

Kate Madsen

From: Kate Madsen <kate@pauaplanning.co.nz>
Sent: Thursday, 6 August 2020 11:42 AM
To: 'Vitasovich'
Cc: 'Biance Schoeman'
Subject: Gleeson Managed Fill

Hi Nicola,

Thanks for your reminder email – I do apologise for not responding sooner, I became a grandmother last week and have been very distracted sorry!

I have answered your queries below:

Did the consent application submitted state it was to be a notified application. This would be the ultimate of seeking genuine engagement. Because we are still waiting on a decision whether this application is going to be notified, not notified or limited notification makes me think not.

No, it was not lodged as a notified application. Paua Planning undertakes assessments for resource consent applications 'Assessment of Effects on the Environment' under the provisions of the Resource Management Act on a regular basis. While we are engaged by the client, it is our professional and ethical responsibility to write an impartial assessment, examining all potential effects (positive and adverse), and, with the assistance of suitably qualified experts (noise, traffic, contaminants, erosion & sediment control geotechnical etc) determine if these effects are acceptable overall, and can be 'avoided, remedied and/or mitigated' to be below a 'no more than minor' threshold on the environment, and 'less than minor' threshold on people. This has to be objective, as should we have to attend a hearing (or Environment Court), we have a 'Code of Conduct' that must be adhered to. We are giving our professional opinion, not a subjective assessment. If we think an activity or proposal will result in unacceptable adverse effects, we do not represent the client, or suggest they proceed straight to a notified hearing.

In this case, all specialists determined that adverse effects, subject to stringent conditions, would be acceptable and avoided/remedied/mitigated. Council's specialists have reviewed these reports and our AEE, and, subsequent to asking many, many questions, have not advised that they have drawn any conclusion to the contrary. However, Council have not, as yet, advised us of either a notification decision or whether they will grant/refuse. In addition, the decision is likely to be made by Independent Planning Commissioner.

The other question regarding consultation is your report was dated November 2019 yet the named neighbouring property owners didn't receive it until January 2020. Were they given a consultation form along with your report as part of the consultation process for inclusion in the consent applications. This I believe is also submitted as part of the consent application. Therefore if this was not given to them with the report then this to me does fit the seeking genuine engagement mandate you state in your wheel

I understand that consultation processes can always be improved, and on behalf of Gleeson, I apologise for if this was considered inadequate. This was determined by looking closely at (a) geotechnical and land stability effects; (b) discharges; (c) noise; and (d) visual amenity:

- *Geotechnical reporting has determined the gullies are suitable to fill and will not result in any instability on any adjoining land;*
- *The works within Fill Areas 2-4 will be largely hidden from view as a result of the topography of the gullies and elevated ridge lines and the existing screening vegetation;*
- *The discharge of water into shared streams will be treated by means of a sedimentation pond and chemical treatment facility prior to discharge into the natural environment. The water discharged from the pond into adjoining streams is sufficiently treated to be considered 'clean' water; and*
- *It is proposed that stringent erosion and sediment control measures are adopted in accordance with Waikato Regional Plan guidelines and standards. In addition, it is expected that conditions of consent will be applied to ensure best practice outcomes and regular monitoring; and*
- *Amenity related effects such as dust and noise fall within permitted thresholds by the Waikato District and Regional Plans.*

If, after writing the AEE and reviewing specialist reports, it was evident that adverse effects on a neighbour were not acceptable, consultation would have occurred before lodgement. It was intended the packs were distributed earlier, however this did not occur, and for that we do apologise. WE did know that the process with council was going to be lengthy, and there was adequate time to answer any queries neighbours might have. Property owners did have from January – and we did not hear from anyone until April (other than a single phone call from 95A Hillside Hights Road who said they would be in contact if they required further details or had questions). Comparing this to Iwi consultation, (which is mandatory as they have manawhenua over the catchment of the Waikato River), usually they are given three weeks (by the Council) to provide feedback. As we had not heard back from anyone it was considered that 2 months was ample time to raise any concerns. My phone number was included in the packs, and an invitation was given to respond with any questions – even though it had been determined that the risk of adverse effects to them was very minimal.

As a note, the Consultation form was not provided as the neighbours were not considered to be adversely affected by the proposal (over the 'less than minor RMA threshold in s95E). Council did not ask for further engagement under s88E/95E of the RMA.

the other issue I would like addressed is public liability. Who is responsible if anything goes wrong as gleeson investments is and ultimate holding company for GMF Ltd. What do they have in place if anything should go wrong as it would naive to believe that nothing is going to go wrong.

Works are bonded. The Structure of Gleeson as a company is not relevant to the consent process. The draft bond condition includes the following: i. Restoration works (contouring, drainage and revegetation;

ii. Operation and maintenance of treatment systems;

iii. Compliance with conditions of consent;

iv. Rehabilitation works;

v. Cover for further sums for contingency measures;

vi. Monitoring costs

b. The bond performance is to be guaranteed by a guarantor, is to be reviewed regularly and legally established.

