

Our Reference: 999859517-20597

Consent No. RM24.143.01

LAND USE CONSENT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Dunedin City Council

Address: 50 The Octagon Dunedin, Dunedin

To disturb a contaminated site for construction of the Resource Recovery Park Precinct.

For a term expiring **for a 10-year term exact date TBC**

Location of consent activity: Green Island Landfill, located at 9,114, 140, and 170 Brighton Road, Green Island

Legal description of consent location:

- 9 Brighton Road
 - Part Section 45-47 Green Island Bush Survey District and Section 54 and 63 Block VII and Section 119 Block VII Dunedin & East Taieri Survey District
 - OT11B/1241
- 9 Brighton Road
 - Part Section 45-47 Green Island Bush Survey District
 - OT368/19
- 9 Brighton Road
 - Section 1 Survey Office Plan 24047
 - OT15C/1016
- 9 Brighton Road
 - Lot 6-7 Deposited Plan 572543 and Section 1 Survey Office Plan 24040
 - 1040235
- 9 Brighton Road
 - Part Section 120 Dunedin & East Taieri Survey District and Part Section 53 Block VII Dunedin & East Taieri Survey District and Closed Road intersecting Sections 86,87,98,102 and 103 Block V Lower Kaikorai Survey District
 - OT16D/1193
- 9 Brighton Road
 - Section 103 Block V Lower Kaikorai Survey District and Part Section 85-87, 98 Block V and Part Section 99-101 Block V and Part Section 102 Block V Lower Kaikorai Survey District
 - OT16D/1194
- 9 Brighton Road
 - Lot 2, 4 Deposited Plan 572543 and Lot I Deposited Plan 20826
 - 1040233

114 Brighton Road

- Part Section 38-40, Part Section 44 and Part Section 156 Green Island Bush Survey District

- OT7C/934

140 Brighton Road

- Part Lot 4 Deposited Plan 4550

- OT12C/261

170 Brighton Road

- Lot I Deposited Plan 20582

- OT12C/262

170 Brighton Road

- Section 81 Block VII Dunedin & East Taieri Survey District

- OT15A/266

Map Reference of approximate E1399447 N4913122
midpoint of RRPP (NZTM2000):

Conditions

Specific

1. Under section 125 of the Resource Management Act 1991, this consent lapses five years after the date of commencement of the consent unless:
 - a) The consent is given effect to; or
 - b) The Consent Authority extends the period after which the consent lapses.
2. This consent is also subject to the General Conditions in Schedule 1 – General Conditions Relevant to All Consents. In the event of differences or conflict between the General Conditions and the conditions of this consent, the conditions of this consent prevail.
3. The disturbance of contaminated soil during construction works must be carried out in accordance with the Green Island Resource Recovery Precinct Draft Contaminated Land Management Plan (CLMP), prepared by GHD and dated 16 February 2024 that was submitted in support of the application.
4. The CLMP may be amended at any time. Any amendments must be:
 - a) For the purpose of improving the efficacy of the contaminated site management procedures; and
 - b) Consistent with the conditions of this resource consent.
5. Any updated versions of the CLMP must be submitted to Otago Regional Council for recertification in accordance with general condition 4.
6. The Consent Holder must ensure that the Otago Regional Council is provided with an

electronic copy of the most current and complete version of the CLMP at all times.

7. All contaminated soils must be removed from site and disposed of within the Green Island landfill or other approved facility. Soil must not be reused during construction works.
8. All areas of contaminated land disturbance, including but not limited to the disturbance of landfill waste material, must be designed and managed to ensure that any overland stormwater flow and stormwater infiltration to land is captured and discharged into the landfill leachate collection system.
9. Sediment generation and runoff from the construction of the RRPP and into receiving waterbodies must be minimised as far as practicable. Best practice stormwater, erosion and sediment control management measures must be implemented during construction, which ensure:
 - a) The area of soil surfaces exposed at any one time is minimised;
 - b) Sediment laden stormwater is directed to the landfill leachate collection system, in accordance with condition 9 of Discharge Permit RM24.143.05
 - c) Temporary measures such as silt fences, sediment traps and temporary cover and stabilisation are installed to minimise the transport of sediment from exposed soil surfaces; and
 - d) Areas where earthworks activities are undertaken are progressively stabilised with vegetation or other means as soon as practicable upon completion.

