

Consents Management Department Report

Rob Forlong, Manager

October 1999

1. Notified Consents

See attached sheet.

2. Appeals

Taranaki Wharf

The decision on the Taranaki Wharf development was appealed by Waterfront Watch. While the Wellington Regional Council was named as a respondent to the appeal, it is clear that it does not apply to our consents. Our solicitors have written to the Environment Court explaining the position.

Owhiro Bay Boat Ramp

The Owhiro Bay boat ramp appeal goes to the Environment Court in December 1999.

Paraparaumu and Waikanae Sewage Treatment Plants

We remain in discussions over the Paraparaumu and Waikanae Sewage Treatment Plant appeals. We have reached agreement with KCDC on their appeals on the Paraparaumu consents and we are still working on the Waikanae consents. The other appellant is the Waikanae Residents and Ratepayers Association. We are meeting with them again on 18 October 1999.

Porirua Sewage Treatment Plant

We are in general agreement with PCC over their appeal. Once that is finalised we will seek formal mediation with the other appellant, the Titahi Bay Residents and Ratepayers Progressive Association Inc.

3. Compliance

3.1 General

The issues surrounding the C&D Landfill, the Medical Waste Limited incinerator, unauthorised stream works in the Moonshine stream, and the unauthorised use of boatsheds have kept us very busy in the compliance and enforcement area.

Medical Waste Limited

We remain on target to begin the review of Medical Waste's Resource Consent conditions in November. Given the relationship between CentrePort and Medical Waste Limited, it is likely that independent commissioners will hear the review.

Unauthorised Works – Moonshine Stream

We are presently working with the Flood Protection Group, investigating ways we can remediate a series of problems caused by unauthorised works on the Moonshine Stream. A consent holder significantly exceeding the bounds of their resource consent which has meant that there are potential erosion issues both up and downstream. Once we have worked out how best to solve the problem we will decide what further enforcement action needs to be taken.

3.2 Abatement Notices

Burrell Demolition, Alex Burrell

We have issued a further five abatement notices to Burrell Demolition Limited and one of its Directors, Mr Alex Burrell, since the last meeting. They relate to a number of problems associated with the C&D Demolition Landfill (See prosecutions below).

Boatsheds

We have issued abatement notices to people who stayed overnight in their boatsheds without a resource consent. They were:

- CE Best;
- Craig Talbot;
- Leslie Merson;
- Ashley Firth;
- Dion Leen; and
- Spencer Giddens,

A further five abatement notices were issued to:

- Powell and Rae Lewis;
- Graham Inwood;
- Darryl Walker; and
- Oriel Martin and Kerrie Mercer.

These people all have resource consents to stay overnight in their boatsheds for up to 35 nights. A requirement is that they log each stay. Our surveillance programme showed that the logs were not accurate.

3.3 **Enforcement Orders**

Anglian Water International (NZ) Limited and Wellington City Council (Moa Point Sewage Treatment Plant)

The application remains adjourned. The independent report on the odour issue is almost finalised and we will shortly meet with all parties to see if we can agree on future actions.

The situation remains much improved on what we had this time last year.

Burrell Demolition Limited, Alex Burrell, C&D Landfill Limited, and John Morgan

On 16 September 1999, both the Wellington City Council and Wellington Regional Council applied to the Environment Court for an Interim Enforcement Order to require the cessation of dumping of material immediately above a culvert intake in the landfill. The Court granted the Interim Enforcement Order.

3.4 **Prosecutions**

Burrell Demolition Limited, Alex Burrell, C&D Landfill Limited and John Morgan.

The defendants have elected trial by jury. We are yet to confirm court dates.

4. **Other**

Regional Councils' Performance Indicator Project

Councillors don't hear much about the "behind the scenes" work with other regional councils. However, I'd like to highlight the joint regional council consents performance indicator project, as it should deliver significant benefits to all regional councils. The project should mean that regional councils have the ability to benchmark their consent processing performance and thus drive improvements. This sort of project can only come about because regional councils are prepared to co-operate with each other, even if it potentially means changing our practices.

