



Non Notified Decision
Section 104, 104B, and 108
of the Resource Management Act 1991
National Environmental Standard for Assessing and
Managing Contaminants in Soil to Protect Human Health
(NES-CS)

Date:	8/10/2019	Application Number:	LU-2019-108989-00 DL-2019-108990-00 DW-2019-108991-00 WI-2019-109207-00 NC-2019-109202-00
Reporting Planner:	Sarah Hunter	Site Visit on:	22/07/2019

Related Applications:	SG-2017-108000-00 (subdivision consent) LU-2018-108069-00 (Fulton Hogan Aggregate Yard)
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Applicant:	Eastland Port Limited (EPL)
Property Address:	62 Dunstan Road, Matawhero
Legal Description:	Lot 1 DP 519719
District Plan:	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan
Regulation:	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)
Zoning:	Rural Industrial B
Overlays:	Land Overlay 1, F4 Flood Hazard Overlay, Heritage Alert Overlay, Reticulated Services Boundary, Obstacle Limitation Surface (OSL), Ngai Tamanuhiri and Rongowhakaata Statutory Acknowledgement Areas
Activity Status:	Discretionary

1.0 Resource Consent Decision

Pursuant to Sections 104, 104B, and 108 of the Resource Management Act 1991, Gisborne District Council **Grant** the application by Eastland Port Limited, **subject to the conditions below.**

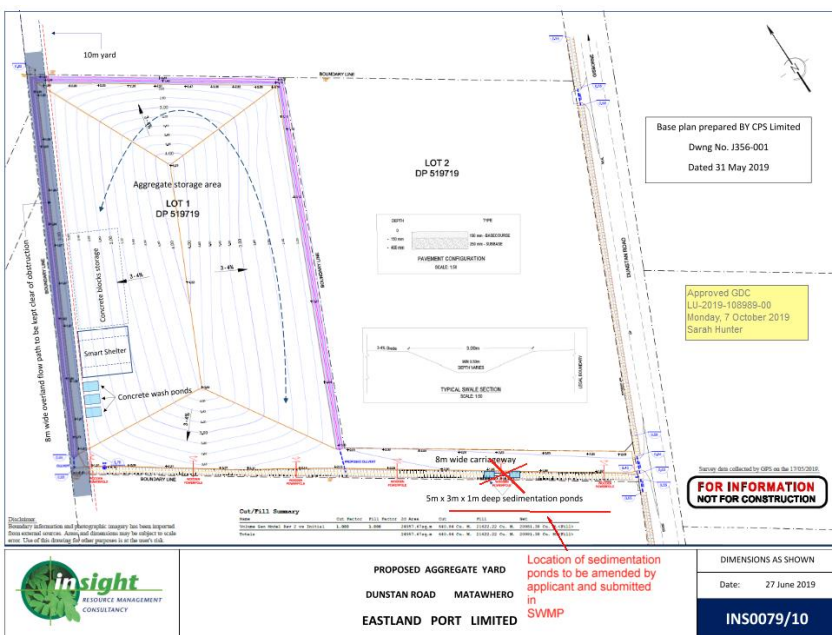
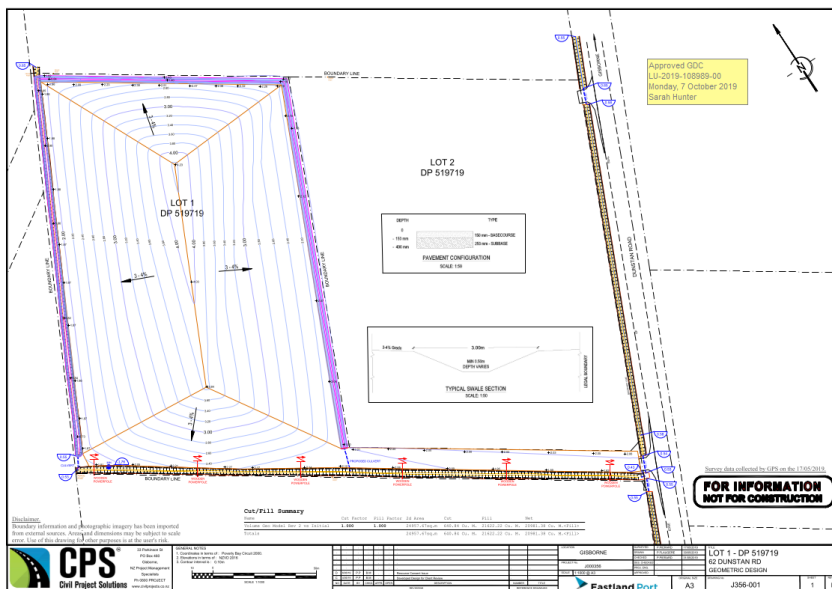
1.1 The Approved Activity

