

Resource Consent

RESOURCE MANAGEMENT ACT 1991

Consent No. WGN160103 [35062]

Category: Land use consent

Section 127 Change of Conditions 1, 13, 14, 15, 16 and 17

Pursuant to sections 104B, 108 and 127, and subject to all the relevant provisions of the Resource Management Act 1991 and any regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

Name	Winstone Aggregates – a division of Fletcher Concrete and Infrastructure Limited	
Address	PO Box 17915, Greenlane, Auckland 1546	
Duration of consent	Granted: 11 December 2015	Expires: Unlimited
Purpose for which right is granted	To construct a bore, being the extraction of gravel which will form a lake once groundwater is intercepted.	
Location	61-67 Te Roto Road, Ōtaki at or about map reference NZTM 1782474.5484279	
Legal description of land	Lot 1 DP 52060, Lot 3 DP 312350 and Lot 4 DP 312350	
Conditions	1-20 as attached	

For and on behalf of
WELLINGTON REGIONAL COUNCIL



.....
Team Leader, Environmental Regulation

17 November 2017
Date:

Summary of your rights and responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

You may exercise the resource consent as you see fit provided that you comply with all the conditions of your resource consent and all other laws of the land.

If you wish to change the way you operate under this resource consent or if you wish to change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You as the holder(s) of this resource consent and your agents (including contractors and employees), are jointly and severally liable for compliance with the conditions of this consent. It is important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC Enforcement Officers access to your site and operation at any reasonable time so that we can inspect your operation and confirm that it is complying with your resource consent.

Your resource consent will lapse if you do not give effect to it within five years of the date it was granted (unless otherwise specified in the resource consent conditions). If you wish to apply for an extension of this lapse date please contact GWRC before the lapse date.

If you stop using your resource consent for a continuous five-year period, GWRC may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is awaiting hearing or awaiting settlement by the Crown.

Conditions to Resource Consent

WGN160103 [35062]

- 1.¹ The location, design, implementation and operation of the gravel extraction activity shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 3 November 2015 as well as the application and any other supporting information for the Change of Consent conditions received 25 October 2017.

Where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note 1: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

Note 2: For the avoidance of doubt the consent holder cannot exercise this consent until such time as the necessary land use consents have been obtained from Kāpiti Coast District Council.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days' (48 hours) notice prior to the works commencing.

Note: Notifications must be emailed to notifications@gw.govt.nz. Please include the consent reference WGN160103 and the name and phone number of a contact person responsible for the proposed works.

3. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor the undertaking works authorised by this consent, prior to the works commencing.

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

4. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request

Pre-construction meeting

5. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of **10 working days'** notice, the Greater Wellington Regional Council and the contractor undertaking the works.


Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Site management plan

6. The consent holder shall provide to the Manager, Environmental Regulation, Wellington Regional Council at least 5 working days prior to works commencing, a Site Management Plan that will include details of (but not be limited to):

- Responsibilities and contact details of all parties responsible for the operation;

¹ Condition changed under s127 of the RMA, granted 17 November 2017



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- Hours and times of operation;
- Traffic management;
- The construction and formation of the stopbank crossing;
- Fencing;
- The construction and formation of the noise attenuating bunds (including the planting, watering and maintenance of the bunds);
- The operation of equipment to avoid excessive noise,
- The nature and staging of the quarrying activities;
- The collection and response to complaints;
- The avoidance of offensive or objectionable dust beyond the boundary of the site; and
- Rehabilitation;
- Creation and restoration of eco-islands.

Any updates to the Site Management Plan shall be provided to the Manager, Environmental Regulation, Wellington Regional Council, as soon as practicable.

