is accepted and incorporated in robust future testing and reporting,
- 4) Instruct the Consent Holder, as a gesture of good faith, to write and publish a written apology to the Community for noise exceedances and for the breach of condition 14 in 2020 (draft apology to be approved by CLG before it is publicised)
- 5) That as a gesture of good faith Council publicly announces and adheres to an earlier closing date for the Wainuiomata Cleanfill.

Sally-ann Moffat