To establish and operate an aggregate yard and concrete block manufacturing plant.

1.2 Approved Plans

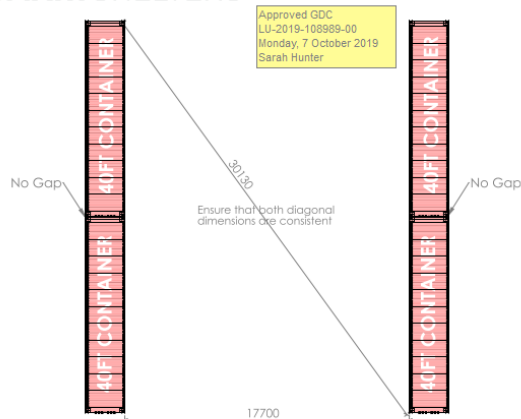
Document	Prepared by:	Reference No.	No.	Date:
Geometric Design	CPS	J356-001	1D	-
Smart Shelters	Smart Shelters	-	-	-
Proposed Aggregate Yard	CPS	INS0079/10	-	27 June 2019

Please note that the plans which are approved are stamped Approved Plan and attached to this consent. A copy of the Officer's report is available upon request.





Customer: Eastland Group
Model: A18 Series
Size: 18m x 24.4m



PLEASE ENSURE THAT YOUR SITE IS LEVEL AND COMPACTED.
PLEASE ENSURE THAT THE AREA BETWEEN AND AROUND THE CONTAINERS IS CLEAR FOR INSTALLATION MACHINERY ACCESS.

Ballast Requirements:
Both containers must be loaded with **2450kg/m** of ballast along length of container.



Note: A slight camber (max 4 degree) on containers to the outside edge will assist in shedding water away

2.0 Conditions

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

General Conditions 1 - 4

The proposal shall proceed in general accordance with the information and plans submitted in support of application numbers LU-2019-108989-00, DW-2019-108991-00, WI-2019-109207-00, NC-2019-109202-00 DL-2019-108990-00 and officially received by the Council on 28 June 2019 and further information received on 22nd July 2019 and 1st October 2019. This condition applies except as amended by the conditions below.

1. Pursuant to Section 36 of the Resource Management Act 1991, the consent holder shall pay the actual and reasonable costs incurred by the Gisborne District Council when monitoring the conditions of this consent.
2. The consent holder shall notify the Gisborne District Council Compliance and Monitoring Team in writing (compliance.admin@gdc.govt.nz) at least two weeks prior to the commencement of activities associated with these consents.
3. The Gisborne District Council may serve notice on the Consent Holder of its intention to review the conditions of this resource consent six months after the commencement of this consent and within one month after the first anniversary of the commencement of this consent and within one month after each subsequent anniversary, for the following purposes:
 - a. To review the effectiveness of the conditions of this resource consent in avoiding, remedying and mitigating any adverse effects on the environment from the consent holder's activity and, if considered appropriate by the Consent Authority, to deal with such effects by way of further or amended conditions.