Note to Consent Holder: for the purpose of this condition, best practice erosion and sediment control is the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005).

10. No less than 10 working days prior to the commencement of disturbance activity, the Consent Holder must notify the Otago Regional Council in writing of the commencement date of works and provide photographs of the areas where work is to be undertaken. Photographs must be in colour and no smaller than 200 x 150 millimetres in size and be in JPEG form.
11. The Consent Holder must forward copies of the results of any water, soil, or air analyses undertaken as a result of the exercise of this consent to the Otago Regional Council within 10 working days of receiving the results from the independent service provider.
12. The Consent Holder must notify the Otago Regional Council in writing of the completion of the disturbance works no less than 10 working days following the completion of works and must provide photographs of the areas where work has been undertaken. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

13. Within three months of the completion of the works the Consent Holder must provide the Otago Regional Council with a Site Validation Report (SVR), prepared by a suitably qualified and experienced practitioner and in accordance with Contaminated Land Management Guideline No 1. The SVR should contain sufficient detail to address the following matters:
- a) Summary of the works undertaken;
 - b) The location and dimensions of the excavations carried out, including a relevant site plan;
 - c) Records of any unexpected contamination encountered during the works, including GPS coordinates, if applicable;
 - d) A summary of sampling (if any) and analysis undertaken for validation sampling, and for unexpected contamination (if applicable), tabulated analytical results including laboratory transcripts, and interpretation of the results in the context of the relevant soil guideline values;
 - e) Copies of disposal dockets for material removed from site, if any; and
 - f) Details regarding any complaints received by the Consent Holder and/or breaches of the procedures set out in the Contaminated Land Management Plan (CLMP) or Construction Environmental Management Plan (CEMP).

Issued at Dunedin this day of

Name

Decision maker

Schedule 1 – General Conditions Relevant to All Consents

1. The construction and operation of the RRPP (including all associated discharges of contaminants to land, water and air) must be undertaken in general accordance with the following documents, except where modified by other conditions of this consent. In the event of differences or conflict between the contents of the documents and the conditions, the conditions must prevail:
 - a) Waste Futures – Green Island - Design and Operations Report by GHD dated February 2023
 - b) Green Island Resource Recovery Precinct Stormwater Management Plan and Assessment of Effects by GHD dated 19 February 2024
 - c) Waste Futures - Green Island Resource Recovery Precinct - Groundwater Technical Assessment by GHD dated 23 February 2024
 - d) Green Island Resource Recovery Precinct Draft Contaminated Land Management Plan by GHD dated 16 February 2024
 - e) Site Environmental Management Plan by Enviro NZ dated February 2024

- f) Draft Construction Environmental Management Plan by GHD dated 12 January 2024
 - g) Erosion and Sediment Control Plan by GHD dated 28 February 2024
 - h) Draft Stormwater Management Operation and Maintenance Plan by GHD dated 28 February 2024
 - i) Draft Composting Facility Management Plan by Enviro NZ dated February 2024
 - j) Green Island Resource Recovery Precinct Landscape Effects Assessment by Boffa Miskell dated 16 February 2024
 - k) Green Island Landfill Resource Recovery Precinct Ecological Assessment Report by Boffa Miskell dated 12 February 2024
 - l) Bird Hazard Report by Avisure dated February 2024
 - m) Draft Southern Black Backed Gull (SBBG) Management Plan by Avisure dated November 2023.
 - n) Affected Party Approval letter by Aukaha dated 14 March 2024.
 - o) Green Island Resource Recovery Precinct Air Quality Assessment by Pattle Delamore Partners dated January 2024
 - p) Waste Futures - Green Island Resource Recovery Precinct - Integrated Transport Assessment by GHD dated 28 February 2024
 - q) Green Island Resource Recovery Precinct Assessment of Acoustic Effects by GHD dated 27 February 2024
 - r) Waste Futures – Resource Recovery Park Precinct - Interim Social Impact Assessment by GHD dated 15 March 2024.
 - s) Resource Recovery Processing Precinct Site Options Assessment by GHD dated 20 October 2022
2. An alternative design or methodology to that proposed in the consent documents specified in general condition 1 may be used if:
- a) The adverse effects of the activity are demonstrated by the Consent Holder to be the same or less than the consented design or methodology; and
 - b) The alternative design or methodology has been provided under general condition 4 to the Otago Regional Council and certification is obtained from the Otago Regional Council; or
 - c) The alternative design or methodology has been incorporated into the Operations Management Plan under general condition 5 or any other management plan and provided to the Otago Regional Council and certification is obtained from the Otago Regional Council.
3. These resource consents and a copy of the Otago Regional Council certified version of any management plan and design details required by these consents must be kept on site at all times, and the Consent Holder must ensure all relevant personnel are made aware of each document’s contents.