7. The consent holder shall ensure that the location, extent, and depth of excavation is no greater than that proposed in the consent application and its associated plans and documents lodged with the Wellington Regional Council on 3 November 2015. Any erosion, scour or instability of the bed or banks of the pit or formed waterbody that exceeds the extent shown in the consent application shall be reinstated or remedied by the consent holder to a standard, and within a timeframe, to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Note: Any additional works (including structures, reshaping or disturbance to the banks or bed of the pit/lake) outside the scope of this resource consent may require further resource consents.

Preventing the discharge of unauthorised contaminants

8. The consent holder shall take all necessary precautions to prevent any discharge of contaminants to the pit or formed waterbody, other than sediment in stormwater runoff.
9. In the event of a discharge of unauthorised contaminant(s) to water or to land in a manner that may enter water, including but not limited to fuel, hydraulic fluid, overspray of weed killer, contaminated soil or leachate, the consent holder shall:
 - a) Take immediate steps shall be taken to contain the contaminant
 - b) Ensure that the contaminants and any material used to contain it are removed from the site and disposed of at an authorised landfill
 - c) Immediately notify the Manager, Environmental Regulation, Wellington Regional Council of the spill or contamination and of the actions taken to remediate and mitigate any adverse environmental effects
 - d) If requested, undertake water quality sampling and any other actions necessary to remediate or mitigate any adverse effects on the environment, to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Note: A discharge of an unauthorised contaminant is deemed to be non-compliance. The Greater Wellington Regional Council may investigate any incidents or breaches associated with this consent or the Resource Management Act 1991, and may also undertake enforcement action depending on the circumstances.

Cleaning of machinery

10. The consent holder shall ensure that:
 - a) All machinery to be operated on the site (excluding trucks) is thoroughly cleaned of vegetation (e.g. weeds), seeds or contaminants at least 10 metres away from any waterbody, water flow channel or stormwater system, prior to entering the site



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- b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works
- c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water.
- d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system

Accidental discovery protocol

- 11. If koiwi, taonga or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall contact Ngā Hapū o Ōtaki, Heritage New Zealand and Wellington Regional Council within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

Annual gravel extraction report

- 12. The consent holder shall provide a report detailing the amount, location and extent of gravel extraction, including plans and cross-sections, to the Manager, Environmental Regulation, Wellington Regional Council, by 1 November each year.

Note: The report must be sent to notifications@gw.govt.nz. Please include the consent reference (WGN160103) and the name and phone number of a contact person responsible for the report.

Water quality sampling

Purpose of water quality monitoring conditions

Intercepting the water table increases the potential of groundwater contamination from activities on the surface of the water (e.g. birds). The intent of the following consent conditions is to:

- monitor the levels of contaminants in the groundwater at the boundary of Ashford Park, downgradient of the lake to determine if the levels of e.coli are low enough to ensure die-off before reaching the closest private bore (72 Te Roto Road)
- Monitor surface water at Ashford Park to determine if any groundwater contamination is due to contamination of the surface water, or if it is from another source (eg. upstream activities beyond Ashford Park)
- Continue to monitor the effects of the activity on an annual basis as excavations progress.

- 13.² The consent holder shall take water samples from the following two locations on the same day at intervals not greater than 3 months unless a different frequency is agreed to in writing by the Manager, Environmental Regulation, Wellington Regional Council:

- (a) Groundwater from Bore BN33/0023 (on the boundary of Ashford Park and 72 Te Roto Rd); and
- (b) Surface water from the lake being created by the consent holder's extraction activities at Ashford Park.

² Condition changed under s127 of the RMA, granted 17 November 2017

The samples shall be analysed for:

- (a) *Escherichia coli* (cfu/100ml); and
- (b) Total Petroleum Hydrocarbons (g/m³).

These parameters may be amended as agreed with the Manager, Environmental Regulation, Wellington Regional Council.

All samples shall be analysed within two days of collection, and in accordance with the latest edition of "The standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE, or such other standards as may be approved by Wellington Regional Council.

The results of sample analyses shall be forwarded to Wellington Regional Council, the Community Liaison Group and Kapiti Coast District Council within a week of the samples results being received by the consent holder.