- b. To review the appropriateness of conditions in the light of changes to relevant national standards, regulations and guidelines, and the relevant regional and district level plans.
 - c. To impose additional, or modify existing conditions of consent relating, but not necessarily limited, to the matters specified hereunder if the Manager: Environment & Planning considers it necessary to deal with any adverse effect on the environment which may arise from the exercise of this consent and which is appropriate to deal with at a later date:
 - Noise management
 - Dust management
 - Stormwater management
 - Amenity Values
 - Erosion and Sediment Control
4. An Environmental Management Plan (EMP) shall be submitted for prior approval of the Consents Manager at least 10 working days prior to commencement of site development works onsite. The EMP shall include but not be limited to the following:
- Yard Manager Details;
 - Stormwater Management Plan including (but not limited to):
 - a) A detailed description of yard practices that will be undertaken to reduce or remove debris and sediment that may become suspended within the yard runoff and which may reduce the capacity of the stormwater treatment and retention systems or which may contaminate the stormwater discharged from the site;
 - b) Monitoring programmes and measures to ensure compliance with conditions;
 - c) Contingency plans to deal with both Pollution incidents and Non-compliance with conditions;
 - d) A detailed description of the operation and maintenance of the surface stormwater runoff, treatment and disposal system including 'as built' drawings; and
 - e) Adherence to Auckland Technical Publication 10, equivalent.
 - Erosion and Sediment Control Plan (ESCP) in accordance Auckland Council's Guidance for Erosion and Sediment Control GD05 or equivalent;
 - Dust Management Plan including how dust will be managed to avoid the generation of objectionable or offensive dust travelling beyond the boundaries of the site;
 - Updated Contaminated Site Management Plan (CSMP);
 - Noise;
 - Site security;
 - Contingency Plans to deal with pollution incidents; and
 - Recording of any complaints.

District Land Use Consent Conditions – LU-2018-108989-00

That pursuant to section 104, 104B and 108 of the Resource Management Act 1991 the application by Eastland Port Limited for the construction and operation of an aggregate yard at 62 Dunstan Road, Lot 1 DP 519719 is granted subject to the following conditions:

General conditions 1 – 4 and

- 5. The Consent Holder shall ensure that all personnel working on the site shall be made aware of the Erosion and Sediment Control Plan and comply with its requirements. The approved Erosion and Sediment Control Plan and any modified plan shall be kept on site at all times.
- 6. Days and Hours of Operation shall be limited to 7am to 10pm, 7 days per week.

7. The use shall be conducted so as to ensure that the average maximum noise level (L10) specified in the table below shall not be exceeded at the boundary of, or within any site zoned Industrial.

Generic Zone	AVERAGE MAXIMUM NOISE LEVEL (L₁₀) dBA at all times
Industrial and Port	75

8. The use shall be conducted so as to ensure that the average maximum noise level (L10) and maximum noise level (L_{max}) specified below are not exceeded at the notional boundary of any dwelling within the Rural Productive zone:

ZONE	AVERAGE MAXIMUM NOISE LEVEL (L₁₀) dBA		(L_{max}) dBA
	DAY 0600-2100 hrs	NIGHT 2100-0600 hrs	NIGHT 2100-0600 hrs
Rural	55	45	70

Regional Consent (Discharge to Water) DW-2019-108991-00

That pursuant to section 104, 104B and 108 of the Resource Management Act 1991 the application by Eastland Port Limited for a discharge to water consent associated with the construction and operation of an aggregate yard at 62 Dunstan Road, Lot 1 DP 519719 is granted subject to the following conditions:

General Conditions 1-4 and

9. The retention ponds for the concrete wash water shall be lined to ensure that pH altered water does not reach the groundwater beneath the site.
10. The retention ponds shall be bunded to minimise stormwater intrusion.
11. The retention ponds shall be inspected at a minimum frequency of once per fortnight. The ponds shall be maintained to ensure efficiency. Records of inspection and maintenance shall be held and made available upon request by the Consent Authority.
12. As soon as practicable after any rainfall events exceeding 25mm in a 24 hour period the Consent Holder shall inspect the stormwater retention ponds and outlets to ascertain if a discharge from the site is occurring. Should a discharge be apparent into the drain along Dunstan Road the discharge shall be assessed for all of the following characteristics:
- Production of any conspicuous change in the colour or clarity of the receiving waters after reasonable mixing;
 - Any conspicuous floatable or suspended materials;
 - Scums or foams on receiving waters,
 - Any emission of objectionable odour
13. Should any of the characteristics listed in condition 12 above be detected, the Consent Holder shall:
- a) Inspect the yard, and associated stormwater infrastructure to determine the possible source and cause; and
 - b) Identify those steps required to rectify those effects; and then
 - c) within 2 working days, liaise with the Council's Compliance Manager and provide, to their satisfaction, the following information:

