

Response ID ANON-URZ4-5FQ8-S

Submitted to Fast-track approval applications
Submitted on 2024-05-03 14:46:08

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:
NZ Cleanfill Limited

2 Contact person

Contact person name:
Peter Bishop

3 What is your job title

Job title:
Director - NZ Cleanfill Limited

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

Level 3, 40 Onehunga Mall, Onehunga, Auckland, 1061, New Zealand

7 Is your address for service different from your postal address?

Yes

Organisation:
Saddleback Planning Limited

Contact person:
Joe Gray

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Principal Planner

Please enter your service address:

s 9(2)(a)

Section 1: Project location

Site address or location

Add the address or describe the location:

469 Ridge Road, Pokeno 2472

File upload:

231006 Pokeno Cleanfill - Fast Track Memo BOUND.pdf was uploaded

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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Who are the registered legal land owner(s)?

Please write your answer here:

Droim Moir Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The applicant has a sale and purchase agreement with the land holder.

Section 2: Project details

What is the project name?

Please write your answer here:

469 Ridge Road Cleanfill

What is the project summary?

Please write your answer here:

To establish a cleanfill activity that will accommodate approximately 1.32M m3 of imported cleanfill to help address the current shortage of cleanfill sites in the area and accommodate future development throughout South Auckland and North Waikato.

What are the project details?

Please write your answer here:

This project will deliver regionally significant infrastructure, both directly and indirectly. The cleanfill is a crucial piece of infrastructure in and of itself, providing space to deposit fill arising from greenfield development, construction and demolition in a region that is rapidly developing. Sites that accept cleanfill are becoming scarce across South Auckland and North Waikato. As a result, the cost of disposing of cleanfill is increasing significantly and developers are transporting cleanfill long distances to dispose of it.

The proposed cleanfill activity is significant in scale and is close to key growth areas, such as Drury South. Given that there are limited cleanfill sites within this rapidly growing area, it is anticipated that the proposal will result in material reduction in cost in both tip rates and transport.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

It is estimated that the cleanfill activity will take approximately 10 years to get to the proposed finished level. The lowest parts of the site will be stripped in the first instance and the cleanfill will develop in staged "lifts". Once the design limit is reached the finished landform will be rehabilitated back to arable land.

What are the details of the regime under which approval is being sought?

Please write your answer here:

The following resource consents under the Resource Management Act 1991 are required:

Operative Waikato District Plan

- Consent as a discretionary activity under rule 23A.1.4(2) for the operation of a cleanfill.
- Consent as a restricted discretionary activity under rule 15.5.2(ii) for general earthworks.

Proposed Waikato District Plan

Consent as a discretionary activity under rule GRUZ-R41 for the operation of a cleanfill.

Consent as a restricted discretionary activity under rules EW-R21 and EW-R22 for general earthworks.

Consent as a restricted discretionary activity under rule ECO-R3 for earthworks in a SNA.

Consent as a discretionary activity under rule ECO-R9 for vegetation clearance in an SNA.

Waikato Regional Plan

Consent as a discretionary activity under rule 4.3.4.4 for reclamation of a riverbed.

Consent as a discretionary activity under rule 5.1.4.15 for earthworks in a High Risk Erosion Area.

Consent as a discretionary activity under rule 3.5.4.4 for discharges of contaminants to a waterbody (drainage to the Waikato).

National Environmental Standards for Freshwater 2020

Consent as a discretionary activity under Regulation 45B for clean fill within a wetland.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Consent as a restricted discretionary under Regulation 10 to remediate a contaminated site.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Waikato District Council and Waikato Regional Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Applications for resource consents from Waikato District Council and Waikato Regional Council are being prepared in parallel and are to be lodged in the near future. If the project is referred by the Minister to the Expert Panel, the applications will be withdrawn immediately.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

It is likely that approval will be required from Transpower to work within the vicinity of transmission lines. A package of information is being prepared for submission to Transpower to support discussions.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Funding is available to start work as soon as the necessary approvals are in-hand.

It is anticipated that detailed design and procurement can be completed over a 2-month period. Subject to the necessary approvals, it is anticipated that site preparation work will commence this earthworks season and the site will start receiving cleanfill in late 2024.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

The following Iwi have been made aware of the proposal and feedback has been sought:

- Ngaati Naho Trust
- Ngaati Tamaoho
- Ngaati Te Ata
- Ngaati Aamaru

Resource consents are required from the following local authorities:

- Waikato District Council
- Waikato Regional Council

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

An email was sent on April 18th, 2024, to all the iwi organisations listed above. The email outlined the proposed cleanfill activity and initial development plans were provided within the email. A request was made to meet on the 8th of May to discuss the proposed activity further with the relevant iwi

organisations.

