

Application for Resource Consent

NOTICE OF DECISION

<u>Site Address:</u>	50 Landfill Road, Owhiro Bay
<u>Legal Description:</u>	Lot 1 DP 29398 and Lot 4 DP 26908.
<u>Applicant:</u>	Burrell Demolition Ltd and C & D Landfill Ltd (c/- Opus Consultants Int. Ltd)
<u>Proposal:</u>	1) Retrospective operation of a landfill (Zones 1 to 6) between 150 and 240 AMSL. 2) Operation of a landfill from 225 to 240 AMSL (Zones 4, 5 and 6) on contaminated land.
<u>Owners:</u>	Wellington City Council
<u>Service Request No:</u>	265761
<u>File Reference:</u>	1171080
<u>District Plan Area:</u>	Open Space B
<u>Notations in District Plan:</u>	Designation No. 61 (Refuse Disposal and Associated Works) Ridgeline & Hilltops (north, west and south)
<u>Activity Status:</u>	Discretionary (Unrestricted) - Operative District Plan

Decision One: Land Use

That officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104B of the Resource Management Act 1991 (the Act), **grant retrospective resource consent** for a landfill operation at **50 Landfill Road, Owhiro Bay** (being Lot 1 DP 29398), subject to the following conditions:

Conditions of Consent:

General:

- (a) The proposal must be in accordance with the information provided with the application Service Request No. **265761**.
- (b) The retrospective operation of a landfill occurred between 150 and 240 AMSL in Zones 1 to 6 as shown on the Opus Plan, Appendix A.
- (c) No further land filling, except as approved by Decision Two below, by any other relevant resource consent applied for and granted, or as otherwise permitted under the Designation, must occur on the site.

available as required in a civil defence emergency (either locally or nationally). The consent holder must keep a record of these occasions (which are expected to be infrequent and not occur on a regular basis). These records must be provided to the Council's Compliance Monitoring Officer on request.

Earthworks Stability – Supervision:

- (e) The consent holder's nominated suitably experienced geotechnical professional, GeoScience Ltd, must supervise all engineering aspects of the following remedial works:
- Reducing fill batter of slopes for fill to Zone 4, and where these slopes may extend into Zone 2.
 - No further alteration to the extents or edges of the landfill.
 - Hydroseed the semi-permanent fill batter slopes of the landfill.
 - Develop Landfill in accordance with the **SMP** dated August 2012.

Note: The consent holder is advised that a strategy for the ongoing assessment and repair of the existing culvert for the length between 75-110m until such time as it is no longer required for carrying overland flow through the landfill lease area would be required for future land use consents relating to the site.

- (f) The Engineer on completion of the earthworks construction must provide a completion statement/certification or PS4 to the Compliance Monitoring Officer. If the consent holder wishes to change their geotechnical professional they must advise the Council's Compliance Monitoring Officer in writing, at the time the change is made.

Re-Instatement of the Earthworked Areas: Zone 4, 5 and 6:

- (g) The consent holder must undertake landscaping, and site remediation, in accordance with the 'Site Rehabilitation Plan' (Site Management Plan, section 9, Appendix 2 of the application) and adapted to the site-specific requirements of Zone 4, 5 and 6 as outlined in section 4 of the additional information received 18 December 2012.

The landscaping/remediation will proceed generally as follows:

A – Expansion of Landfill

- Batter back of upper slopes of Zone 4.
- Capping layer to 0.5-1.0m depth placed, suitable drainage grades achieved.
- Grassing/hydroseeding and weed management.

B – Landfill Final Maximum Height (240m AMSL)

- Battering back of slopes of Zone 4.
- Capping layer to 0.5-1.0m depth placed, suitable drainage grades achieved.
- Removal of landfill plan and infrastructure
- Grassing/hydroseeding and weed management.

In either scenario the Councils' Compliance Monitoring Officer will undertake a final inspection to determine that landscaping/remediation works have proceeded in accordance with the remediation plan.

Note:

- i) Site landscaping/remediation works may proceed beyond the 1 August 2013 at the discretion of the Council's Compliance Monitoring Officer and in accordance with any requirement of the Greater Wellington resource consents.

