

19 April 2023

File Ref: OIAPR-1274023063-964

Craig Innes

By email: fyi-request-22162-0004b115@requests.fyi.org.nz

Tēnā koe Craig

Requests for information 2023–056, 2023-057, 2023-058

I refer to three requests for information received by Greater Wellington Regional Council:

1. Request 2023-056 received 20 March 2023
2. Request 2023-057 received 21 March 2023
3. Request 2023-058 received 21 March 2023

After clarification from you, we have combined the requests into one response letter.

You have requested the following:

Request 2023-056: *“Please provide copies of any consents or documents relating to consents for the dumping of cleanfill or other materials at 1044 Coast Road Wainuiomata [Lot 5 DP 551868].*

Please provide any consent related documentation relating to the dumping of material within the stream bed at approximate location 1,759,492.339 5,420,614.389 Meters.”

Request 2023-057: *“Could you please clarify what involvement the GWRC has with consents or monitoring of the dumping of material at 1044 Coast Road Wainuiomata. Does GWRC consider the dumping of fill into an apparently currently dry riverbed (a historical part of the meandering Wainuiomata River) to be turf farming or mineral extraction?”*

Request 2023-058: *“Hutt City Council advises that there is a consent relating to Wainuiomata Stream relevant to my request. I am surprised to see this as the request was for information relating to a point approximately 10 kilometres to the south-west of Wainuiomata Stream (aka Wainuiomata-iti Stream). Please confirm if this is correct.”*

On 24 March 2023, after communication with you, we refined your request to the following information:

1. *“A list of active consents for 1044 Coast Road.*
2. *Advice on deposition of material within the bed of a meandering river. We will also provide further advice in relation to the rules of the Proposed Natural Resources.*
3. *A copy of the advice we gave to 1044 Coast Road regarding recent earthworks on the property.”*

Greater Wellington’s response follows:

In our correspondence with you we confirmed that we do not have:

- Consents or documents relating to consents for the dumping of cleanfill or other materials at 1044 Coast Road Wainuiomata [Lot 5 DP 551868]
- Consent related documentation relating to the dumping of material within the stream bed at approximate location 1,759,492.339 5,420,614.389 meters.

1. A list of active consents for 1044 Coast Road

There are currently three active consents for 1044 Coast Road. These are:

WGN170076 [34330][34331]

- To disturb the river bed of the Wainuiomata River for the Purposes of extracting gravel to be used on farm tracks
- To take and use surface water from the Wainuiomata River for irrigation purposes

WGN080503 [26982][27332]

- To permanently divert the flow of secondary channels within the bed of the Wainuiomata River
- To construct rock rip rap bank protection structures, to temporarily place bunds in, and to drain and reclaim secondary channels within the bed of the Wainuiomata River, included the associated disturbance of the river.

WGN060129 [24901]

- To use and maintain a culvert in an unnamed tributary of the Wainuiomata river, and the associated disturbance of the bed of that stream.

Please refer to **Attachments 1-3** for each consent document.

Noting that consents WGN080503 and WGN170076 are currently in the process of transferring to a different consent holder.

2. Advice on deposition of material within the bed of a meandering river. We will also provide further advice in relation to the rules of the Proposed Natural Resources.

There is no rule within the Proposed Natural Resources Plan that allows for the deposition of material (including fill) within the bed of a river as a permitted activity.

If a person wanted to deposit material (including fill) within the bed of a meandering river it may be possible through three different rules, depending on the details of the activity:

Reclamation

Under R142 the reclamation of a bed outside of a site identified as Schedules A1, A2 and C, is a non-complying activity. A non-complying activity is one that may be declined or granted depending on the effects of the activity. This activity status is often reserved for those activities where the potential adverse effects are great but do not necessarily warrant prohibition.

Diversion

Under R147 or R148, the diversion of water would be a discretionary or non-complying respectively, depending on the details of the activity.

Earthworks

Under R107, the use of land for earthworks (in this case, the stockpile of material/placing of material into the bed of a river) would be discretionary activity.

Noting that it would be unlikely for the consent to be granted for this activity under this rule.

Definition of bed of river

- Resource Management Act: the bed of a river as the space of land which the waters of the river cover at its fullest flow without overtopping its banks.
- Proposed Natural Resources Plan: For the purpose of determining stream width of permanently or intermittently flowing rivers and streams in Category 2 surface water bodies, the active bed is the area that is subject to at least frequent flows and is predominately un-vegetated and made up of silt, sand, gravel, boulders, or similar material.

3. A copy of the advice we gave to 1044 Coast Road regarding recent earthworks on the property.

On 17 January GWRC Environmental Protection Officers inspected 1044 Coast Road, Wainuiomata, Lower Hutt to investigate a report of unauthorised earthworks and to assess compliance with the Resource Management Act 1991.

The outcome of this investigation was that the works were permitted.

Please refer to **Attachment 4** for a copy of the investigation memo. Some parts of this memo have been redacted under section 7(2)(a) of the Local Government Official Information and Meetings Act 1087 (the Act) on the basis that withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

We have considered whether the public interest in the requested information outweighs Greater Wellington's need to withhold certain aspects of the requested complaint data. As a result, we do not consider that the public interest outweighs Greater Wellington's reason for withholding parts of the document under the grounds identified above.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Al Cross
Kaiwhakahaere Matua Taiao | General Manager Environment Management

Attachments (4)