The following pre-application meetings with local authorities have been held:

Meeting with Waikato District Council on 4 April 2024. The meeting was convened by Josef Holland, Senior Planner.

Meeting with Waikato Regional Council 11 April 2024. The meeting was convened by Brian Richmond, Project Manager.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not applicable.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

There are no statutory acknowledgement areas that interstect the site, however Ngati Tamaoho has a statutory acknowledgement area identified as 'Mangatawhiri River and its tributaries' that is adjacent to the subject site. The intention is to continue to work with Ngati Tamaoho to better understand the values of the features and ensure those values are protected as part of the development.

There are no other statutory acknowledgement areas within the vicinity of the site.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The proposal will require topsoil stripping of approximately 184,000m². It is anticipated that the cleanfill will operate for approximately 10 years.

Appropriate erosion and sediment controls will be established and operated to minimise impacts on downstream water quality. The final drainage controls and finished landform have been designed to ensure that the downstream wetland hydrology (see below) is maintained and there is no material increase in flood risk on adjacent properties. The concept erosion and sediment controls are attached, along with a civil engineering design report, is attached.

Some of the area that is required to be stripped is identified as Highly Productive Land (HPL). The total area of HPL that will be impacted by the proposal is 19ha. To ensure that the productive capacity of the land is maintained or enhanced, the upper subsoil and topsoil will be stripped and stockpiled separately. On completion of the clean filling activity, the subsoil will be reinstated, followed by the topsoil. It is anticipated that the finished landform will result in approximately 39ha of new arable land. A technical assessment in relation to impacts on HPL is attached.

There are also several features within the cleanfill footprint that meet the definition of wetland. Overall, the proposal will result in the reclamation of approximately 1.2ha of the eastern wetlands which are significantly degraded and adversely impacted by the site's current land use. It is proposed to mitigate the ecological impacts by establishing and planting a wetland area of approximately 1.82ha. A range of planting is proposed to mitigate and offset the wetland reclamation:

- Planting of a buffer around the new restoration wetlands
- Planting of a 10 m buffer around the identified wetlands on the western region of the site in general accordance of Attachment A.
- Planting of a minimum 40 m ecological corridor along the central stream.
- Planting of a 10 m buffer around SNAs.
- Additional planting to connect the western most SNA to the rest of the proposed planting.

A technical ecological assessment is attached.

An area of historical contamination has also been identified within the site that will be rehabilitation as part of the project. Details of the existing contamination is attached. A detailed land contamination assessment is currently underway that will inform the rehabilitation requirements.

Other potential adverse effects include:

- Traffic effects. Ridge Road is well-trafficked Road that already experiences high-volumes of traffic movements due to similar activities that have established nearby.
- Nuisance effects (dust, noise etc). There are large separation distances from adjacent dwellings and appropriate measures can be put in place to limit adverse effects to within the site.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

NPS-HPL

The site has 19ha of HPL, all of which will be affected by the cleanfill in operation. Although the operation of the cleanfill is not utilising the HPL for land-based primary production, it is important to note that the productive capacity of the land will be maintained and potentially enhanced as a result of the cleanfill activity when viewed in its entirety. The upper subsoil and topsoil will be stripped from the site and stockpiled separately. After the cleanfill activity is completed, the subsoil and topsoil will be reinstated to create a 38ha area of arable land on site. Provided that the soil remediation guidelines are followed, the reinstated soil will be as productive as undisturbed soils on similar slopes. It is probable that the productive capacity of the site will be increased following the soil restoration. Firstly, the steep, primarily LUC 4 land on site will be replaced with undulating and rolling LUC 2-3 land and secondly, the non-contiguous LUC 3 areas will become contiguous improving the utilisation of the site for productive use. Overall, this will ensure land-based primary production on the site for future generations as set out in Objective 1 of the NPS-HPL.