- i. The extent of the apparent effects;
 - ii. The inferred cause of the apparent effects;
 - iii. The means the Consent Holder proposes to rectify the situation;
 - iv. Any additional monitoring requirements;
 - v. Frequency of reporting on rectifying the situation.
14. No cleaning agents shall be directly discharged into Corbins drain or onto ground at a location where it may enter any water course.
15. The consent holder shall at all times adopt the best practicable option to prevent or minimise any adverse effects of the discharge on any water body.
16. Notwithstanding the general responsibility imposed by the previous conditions, if for any reason (accidental or otherwise) other wastes or discharges associated with the permit holder's operation enters Corbins or No 4 Drains, the permit holder shall:
- a. Immediately commence mitigation procedures to limit or prevent any actual or perceived adverse effects to any downstream waterways. All such actions are to be logged so that a complete record of actions will be available to the consent authority on request.
 - b. Notify the consent authority within 24 hours of discharge.
 - c. Report in writing to the Council's Compliance Manager within seven days, detailing the manner and cause of the discharge and steps taken to control and prevent its recurrence.
17. The Consent Holder shall commence water quality monitoring as soon as construction works commence onsite, and continue it quarterly. The monitoring shall determine compliance with the parameter limits specified in Condition 20, and shall be conducted to include each season.
18. Water quality samples shall be taken on the same day from all of the following locations:
- a. Corbins drain at the northern end of the site (Background sample); and
 - b. Corbins Drain approximately 1m above the point where it discharges into No 4 Drain (compliance point).
19. All sampling and analysis required to meet the conditions of this consent shall be carried out by an International Accreditation New Zealand (IANZ) accredited laboratory for the parameters being tested and sampling procedures shall be in accordance with Australian and New Zealand Standards for water quality sampling (AS/NZS 5667.1:1998) or equivalent.
20. The samples shall be taken at the two sites specified in Condition 18 and be analysed for the following parameters for compliance with the limits at the compliance point:

Parameter	Limit	Units
pH	6.5-8.5	-LOG(H ⁺)
Temperature	The temperature shall not be changed by more than 3 degrees from background site	Celcius
Total Suspended Solids ¹	100 g/m ³ above the TSS at background site	g/m ³
Total Petroleum Hydrocarbons ¹	15 g/m ³ above TPH at back ground site	g/m ³
Dissolved Oxygen ²	0.09 g/m ³ below the DO at background site	g/m ³
Dissolved Copper ²	0.0025 g/m ³ above Cu at back ground site	g/m ³
Dissolved Lead ²	0.0094 g/m ³ above Pb at back ground site	g/m ³
Dissolved Zinc ²	0.031 g/m ³ above Zn at back ground site	g/m ³

Notes:

1. *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand – 1998 – Section 8.2*
2. *ANZECC guidelines 2000*

21. A field sheet shall be completed on each day of water quality sampling and shall include (but not be limited to): date, time, sampler, weather conditions, time since last rainfall event, surrounding environmental conditions and sample location.
22. Sample analysis results of the parameters prescribed in Condition 20 and associated field sheets shall be provided to the Council no later than 21 working days after the sample collection has occurred.
23. If a sampling result outlined in Condition 20 shows a parameter limit is exceeded at the discharge compliance sampling point, the Council's Compliance Manager shall be immediately notified of that exceedance; and the results of the water sampling shall be forwarded to the Council's Compliance Manager within 24 hours of the sample result being made available. A further sample shall be taken for the failed test parameter at the next available time that there is sufficient runoff to enable sampling to occur, unless otherwise directed by the Council's Compliance Manager.

The Consent Holder shall also:

- a. Immediately inspect the site, sediment and retention ponds for any signs that may identify possible causes of non-compliance,
 - b. If the second sample results also exceed a parameter limit the consent holder shall carry out a further sample and analysis for that parameter at the next available discharge event.
 - c. Re-inspect the site, sediment and retention ponds immediately for any signs of the possible cause of the contamination.
 - d. Liaise with the Council's Compliance Manager and:
 - i. Identify and provide the extent of the non-compliance;
 - ii. Identify and provide the inferred cause of the non-compliance;
 - iii. Develop proposals for ongoing monitoring;
 - iv. Develop proposals to rectify the non-compliance.
 - v. Implement any necessary modifications to the treatment system or other remedial action required by the Council within agreed timeframes.
24. The water quality monitoring regime shall be reviewed by the Gisborne District Council following 2 consecutive years of compliance.
 25. This consent shall expire on 9 October 2034.