Note 1: The results of any water quality analyses can be sent to notifications@gw.govt.nz. Please include the consent reference (WGN160103 [35062] / WGN160103 [35063]) and the name and phone number of a contact person responsible for the results.

Note 2: The basis for Condition 13 is taken from KCDC land use consent RM150184 Condition 61. RM150184 authorises the extraction of gravel, removal of vegetation and earthworks of Ashford Park and was a notified consent, meaning that the conditions of consent incorporate the views of all parties to the hearing.

- 14.³ The consent holder shall ensure all water samples are taken by a suitably trained person, are as per the latest edition of "The standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE and the Ashford Park Water Sampling Plan approved by Wellington Regional Council (September 2017).
- 15.⁴ The consent holder shall ensure all water samples are taken by a suitably trained person, are as per the latest edition of "The standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE and the Ashford Park Water Sampling Plan approved by Wellington Regional Council (September 2017).

Note: Local rainfall data can be obtained from the closest operational Wellington Regional Council rainfall monitoring site as listed at www.graphs.gw.govt.nz

Note: The results of any water quality analyses and/or monitoring must be sent to notifications@gw.govt.nz. Please include the consent reference (WGN160103) and the name and phone number of a contact person responsible for the results.

Water Quality Limits

- 16.⁵ Should the measured value of E.coli at the groundwater bore BN33/0023 be greater than the alert level (>260cfu/100mL) for Recreational Water Quality and a similar or greater E.coli count is measured in the surface water sample of the excavated lake, then the consent holder shall:
 - Immediately advise the Manager, Environmental Regulation, Wellington Regional Council within 48 hours of receipt of the results;
 - Immediately begin an investigation into the cause of the elevated E. coli in the groundwater bore and surface water. The investigation is to include, but is not limited to; activities at Ashford Park, rainfall in the past 48 hours, stock access to Ashford Park, additional water quality monitoring;
 - Within one month of receipt of the elevated sample results, submit a report to the Manager, Environmental Regulation, Wellington Regional Council on the investigation undertaken, any potential sources of

³ Condition added under s127 of the RMA, granted 17 November 2017

⁴ Condition added under s127 of the RMA, granted 17 November 2017

⁵ Condition added under s127 of the RMA, granted 17 November 2017



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contamination identified, and any remedial measures that shall be undertaken to mitigate any adverse environmental effects.

Note 1: The report and notification must be set to notification@gw.govt.nz. Please include the consent reference (WGN160103 [33757] / WGN160103 [33758]) and the name and phone number of a contact person responsible for the report).

Annual Water Quality Report

17. ⁶ From 2018, the consent holder shall provide an annual report which analyses the water quality sample results as required under condition (13) and assess the results for any trend against all water quality samples taken to date. The trend analysis shall look at any increases or decreases in E.coli and total petroleum hydrocarbon samples, and the relationship between the groundwater and surface water results. The analysis should also consider weather conditions and rainfall at the time of sampling as required by condition (15). The report shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council, by 1 November each year.

Note 1: The report can be submitted with the annual gravel extraction report required by condition (12) of consent WGN160103 [35062] and condition (14) of WGN160103 [35063].

Note 2: The report must be set to notification@gw.govt.nz. Please include the consent reference WGN160103 [35062] / WGN160103 [35063] and the name and phone number of a contact person responsible for the report.

Complaints


18. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:
- The name and address of the complainant (if provided)
 - The date and time that the complaint was received
 - Details of the alleged event
 - Weather conditions at the time of the complaint, and
 - Any measures taken to mitigate/remedy the cause of the complaint

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

Review condition

19. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
 - b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
 - c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
 - d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

⁶ Condition added under s127 of the RMA, granted 17 November 2017


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The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the "exercise of the consent" is deemed to be once the works authorised by this consent have commenced.

20. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.



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