

01 October 2021

File No: WGN210336 [37582] [37583] [37584]

Shelly Bay Taikuru Limited  
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[REDACTED]  
Dear [REDACTED]

## **Further information request under section 92(1) of the Resource Management Act 1991**

Thank you for your land use and discharge permit application located at Shelly Bay, which we received on 16 September 2021 along with your application fee of \$ 5,853.50.

I have reviewed your application and the supporting information. However, I need further information on your application so that I can better understand the effects of your proposal, its effects on the environment and how any adverse effects on the environment might be mitigated.

### **Information requested**

#### **Operational Stormwater Quality**

The application was reviewed by [REDACTED] with regards to the proposed operational discharge to stormwater. The following information is requested:

1. Please provide confirmation that Wellington Water Ltd has accepted the proposed stormwater management approach for the treatment of runoff from the public areas.
2. Please provide information regarding the entity responsible for the ongoing operation and maintenance of the private stormwater treatment devices, including confirmation that the entity can be a consent holder.

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3. Please provide confirmation that Wellington Water Ltd has accepted that runoff from private areas can drain to publicly owned stormwater treatment devices as proposed in the plans provided.

If Wellington Water Ltd does not accept this approach, please provide a detailed assessment undertaken by a suitably qualified person to support the argument that treatment is not required to ensure that the adverse effects on the receiving environment are no more than minor.

4. Please provide confirmation that Wellington Water Ltd has accepted the use of a StormFilter to treat runoff from Catchment K.

If Wellington Water Ltd does not accept this approach, please provide details of the accepted approach along with an assessment undertaken by a suitably qualified person that demonstrates that the adverse effects in the receiving environment of the accepted approach are no more than minor.

5. Please provide details of practical treatment options for the trafficked and loading areas associated with buildings adjacent to buildings 19-23, along with an assessment undertaken by a suitably qualified person that demonstrates the adverse effects on the receiving environment of the proposed treatment solution no more than minor.
6. Please provide details of the treatment options considered for catchments SBR 1 to SBR 3, along with an assessment outlining the reasonable practicableness of treatment for these catchments and appropriate minimum requirements for such treatment.

### **Contaminated Land**

The application was reviewed by [REDACTED] with regards to the potential for discharges from contaminated land. The following information is requested:

7. *The Soil and Sampling Analysis Plan (SAP) includes reference to a fat trap that [REDACTED] would be 'reluctant' to consider as a HAIL site. Please provide comment on why this is considered a HAIL site.*
8. *[REDACTED] does not accept the South Bay Paint store is low risk and would expect to see at least one excavation to groundwater table here (just as at the fuel storage locations). Please confirm that this will be undertaken, and update the methodology accordingly. If you disagree with [REDACTED] comments, please provide reasoning and justification.*

9. [REDACTED] has concerns regarding the use of test pitting to investigate possible impacts on groundwater quality (it is not possible to collect representative groundwater samples from test pits). One suggestion is that conditions of consent will require a DSI, which allows for the installation of a bore if there is a risk of ongoing passive discharge to the coastal marine environment.

*Please provide comment as to whether the installation of a borehole is practical, and if so, please provide a methodology for monitoring passive discharges from site (alternatively, propose a condition of consent which addresses requires the submission of a management plan for GW's approval).*

10. *If the site is discovered to have significant passive discharges, remedial action will need to be undertaken. Please provide comment on how potential passive discharges from site will be remediated post construction (if required).*

### **Cultural Effects**

The application has not made a clear statement around the level of cultural effect (the CIA provided states support for the proposal, but does not comment on the level of effect). As such, comment on the level of cultural effect is necessary to inform the assessment.

11. *Please provide an assessment of the level of cultural effect of the proposal (from a suitably qualified and experienced person).*

### **Date information required**

Please provide the above information to me by 22 October 2021. If you are not able to supply the information requested<sup>1</sup> by this date, you must let us know in writing within this timeframe, either that you require additional time (at which time we will set a reasonable timeframe for you to provide the information) or that you refuse to provide the requested information.

### **Public notification of application if further information not provided**

If you refuse to provide the information requested, or if you do not supply all the information by the due date of 22 October 2021, we are required to publicly notify your application<sup>2</sup> and to continue processing without the information requested<sup>3</sup>. All costs associated with the notification and processing of your application will be on-charged to you<sup>4</sup>.

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<sup>1</sup> Under section 92A of the Resource Management Act 1991.

<sup>2</sup> Under section 95C(1) of the Resource Management Act 1991. An application fee of \$8,800 (Excl. GST) is required in order to process a notified application. The statutory clock will remain stopped until this additional fee is paid.

<sup>3</sup> Under section 92A(3) of the Resource Management Act 1991

<sup>4</sup> Under section 36 of the Resource Management Act 1991

### **Processing of your application**

Your application has been placed on hold, and the statutory 'clock' stopped<sup>5</sup>, until such a time that either I receive the all of the above information, receive written notice that you refuse to provide it, or the time period for providing the requested information has expired.

As soon as one of these occurs, the statutory 'clock' will restart and I will continue processing your application.

Please feel free to contact me if you have any questions or concerns.

### **Charging policy review**

The Resource Management Charging Policy is reviewed on an annual basis. As a result of this process the charges associated with processing your consent may alter – you will be informed if this is the case.

Yours sincerely,



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<sup>5</sup> Under section 88C of the Resource Management Act 1991