

Decision on an application for a resource consent under the Resource Management Act 1991



Controlled activity

Application Number: LUC60365925
Applicant's Name: Watercare Services Limited
Site Address: 44 and 54 Greenwood Road, Mangere
Legal Description: Lots 11 and 12 DP 16117

Proposal:

Enabling works requiring the disturbance of contaminated land to allow for the storage of materials associated with the Central Interceptor Project

The resource consent is:

Land use consent (s9) – LUC60365925

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

- The undertaking of earthworks on land that is contaminated and where a detailed site investigation exists but compliance with the permitted requirements of Regulation 8 is not able to be achieved, is a **controlled activity** under Regulation 9(1).

I have read the application, supporting documents and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104 and 104A, the application is **GRANTED.**

1. Reasons

The reasons for this decision are:

1. The application is for controlled activity resource consent, and as such, under s104A of the RMA, only those matters over which council has reserved its control have been considered. Those matters are:
 - a. The adequacy of the detailed site investigation, including:
 - (i) site sampling;

- (ii) laboratory analysis; and
 - (iii) risk assessment.
- b. How the activity will be:
 - (i) managed, which may include the requirement of a site management plan;
 - (ii) monitored; and
 - (iii) reported on.
- c. The transport, disposal, and tracking of soil and other materials taken away in the course of the activity;
- d. The timing and nature of the review of the conditions in the resource consent; and
- e. The duration of the resource consent.

In addition, conditions have only been included in relation to those matters.

2. In accordance with an assessment under s104(1)(a) of the RMA, the actual and potential effects from the proposal will be of an acceptable nature and scale in this environment. This is because the proposed works have been designed in a manner that is respectful of their surrounding environment with any adverse contamination related effects appropriately mitigated by:
 - a. Minimising the risk of contamination exposure with respect to people and ensuring that all worked areas are remediated appropriately.
 - b. The positive effects in respect of the remediation of contaminated land.
 - c. With respect to s104(1)(ab), there are no specific offsetting or environmental compensation measures within the matters of control proposed or agreed to by the applicant.
3. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant provisions within the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. This is because appropriate site management and health and safety procedures will be implemented to minimise the risks from contaminant exposure, which in conjunction with the disposal of contaminated material at an appropriately licensed facility, ensures that human health is suitably provided for.
4. As a controlled activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters reserved for control under the plan. In this case, there are no other relevant matters.
5. The relevant statutory documents above were prepared having regard to Part 2 of the RMA and capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They provide a clear framework for assessing all relevant potential effects from the proposal, and thus there is no need to go beyond these provisions and look to Part 2 in making this decision, as an assessment against Part 2 would not add anything to the evaluative exercise.

6. Overall, the proposal is considered to result in acceptable actual and potential effects and is consistent with the relevant provisions of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 and Part 2 of the RMA.

2. Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

General

Application Documents

1. The consented development shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60365925:
 - a. Application form and Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited, Job No: 1015172.1200, Version 1.0, dated October 2020.
 - b. Preliminary Site Investigation and Soil Contamination Assessment, prepared by Babington and Associates (2004) Limited, Revision: 0, dated 9 October 2020.
 - c. Contaminated Land Site Management Plan, prepared by Beca Limited, version: [1.1 Final], dated 22 June 2020.

Consent Lapse

2. Under section 125 of the RMA, these consents shall lapse five years after the date they are granted unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.

Monitoring Fee

3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$680 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Before Construction Starts

Notification to Monitoring

4. The Council shall be advised, in writing, 10 working days prior to any works commencing, unless an alternative timeframe is agreed between all parties.

During Construction

Contamination Land Site Management Plan

5. All works shall be undertaken in accordance with the Contaminated Land Site Management Plan (CLSMP), prepared by Beca Limited, version: [1.1 Final], dated 22 June 2020, as referenced in condition 1.

Any variations to the CLSMP shall be submitted to the Council for certification that it appropriately manages actual and potential soil contamination effects and is within the scope of this consent. No works relevant to the requested variation shall occur until written certification is provided.

Advice Note:

The Council acknowledges that the CLSMP is intended to provide flexibility of the management of the works. Accordingly, the plan may need to be updated. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Council.

Dust

6. During soil disturbance works all necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil, and/or other dust suppressing measures shall be available to minimise dust discharges as far as practicable. The consent holder shall ensure that dust management during the excavation works comply with the *Good Practice Guide for Assessing and Managing Dust* (Ministry for the Environment, 2016).

Unexpected Contamination

7. If evidence of unexpected contamination (e.g. refuse / asbestos, discoloured, stained or odorous soil or groundwater) that has not been previously identified, is discovered during any earthworks, the consent holder shall immediately cease the works in this vicinity, notify the Council, and engage a Suitably Qualified and Experienced Contaminated Land Practitioner (SQECLP) to assess the situation (including possible sampling and testing) and decide on the best option for managing the material.

Sampling and Testing

8. All sampling and testing of contamination on the site shall be overseen by a SQECLP. All sampling shall be undertaken in accordance with the CLSMP and *Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils* (Ministry for the Environment, revised 2011).

Hygiene Measures

9. Good practice hygiene measures shall be adopted during earthworks and adequate decontamination and wash-up facilities shall be provided.

Off-Site Disposal

10. Excess soil or waste materials removed from the subject site shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination. Copies of the disposal dockets for the material removed from the site shall be retained and provided to the Council upon request.

Soil Stockpiles

11. If required, temporary stockpiles of soils excavated from the site shall be located within the site footprint in an area protected by erosion and sediment controls. Any stockpiles where the surface has not been stabilised through hydroseeding or similar measures, shall be covered with impermeable material during periods of heavy rain.

Cleanfill

12. The consent holder shall ensure that the contamination level of any imported soil complies with cleanfill criteria as defined by the Auckland Unitary Plan (Operative in Part), and evidence and receipts for the material retained and provided to Auckland Council upon request.

Following Completion of Construction

Works Validation

13. Within three months of the completion of earthworks on the site, a Works Completion Report (WCR) shall be submitted to the Council for review. The SVR shall be prepared by a SQECLP in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, revised 2011) and contain sufficient detail to address the following matters:
 - a. A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated;
 - b. Details and results of any testing, including validation testing undertaken on materials imported to site, and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations and the Auckland Unitary Plan (Operative in Part);
 - c. Records / evidence of the appropriate disposal for any material removed from the site and dockets of material imported to site;
 - d. Records of any unexpected contamination encountered during the works and response actions, if applicable;

- e.
- f. Conditions of the final site ground surface and details of any validation sampling undertaken on materials re-used on site or imported to site;
- g. Reports of any complaints, health and safety incidents related to contamination, and / or contingency events during the soil disturbance works; and
- h. A statement certifying that all works have been carried out in accordance with the requirements of the consent, otherwise providing details of relevant breaches, if applicable.

Advice Note:

The WCR shall enable the Council to update the property file information relating to soil contamination. Until an WCR is submitted and reviewed by the Council, the Land Information Memorandum for the property shall not be updated to reflect any soil contamination remediation work undertaken.

3. Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with conditions of consent, "the Council" refers to the council monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
4. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
5. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.

Delegated decision maker:

Name: Colin Hopkins

Title: Principal Project Lead
Premium Resource Consents

Signed:



20 November 2020

Date:
