

From: [Soren Olsen](#)
To: [Wooingtree.fasttrack](#)
Subject: Wooing Tree Estate: Minute 9 and Comments on draft conditions
Date: Monday, 20 September 2021 9:49:16 am
Attachments: [image001.png](#)
[image002.png](#)

Good Morning,

Thank you for your invitation to comment on the Wooing Tree Estate Expert Consenting Panel's draft conditions for Wooing Tree Estate's Consent Application.

The Otago Regional Council (ORC) has the following comments on these draft conditions:

- The Otago Regional Council would like to see the wording 'shall' replaced with 'must' to ensure conditions are legally enforceable.
- Erosion and sediment control conditions should include ORC notification. Around this topic, ORC would suggest the wording of a condition stating:
 - To ensure effective management of erosion and sedimentation during earthworks, the consent holder must ensure that all practicable measures are taken to:
 - Divert clean runoff away from disturbed ground;
 - Control and contain stormwater run-off;
 - Avoid sediment laden run-off from the site.
- To ensure appropriate management of dust, ORC would like to see a condition including a speed limit of 20 kilometres per hour for all vehicles that access the construction site.
- ORC would like the incorporation of a condition around the use of machinery with regards to the assurance of no spillages of hazardous substances. This may look something like:
 - All machinery associated with the earthworks activity must be operated in a way, which ensures that spillages of hazardous substances such as fuel, oil, grout, concrete products and any other contaminants are prevented.
- During the different stages of earthworks, ORC would like the following condition to be included:
 - The Consent Holder must notify the Consent Authorities in writing no less than 5 working days for stage 2, and 10 working days for other stages, following the completion of residential earthworks, and must provide photographs of the area/s where work have been undertaken;
- ORC would like the following condition to be included for management of erosion if work is stopped/completed:
 - Within 10 working days following completion or abandonment of earthworks on the subject site all areas of exposed soil must be permanently stabilised against erosion to the satisfaction of the Consent Authority.
 - In accordance with condition (XX) measures to stabilise against erosion may include:
 - the use of mulching
 - top-soiling and grassing of otherwise bare areas of earth
 - aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward
 - The on-going monitoring of these measures is the responsibility of the consent holder.
- In the instance of accidental discovery of unidentified archaeological sites, it is understood by ORC that the applicant received feedback from Heritage New Zealand on these conditions. ORC would like to note that we have the following standard condition which we would recommend be included:
 - In the event that an unidentified archaeological site is located during works, the following will apply;
 - Work must cease immediately at that place and within 20 metres around the

site.

- All machinery must be shut down, the area must be secured, and the Heritage New Zealand Pouhere Taonga Regional Archaeologist and the Consent Authority must be notified.
- If the site is of Maori origin, the Consent Holder must also notify the appropriate iwi groups or kaitiaki representative [insert iwi groups/Kaitiaki representative if known to assist Consent Holder as to who to contact] of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975).
- If human remains (koiwi tangata) are uncovered the Consent Holder must advise the Heritage New Zealand Pouhere Taonga Regional Archaeologist, NZ Police, the Consent Authority and the appropriate iwi groups or kaitiaki representative and the above process under (c) will apply. Remains are not to be disturbed or moved until such time as iwi and Heritage New Zealand Pouhere Taonga have responded.
- Works affecting the archaeological site and any human remains (koiwi tangata) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Further assessment by an archaeologist may be required.
- Where iwi so request, any information recorded as the result of the find such as a description of location and content, must be provided for their records.
- Advice Note: Heritage New Zealand Pouhere Taonga Act 2014 - Under the Heritage New Zealand Pouhere Taonga Act 2014 an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand (see Section 6). For pre-contact Maori sites this evidence may be in the form of Taonga (artefacts) such as toki (adzes) or flake tools as well as bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts such as bottle glass, crockery etc. may be found, or evidence of old foundations, wells, drains or similar structures. Pre-1900 buildings are also considered archaeological sites. Burials/koiwi tangata may be found from any historic period. Archaeological sites are legally protected under Sections 42(1) & (2) of the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an Authority from Heritage New Zealand Pouhere Taonga irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act 1993 or Building Act 1991.
- For Land Contamination, ORC would like to see the following conditions included:
 - No activity to address any soil contamination on the subject site may commence until all measures identified in the RAP certified CSMP as needing to be put in place prior to commencement of any works have been established.
 - Prior to commencement of the works described in condition [x] of this consent the Consent Holder must ensure that all personnel working on the site are made aware of, and have access at all times to:
 - The contents of this document;
 - The RAP;
 - The Construction Management Plan;
 - Copies of these documents must be present on-site at all time while the work authorised by this consent is being undertaken.
 - Condition X: Notification of works
 - The Consent Holder must notify the Consent Authority in writing at least 5 working days prior to works commencing in contaminated areas on the subject site.
 - Condition X: Record of activity