Regional Consent (Discharge to Land) DL-2019-108990-00

That pursuant to section 104, 104B and 108 of the Resource Management Act 1991 the application by Eastland Port Limited for a discharge to land consent associated with the construction and operation of an aggregate yard at 62 Dunstan Road, Lot 1 DP 519719 is granted subject to the following conditions:

General Conditions 1-4 and

26. This consent shall expire on 9 October 2054.

Regional Water Permit – (Diversion) WI-2019-109207-00

That pursuant to section 104, 104B and 108 of the Resource Management Act 1991 the application by Eastland Port Limited for a discharge consent for the diversion of flood waters associated with the construction and operation of an aggregate yard at 62 Dunstan Road, Lot 1 DP 519719 is granted subject to the following conditions:

General conditions 1-4 and

27. The consent holder shall ensure that all earthworks are carried out in accordance with the approved Drawings.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) NC-2019-109202-00

That pursuant to Regulation 11(2) NES-CS, the application by Eastland Port Ltd for the change of use of a piece of land associated with the construction and operation of an aggregate yard at 62 Dunstan Road, Lot 1 DP 519719 is granted subject to the following conditions:

General conditions 1-4 and

28. The Contaminated Site Management Plan (CSMP) shall be updated to reflect the application site and application. A copy of the updated CSMP must be submitted to Council's Compliance Manager for certification at least 10 working days prior to works commencing onsite.
29. A Contaminated Land SQEP shall manage the movement of asbestos impacted soil to the site and produce a Site Validation Report (SVR) that documents the process. The SVR shall be submitted to Council's Compliance Manager within two months of the completion of earthworks on site.
30. The contaminated material shall either be capped and/or stabilised to reduce water permeability and increase durability to prevent the mobilisation of asbestos fines, lead, zinc and copper.
31. The capping layer shall be maintained in an adequate state of repair at all times to ensure water permeability is minimised and the mobilisation of contaminants is prevented.
32. The monitoring and management methodology of the capping layer shall be included in the updated Environmental Management Plan required in condition 4.
33. Results of the monitoring of the capping layer shall be provide to Council's Compliance Manager in an Annual Report submitted prior to 31 October each year.

ADVICE NOTES

- a) In accordance with section 125(1) of the Resource Management Act 1991, a resource consent lapses **5 years** after the date of commencement of the consent unless the consent is given effect to or an application is made and granted for an extension of time.
- b) All work or discharge to or within the road reserve requires a Corridor Access Request (CAR). This includes any upgrades to vehicle crossings and the installation of infrastructure, services. A Corridor Access Request (CAR) can be made via the BeforeUDig web site or directly to Gisborne District Council. A Traffic Management Plan for the works shall be submitted with the CAR.
- c) Archaeological deposits and possible Waahi Tapu sites must be treated with sensitivity. Should any archaeological deposits be identified during development the contractor/occupier should avoid effects to the deposits and contact Heritage New Zealand Pouhere Taonga, Department

of Conservation or local runanga immediately. Under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 it is an offence to destroy, damage or modify an archaeological site (recorded or unrecorded) without authority from the Trust and a fine of up to \$100, 000 may be imposed upon any offender.

- d) The need for self-evacuation protocols is evident based on the Flood Assessment Report. An evacuation plan prepared as part of the applicant's Occupational Health and Safety programme is recommended.

REASONS FOR DECISION

Section 113(4) of the Resource Management Act 1991, requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. The actual and potential effects created by the proposal are considered acceptable.
2. The proposal is consistent with the relevant matters for control in the Tairāwhiti Resource Management Plan and all other relevant matters.
3. Overall the proposal meets the purpose (Section 5) and principles (Sections 6-8) of the Resource Management Act 1991.

Under delegated authority



Dated at Gisborne this 9th day of October 2019