NPS-FM & NES-F

In January 2023, the NES-F was amended to provide a consenting pathway for landfills and cleanfills under s45B. Generally, cleanfills have to be located within a gully to accommodate the fill volumes, however, gullies naturally contain streams and/or wetlands. This makes it difficult if not impossible to avoid the reclamation of streams and/or wetlands during a cleanfill activity of a significant scale. The s45B amendment allows cleanfill activities to manage unavoidable adverse effects on freshwater features through the mitigation hierarchy. As referred to previously in this application, there are a range of activities proposed to appropriately mitigate the adverse effects of this cleanfill including the construction of a new wetland environment and extensive planting on the site. Overall, it is anticipated that the quality of freshwater environments will be improved as a result of this proposal.

Additionally, the cleanfill activity within a wetland area is required to support urban development in a high growth area of New Zealand, thus providing regional benefit. The land in North Waikato/South Auckland has large development potential as showcased by residential development in areas such as Drury, Pukekohe and Pokeno. However, there is a shortage of cleanfill sites in the region to deposit waste created by this residential development. Therefore, this cleanfill activity will satisfy the conditions of s45(6)(a).

NES-CS

Contamination has been previously identified on the site and options for remediation have been provided. Refer to the attached URS report. Further

investigations are to be undertaken, along with preparation of a Remedial Action Plan (RAP) to remediate the contaminated areas.

NPS-IB

The proposal meets the main objective of the NPS-IB which is to ensure, at a minimum, that no overall loss in New Zealand's biodiversity occurs by protecting and restoring indigenous biodiversity values. No loss of terrestrial biodiversity is anticipated as a result of the proposed cleanfill activity on site. As set out in the memo prepared by Viridis, the project will seek to maintain and enhance existing SNAs and improve terrestrial biodiversity on site.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Given the cleanfill project proposed will deliver regional benefits, specifically in relation to housing supply in Auckland, it is logical for this project to be processed via a fast-track system to ensure that the potential benefits of the project can be realised as soon as possible.

Under normal processes, a cleanfill activity in this location would require resource consent from both the district (Waikato District Council) and regional (Waikato Regional Council) authorities. Applying for resource consents with two different councils concurrently adds layers of time and expense to the resource consent process. This fast-track process enables the project to be approved by a single authority with streamlines the work needed to produce an application.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The application will be comprehensive. Significant work, including consultation and investigation, has gone into the design to date. The application package will be comprehensive and straight-forward for processing officers and decision makers to assess.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

No, this particular project has not been identified as a priority project in any plans or strategies listed above. However, as the below demonstrates, it is a regionally significant piece of infrastructure and will increase the supply of housing.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

This project will deliver regionally significant infrastructure, both directly and indirectly. The cleanfill is a crucial piece of infrastructure in and of itself, providing space to deposit fill arising from greenfield development, construction and demolition in a region that is rapidly developing. Sites that accept cleanfill are becoming scarce across South Auckland and North Waikato. As a result, the cost of disposing of cleanfill in the area is increasing significantly as rates are becoming higher and/or developers are transporting cleanfill long distances to dispose of it.

The proposed cleanfill activity is significant in scale and is close to key growth areas, such as Drury South. Given that there are limited cleanfill sites within this rapidly growing area, it is anticipated that the proposal will result in material reduction in cost in both tip rates and transport.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

The development of housing generates cut material that needs to be disposed of. This cleanfill project will provide additional resource to dispose of cleanfill arising from housing developments, thereby assisting housing developers to continue increasing the supply of housing.

Housing developers need certainty that they will be able to deposit waste from development activities, and this project will assist housing developments in South Auckland and North Waikato given its location

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

In addition to the economic benefits described above, the project will create employment opportunities during both site establishment and throughout its 10-year operation.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

There are numerous quarry operations in the vicinity that can generate clean fill material that requires disposal.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The location of the project close to key development areas, such as Drury South, will limit haulage distances and reduce vehicle emissions as a result.

Will the project support adaptation, resilience, and recovery from natural hazards?

No

Please explain your answer here:

Will the project address significant environmental issues?

No

Please explain your answer here:

Is the project consistent with local or regional planning documents, including spatial strategies?

Not Answered

Please explain your answer here:

The project aligns with the objectives and policies of:

- the Waikato Regional Policy Statement
- the Waikato Regional Plan
- the Waikato District Plan (Operative and Proposed)
- the National Policy Statement for Freshwater Management; and
- the National Policy Statement for Highly Productive Land.

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

NZ Cleanfill Limited is not aware of any prior abatement notices that have been issued by any regulatory authority. See attached statement.

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NZ Cleanfill Limited - RMA Compliance record.pdf was uploaded

Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Joe Gray

Important notes