- For the duration of the works on the site a written record of the excavation process must be maintained. This record must include area of earthworks and volumes together with any unexpected contaminant material found. An up to date copy of these records must be kept available for Consent Authority inspection purposes, and a final copy of the record must be sent to the Consent Authority within 10 working days following completion of the works.
- Condition X: Sampling
 - All sampling and testing of contamination on the site must be overseen by a suitably qualified person. All sampling must be undertaken in accordance with Ministry for the Environment's Contaminated Land Management Guidelines.
- Condition X: Site Validation and Earthworks Completion Report (SVR)
 - Within 20 working days of the completion of the works the Consent Holder must provide the Consent Authority 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:
 - Summary of the works undertaken including a summary of the earthworks activity generally and a record of the excavation process, as per Condition X;
 - A statement confirming whether the disturbance works have been completed in accordance with the Remedial Action Plan;
 - The location and dimensions of the excavations carried out, including a relevant site plan;
 - Records of any unexpected contamination encountered during the works, if applicable;
 - A summary of sampling 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;
 - Details regarding any complaints received by the Consent Holder and/or breaches of the procedures set out in the Remedial Action Plan.

Kind Regards,

Soren



Soren Olsen

CONSENTS PLANNER – PUBLIC ENQUIRIES

P 0800 474 082 | M 027 209 9939

soren.olsen@orc.govt.nz

www.orc.govt.nz

Important notice

This email contains information which is confidential and may be subject to legal privilege. If you are not the intended recipient, you must not peruse, use, disseminate, distribute or copy this email or attachments. If you have received this in error, please notify us immediately by return email or telephone (03 474-0827) and delete this email. The Otago Regional Council accepts no responsibility for changes made to this email or to any attachments following the original transmission from its offices. Thank you.

From: Wooingtree.fasttrack <Wooingtree.fasttrack@epa.govt.nz>

Sent: Wednesday, September 15, 2021 12:31:18 PM

Subject: Wooing Tree Estate: Minute 9 and Comments on draft conditions

Dear All

On 14 September 2021 the Expert Consenting Panel issued Minute 9. In accordance with the COVID-19 Recovery (Fast-track Consenting) Act 2020 the Panel must provide an invite written comments on its draft conditions from the applicant and every person or group who provided comments on the application.

You/your organisation provided comments on the Wooing Tree Estate resource consent application.

As outlined in Minute 9 the Panel invites comments on the draft conditions. The Minute also outlines the cancellation of Condition specified in Consent Notice CONO 5242187.2 and seeks comments on the panels observations in relation to this.

The Minute is available on the EPA website at the following link:

<https://www.epa.govt.nz/fast-track-consenting/referred-projects/woeing-tree-estate/correspondence-to-and-from-the-panel/>

The draft conditions are available on the EPA website here:

<https://www.epa.govt.nz/fast-track-consenting/referred-projects/woeing-tree-estate/draft-conditions/>

Comments on the draft conditions are to be sent to the EPA by email at woeingtree.fasttrack@epa.govt.nz and must be received **by Tuesday 21 September 2021**.

If you have any questions please contact the Wooing Tree Estate application team at the EPA by email at Woeingtree.fasttrack@epa.govt.nz

Regards

Gen

On behalf of the Fast-track Consenting Applications team



Follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#).

Our New Zealand Business Number Is 9429041901977.

This email message and any attachment(s) are intended for the addressee(s) only.

If you receive this message in error, please notify the sender and delete the message and any attachment(s).