Applicant	Proposal	Date Consent Lodged	Date Submissions Closed	Number of Submissions Received	Pre-hearing Held	Hearing Held	Hearing Committee Members	Date Decision Released	Granted or Declined
Kapiti Coast District Council	Consents associated with the Paraparaumu Wastewater Treatment Plant	12/03/98	28/05/98	19	13/08/98	13/09/98 to 14/09/98 Interim decision released Hearing reconvened on 15/03/99	Councillor Buchanan, Councillor Shields, Te Taru White (Commissioner)	Final decision released on 22/04/99	Most consents Granted with Conditions Now Under Appeal
Porirua City Council	Consents associated with the Porirua Wastewater Treatment Plant	20/12/97	27/05/98	7	Applicant chose not to have a pre hearing	07/12/98 Interim decision released Hearing reconvened on 23/4/99	Councillor Buchanan, Councillor McDavitt, Ian Stewart (Minister of Conservation appointee)	Final Decision released on 03/06/99	Recommendation to Grant (must go to the Minister of Conservation for final approval) Now Under Appeal
Kapiti Coast District Council	Consents associated with the operation and upgrade of the Waikanae Wastewater Treatment Plant	19/06/98	24/07/98	23		17/09/98 to 18/09/98 Interim decision released Hearing Reconvened on 15/03/99	Councillor Buchanan, Councillor Shields, Te Taru White (Commissioner)	Final Decision released on 22/04/99	Declined Now Under Appeal
Wellington City Council (Commissioning) ¹	To construct a boat ramp at Owhiro Bay	04/06/98	24/07/98	31	18/08/98	02/09/98 to 03/09/98	Russell Howie (Commissioner), Frank Boffa (Commissioner)	16/09/98	Granted with Conditions Now Under Appeal
Peter Hunt ²	Consents associated with the development and operation of a cleanfill	13/02/98	15/09/98	3	Application has been stopped because applicant is yet to pay a Notified application fee				

Tapu Te Ranga ¹	Consents associated with the operation of a cleanfill	11/11/98	08/08/99	73			Councillor Buchanan, And from WCC Councillors Armstrong and Hutchings	Decision due to be released shortly.	
ProMall ³	Consents associated with the development of a new shopping mall. Regional Council consents consist of several bridges, realignment of part of a stream and construction of artificial lakes	05/02/99	25/06/99	250+		Hearing delayed until UHCC has heard related variation to their District Plan			
United Environmental Ltd	A consent to discharge contaminants into air arising from the operation of a liquid and hazardous waste processing plant and associated activities.	23/02/99	08/04/99	49 (4 of which were late)	15/04/99	16/06/99 and 23/06/99	Councillor Buchanan, Councillor Gibson, Councillor Shields,		Granted, with conditions
Lambton Harbour Management ¹	Consents associated with the development of the Taranaki Street Wharf and Lagoon area	09/04/99	21/05/99	77		Hearing Scheduled for 04/08/99 05/08/99 06/08/99	Councillor Buchanan, Tony Town (Commissioner)	06/09/99	Granted with conditions. Now under appeal
Upper Hutt City Council	Culvert – Marchant Road	11/08/99	08/09/99	2	No pre-hearing held at applicant's request.	24/09/99	Councillor Buchanan, Allen	Decision due to be released shortly	
Marathon Developments and Porirua City Council	Consents associated with the development of the lower Taupo Swamp area	21/08/99	17/09/99	26					
Living Earth Joint Venture Limited	Variation to Biosolids Consents	21/08/99	17/08/99	12	No pre-hearing held at applicant's request.	06/10/99 07/10/99	Councillor Buchanan, McDavitt, Gibson		
WRC Operations (Wairarapa)	Culverts – Wakawiriwiri Stream	21/08/99	17/09/99	14	06/10/99				

Chemwaste	Discharge to air of contaminants arising from the treatment of industrial wastes	02/10/99	03/11/99						
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- 1 These applications were heard jointly with Wellington City Council
- 2 These applications will be heard jointly with Porirua City Council
- 3 This application will be heard jointly with Upper Hutt City Council