Certification Process

4. The Consent Holder must follow the process set out below for any plans, documents, designs or specifications (hereafter referred to as ‘documents’) requiring the certification of an officer of the Otago Regional Council:
- a) Documents requiring certification must be submitted to the relevant officer in electronic and hard copy form for certification. The certification process must be confined to confirming that the documents adequately give effect to the relevant condition(s).

- b) Subject to (c) and (e) below, works to which the documents relate must not commence until the Consent Holder has received written certification from the relevant officer.
- c) If the Consent Holder has not received a response from the relevant officer within 10 working days of the date of submission under (a) above, the documents must be deemed to be certified. This condition shall not apply to the certification of the biofilter design required by general condition 17(d).
- d) If the relevant officer's response is that they are not able to certify the documents they must provide the Consent Holder with reasons and recommendations for changes to the documents in writing. The Consent Holder must consider any reasons and recommendations of the relevant officer and resubmit amended documents for certification.
- e) If the Consent Holder has not received a response from the relevant officer within 10 working days of the date of resubmission under (d) above, the documents must be deemed to be certified. This condition shall not apply to the certification of the biofilter design required by general condition 17(d).
- f) If the relevant officer's response is that they are still not able to certify the resubmitted documents, then the Consent Holder must nevertheless implement the resubmitted documents with a notation that certification of them has not occurred.
 - f. This condition shall not apply to the certification of the biofilter design required by general condition 17(d).
- g) Certified documents may be amended at the request of the Consent Holder at any time subject to recertification undertaken in accordance with general condition 4(a) to (f) with references in those clauses to certification to be read as recertification.

Operations Management Plan

- 5. The operation of the RRPP must be undertaken in accordance with an Operations Management Plan with the overall objective of setting out details of the practices and procedures to be adopted to achieve compliance with the conditions of resource consent.
- 6. The Operations Management Plan must be based upon the draft plan prepared by Enviro NZ submitted in support of the application, and must address how the following matters will meet any requirements, limits, or restrictions set out by the conditions of the resource consents:
 - a) Leachate and stormwater management.
 - b) Erosion and sediment controls during construction and operation.
 - c) Types of organics to be accepted for compost processing and those that are prohibited.
 - d) Organics acceptance control and monitoring the types of waste accepted.
 - e) Odour and dust management.
 - f) Noise management.
 - g) Litter management.
 - h) Plant and animal pest management, including bird control.
 - i) Monitoring procedures, including locations, parameters, and frequency
 - j) Building and infrastructure inspections and maintenance.
 - k) Fire preparedness and response management.
 - l) Emergency management and contingency response procedures.
 - m) Complaints response procedures.

- n) Record-keeping and reporting requirements.
- 7. Prior to commencement of operations at the RRPP, the Consent Holder must submit a final Operations Management Plan to the Otago Regional Council. The final plan must be prepared in consultation with Te Rūnanga o Ōtākou to achieve the conditions of these resource consents and provided to the Otago Regional Council at least 15 working days prior to the commencement of operations to assess it has been prepared by appropriately qualified personnel in accordance with the conditions of consent and in accordance with good practice and certification in accordance with general condition 4.
- 8. By 1 July each year the Consent Holder must, in consultation with Te Rūnanga o Ōtākou, complete a review of the Operations Management Plan required by general condition 5 to ensure that the management practices contained within them remain adequate to ensure compliance with the conditions of these consents. If amendments are made to a management plan, the amended plan must be submitted to the Otago Regional Council for recertification in accordance with general condition 4.
- 9. The Consent Holder may make amendments to the Operations Management Plan required by general condition 5 at any time. Any amendments must be made in consultation with Te Rūnanga o Ōtākou and submitted to the Otago Regional Council for recertification in accordance with general condition 4.
- 10. The Consent Holder must appoint and retain an appropriately qualified and experienced person to supervise the operation of the RRPP.