Reasons for Decision:

1. The effects of the proposal on the environment will be no more than minor and no parties will be adversely affected.
 2. The proposal is in accordance with the relevant objectives and policies of the District Plan, NES and Part 2 of the Act.
 3. There are no special circumstances.
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<p>The undertaking of a landfill operation, both retrospective and time limited, is not a permitted recreational activity in Open Space B.</p> <p><input checked="" type="checkbox"/> There are no relevant Standards and Terms.</p>	
<p>Use of Contaminated Land: Rule 32.2.1</p> <p>The use of contaminated land (Greater Wellington ref SN/05/124/02) is sought.</p> <p><input checked="" type="checkbox"/> There are no relevant Standards and Terms.</p> <p><input checked="" type="checkbox"/> A non-notification clause applies.</p>	<p>Discretionary (R)</p>

Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity** under the Operative District Plan.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES):

<p>Disturbing of Contaminated Land: Regulation 11</p> <p>Disturbance of land which is not a Permitted, Controlled or Discretionary (Restricted) Activity (a detailed site investigation has not been provided and more than 25m³ per 500m² is disturbed) is proposed.</p>	<p>Discretionary (U)</p>
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Overall, the proposal is assessed as a **Discretionary (Unrestricted) Activity** under the NES.

SECTION 95 ASSESSMENT - NOTIFICATION ANALYSIS

Permitted Baseline:

The applicant has presented a permitted baseline argument for a possible landfill operation that may only require an outline plan to implement. This conclusion is based on the designation (no. 61) which is for 'Refuse Disposal and Associated Works', which covers the entire site. I note, however, that the actual area of filling for this designation may only occur in the area defined under Appendix M, Chapter 24; the C & D Landfill site is outside of this area. Given that a landfill operation is, otherwise, not a permitted activity under the Open Space rules there is no applicable permitted baseline for this type of activity.

Potential Adverse Effects – Operative District Plan & NES:

Actual and Potential Effects on the Environment: No More than Minor

I consider the AEE prepared by the applicant to generally provide an accurate assessment of the likely and potential effects of the proposal. This assessment has therefore been adopted, with the following comments:

Landscape and Visual Effects:

- Section 95A(2)(a)/95D Adverse effects are no more than minor and public notification is not required.
- Section 95B/95E Adverse effects on any person are less than minor and no parties will be adversely affected.
- Section 95A(4) There are no special circumstances relating to this proposal which requires it to be publicly notified.
- On this basis the application will be assessed on a non-notified basis.

SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION

Section 104(1)(a) – Effects Assessment:

A consideration of the effects on the environment has been made above. The matters discussed and the conclusions reached are also applicable to section 104(1)(a) considerations.

Positive Effects:

In addition to the above mentioned environmental effects I consider the proposal to have the positive effect of setting specific boundaries on further use of the site while allowing a limited amount of filling to occur in the interim.

Summary:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

Section 104(1)(b) - Relevant Planning Provisions:

In considering this application the Council has had regard to relevant provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement (RPS) and proposed RPS
- The Wellington City District Plan and the relevant plan changes

District Plan:

The following objectives and policies and assessment criteria are considered relevant to the proposal:

Operative District Plan:

Criteria 17.2.4.4 to 17.2.4.6
Criteria 17.3.2.4

Objective 16.5.3; Policy 16.5.3.3
Objective 31.2.1; Policy 31.2.1.2

In assessing the application in relation to these objectives, policies and assessment criteria I have consulted with the following experts within the Council:

Resource consent is granted subject to conditions. These conditions include that the proposal must be constructed in accordance with the information provided within the application and the approved plans as set out under condition (a). There are also conditions relating the duration of the consent, landfill height, site management, landscaping, stormwater control and monitoring of the resource consent.

CONCLUSION

Operative District Plan and NES:

The effects of this proposal are acceptable and the proposal is consistent with the objectives and policies of the Operative District Plan and NES. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

Report prepared by: Brett Smith



Brett Smith
Delegated Officer

(4 March 2013)

Delegated Authority No. (1 & 2)



Bill Stevens
Delegated Officer

(4 March 2013)