Construction Environmental Management Plan

- 11. The construction of the RRPP must be undertaken in accordance with a final Construction Environmental Management Plan with the overall objective of setting out details of the practices and procedures to be adopted to achieve compliance with the conditions of resource consent.
- 12. The Construction Environmental Management Plan must be based upon the Construction Environmental Management Plan and Contaminated Land Management Plan prepared by GHD submitted in support of the application, and must address the following (as a minimum):
 - a) Administrative Requirements
 - i. Weekly site inspections
 - ii. Monthly environmental reporting
 - iii. Independent audit by Suitably Qualified and Experienced Person
 - iv. Notification and management of environmental incidents
 - v. Records and registers
 - vi. Environmental roles and responsibilities of personnel (including nomination of Principal Contractor)
 - vii. Relevant contact information of those onsite and managing the construction or earthwork activities onsite; and
 - viii. Site induction
 - b) Operational Requirements
 - i. Erosion and sediment control measures
 - ii. Any soil, water, or air quality monitoring including sampling locations

- iii. Contaminated land management
 - iv. Odour and dust management
 - v. Landfill gas management
 - vi. Archaeological and cultural heritage
 - vii. Chemical and fuel management
 - viii. Handling and disposal procedures for contaminated material encountered during the activity.
- c) Sufficient detail to address the following matters:
- i. Specific erosion and sediment control works (locations, dimensions, capacity etc);
 - ii. Supporting calculations and design drawings.
 - iii. Catchment boundaries and contour information.
 - iv. Details of construction methods.
 - v. Timing and duration of construction and operation of control works including traffic management.
 - vi. Contingency measures to address any unexpected or accidental discoveries of contamination or discharges identified at the site, which must include assessment by a suitably qualified and experienced person.
 - vii. Measures to avoid silt and/or sediment tracking onto roads and then to water for the duration of the earthworks, such as:
 - Providing stabilised entry and exit point(s) for vehicles
 - Providing wheel wash facilities
 - Cleaning road surfaces using street-sweepers immediately where sediment has been tracked onto the road
 - viii. Details relating to the management of exposed areas
 - ix. Landscape rehabilitation
 - x. Soil, air quality, groundwater and/or surface water monitoring requirements.
13. Prior to commencement of construction of the RRPP, the Consent Holder must submit a final Construction Environmental Management Plan to Otago Regional Council. The final plan must be prepared to achieve the conditions of these resource consents and provided to the Otago Regional Council at least 15 working days prior to the commencement of construction to assess it has been prepared by appropriately qualified personnel in accordance with the conditions of consent and in accordance with good practice and certification in accordance with general condition 4/
14. The Consent Holder must submit an updated CEMP to Otago Regional Council when:
- a) The construction program moves from one stage to another or
 - b) Any significant changes have been made to the construction methodology since the original plan was accepted; or
 - c) There has been an environmental incident and investigations have found that the management measures are inadequate.
15. Any updated versions of the CEMP must be submitted to Otago Regional Council for recertification in accordance with general condition 4.
16. The Consent Holder must ensure that Otago Regional Council is provided with an electronic copy of the most current and complete version of the CEMP at all times.

Design and Construction

17. Within 15 working days prior to commencing the construction of any:

- a) Any building within the RRPP;
- b) Leachate collection system, for direct discharge to pump stations;
- c) Stormwater collection, treatment and discharge system; and
- d) Biofilter for the aerated static pile bunkers;

the Consent Holder must submit a design report with specifications and design drawings to the Otago Regional Council for review to assess that they have been prepared by appropriately qualified personnel in accordance with the conditions of consent and in accordance with good practice, and certification in accordance with general condition 4.

18. When completed, the works specified in general condition 17 must be confirmed by a suitably experienced Chartered Professional Engineer (CPEng) that they have been completed in accordance with the design certified by the Otago Regional Council. A Construction Quality Assurance (CQA) report must be prepared and submitted by the Consent Holder to the Otago Regional Council within 3 months following completion of the works specified in general condition 17.

Vegetation Management and Planting

19. A Vegetation Management and Restoration Management Plan (VMRP) must be prepared by a suitably qualified person within six months of the granting of this consent. The purpose of the Plan is to manage the health and long term-replacement of the existing screening vegetation on the site and implement visual screening with the objective of ensuring the RRPP facilities are integrated into the surrounding landscape, visual effects are minimised and existing views of Pukemakamaka/Saddle Hill are maintained. The Plan must be developed in accordance with the recommendations contained in the Green Island Resource Recovery Precinct Landscape Effects Assessment, Boffa Miskell dated Feb 2024 and in consultation with Te Rūnanga o Ōtākou. As a minimum the Plan must include:

- a) A survey of the health of the existing trees.
- b) Routine monitoring and maintenance of the existing trees to promote their health and long-term stability.
- c) Long-term post closure actions for the replacement of the existing trees, incorporating eco-sourced native species to enhance natural character, landscape, and amenity values, and their ongoing maintenance.
- d) Additional planting of the south-east bund, and along the north-east perimeter.
- e) A detailed programme of works, including timeframes for implementation, including early implementation of planting on the south-east bund within the first planting season following the granting of consent.
- f) Key responsibilities of onsite personnel.
- g) A review process that includes Te Rūnanga o Ōtākou and Otago Regional Council.

20. The Vegetation Management and Restoration Plan must be submitted to the Otago Regional Council to assess that it has been prepared by appropriately qualified personnel in accordance with the conditions of consent and certification in accordance with general condition 4.

21. The Vegetation Restoration Management Plan certified under general condition 4 must be implemented in accordance with the timeframes specified in the Plan and maintained on an ongoing basis by the Consent Holder.

Building Finishes

22. All buildings must be finished in neutral colours (e.g Karaka Green) with a reflectivity value of less than 30% RV for walls and 20% RV for roofs in accordance with the plans and elevations submitted in support of the application. The neutral colour palette must be selected in consultation with Te Rūnanga o Ōtākou and must complement the surrounding landscape and natural character.

Complaints

23. A complaint management, investigation and reporting system must be maintained by the Consent Holder during construction and operation of the RRPP to record the receipt and management of complaints received about the operation, including those regarding odour or dust. The following details must be recorded:
- a) Type, date, and time of complaint;
 - b) Name and address of complainant (if available);
 - c) Location from which the complaint arose;
 - d) Wind direction at the time of complaint (if relevant);
 - e) The likely cause of the complaint;
 - f) The action taken as a result of the complaint; and
 - g) The response to the complainant.

The complaints record must be made available to the Otago Regional Council (with any personal information held redacted) on request.

Annual Monitoring Report

24. The Consent Holder must compile an annual monitoring report on the operation of the RRPP, including:
- a) The status of RRPP construction and operation;
 - b) Any non-compliance with the conditions of these consents or difficulties in achieving the practices and procedures in the Operations Management Plan which have arisen in the preceding year and the measures taken to address them;
 - c) Any emergency management procedures and contingency response procedures specified in the Operations Management Plan that were implemented during the preceding year;
 - d) Collated summaries of and analysis of all data required under these consents, including:
 - i. The material brought onto the site for the manufacture of compost;
 - ii. The operation of the Organics Processing Facility (OPF), including the operational parameters of the composting bunkers, biofilter, and maturation windrows.
 - iii. The results of odour monitoring, including all field monitoring record sheets.
 - iv. Interpretation of the data, particularly with regard to OPF performance.
 - e) Assessment of any complaints received.
 - f) Mitigation and corrective measures initiated in response to monitoring.

The report must be forwarded to Te Rūnanga o Ōtākou and Otago Regional Council by 1 October each year unless an alternative date is agreed in writing with the Otago Regional Council. The Consent Holder must make the report publicly available on the Dunedin City Council website.

Review of Conditions

25. Pursuant to Section 128 of the Resource Management Act 1991 the Otago Regional Council may within six months of the anniversary date of these resource consents each year serve notice of its intention to review the conditions of these consents for the purposes of:
- a) Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;
 - b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans and the Otago Regional Policy Statement;
 - c) Ensuring the waste acceptance criteria conditions of this consent are consistent with applicable Ministry for the Environment and Environmental Protection Authority guidance, standards and notices, including for emerging contaminants;
 - d) Reviewing the requirements and frequency of monitoring and reporting required under this consent; or
 - e) Requiring the adoption of the best practicable option to reduce any adverse effect on the environment.

Advice notes

1. *'RRPP' means Resource Recovery Park Precinct.*
2. *'Site' means all land within the Green Island Landfill designation boundary.*
3. *'Stormwater' means water running off from any impervious surface such as roads, carparks, roofs, as well as any other surface run-off that is collected and/or intercepted.*
4. *'leachate' means water containing contaminants from waste recovery and disposal.*