I trust this information assists with clarifying matters.

Kind Regards,
Kate Madsen
Director – Paua Planning



Environmental & Social Impact Assessments - Resource Consents - Planning Advice and Action

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From: Bianca Schoeman <biance@pauaplanning.co.nz>
Sent: Thursday, 6 August 2020 11:13 AM
To: 'Kate Madsen' <kate@pauaplanning.co.nz>
Subject: FW: 2 x emails sent

FYI

Bianca Schoeman
Planner – Paua Planning



From: Vitasovich <vitafam@xtra.co.nz>
Sent: Wednesday, 5 August 2020 3:46 PM
To: Bianca Schoeman <biance@pauaplanning.co.nz>
Subject: 2 x emails sent

Hi there

Just wanting to know if you received two emails from me. The first one was on 25/7/20 to Kate Madsen in response to update 3 to the community. The other was to you on 29/7/20 in response to update 4 to the community. To date I have heard nothing back from Paua Planning with regard to my question or an acknowledgement of receipt

Nicola Vitasovich

Questions we would like Huntly Community Board to pose to Paua Planning and Gleesons Managed Fill Ltd.

By way of introduction we are members of the Lake Puketirini Community Water Ski Club and we have a member representative on the WDC Lake Puketirini Management Committee.

We do not agree with the Application for a Clean and Managed Fill Dump site near Lake Puketirini. The location is too close to the Waikato River, Lake Puketirini, Waahi Lake and the Huntly Township. It is not a suitable location. We believe there should be full consultation between Council and all stakeholders before this application is considered.

Please note: There is no matters raised below that are connected with any potential effect on Lake Puketirini. Simply being 'too close' to the Lakes, River and Township does not constitute an effect. Managed Fill sites, when operating in accordance with conditions of consent, are likely to have less impact on the environment than runoff from urban stormwater, some permitted farm production/forestry activities and informal or unconsented dumps.

Questions for Paua Planning and Gleeson Managed Fill Ltd

1. Will Gleeson Managed Fill Ltd agree to a notifiable consent process ?
 - a. *Having undertaken an assessment of effects under the provisions of the Resource Management Act 1991, Paua Planning (along with associated technical experts), have determined that adverse effects on the environment will be overall no more than minor, and on any persons/people, less than minor, subject to agreed stringent conditions of consent and Management Plans, which ensure adverse effects are satisfactorily avoided, remedied and/or mitigated.*
 - b. *It is considered in this instance that there are no grounds for notification, and Gleeson have not suggested notification at any stage. It is up for Council's delegated officer to make a notification decision, based on all information they have received, and with the recommendation by Council's planner to either notify or not.*
 - c. *Gleeson would prefer to spend any compensation/mitigation funds in the community, rather than on a very expensive hearing process, which would include having to employ an environmental lawyer. You will see from the 'positive effects' email that was sent out last week, that Gleeson have already invested considerable funds in the community and are open to other opportunities presented.*
2. Will Gleeson Managed Fill Ltd be recapitalised to a more appropriate level considering the nature of the project and the contingent liabilities it potentially could incur.

Gleeson Managed Fill is a Company with 1 x Director and a \$1,000 share capital
(I.E. The company's value is \$1,000)

These shares are owned by another Gleeson Company which has, as its shareholders 2 x blind family trusts.

It is assumed that the land purchase and the landfill set-up has been and will be funded by way of loans from a parent company or other associated Gleeson Companies. These loans will take priority in any winding up of Gleeson Managed Fill Ltd liability action.

I.E. The Gleeson Family have no 'skin' in the game.

The structure is standard business practice affording maximum protection for the Gleeson Group and leaves a significant contingent liability to the WDC and its Huntly ratepayers for any costs of remedial work.

The narrative contained in their consent application is not reflected in the business structure.

- a. *The entire proposal is bonded with Council; the financial structure of Gleeson's company is of no relevance to this resource consent process and is not an RMA*

consideration. Gleeson recognise Council need the appropriate bonds to ensure all operational, mitigation and compensation works are completed and have agreed to this.

3. Would Gleeson Managed Fill Ltd agree to either paying a bond or taking out insurance cover (to be owned by WDC) but paid for by the Company to fund any future remedial work required for the lifetime of the landfill including the considerable time after operations have ceased. The value of the bond or insurance policy would be set by independent auditors/valuers who have experience in determining such cover.
 - a. *As above. The draft bond condition includes the following:*
 - i. *Restoration works (contouring, drainage and revegetation;*
 - ii. *Operation and maintenance of treatment systems;*
 - iii. *Compliance with conditions of consent;*
 - iv. *Rehabilitation works;*
 - v. *Cover for further sums for contingency measures;*
 - vi. *Monitoring costs*
 - b. *The bond performance is to be guaranteed by a guarantor, is to be reviewed regularly and legally established.*

4. Will Gleeson Managed Fill Ltd agree should a serious breach of their landfill activities occur, that they would forgo their dump operation, their consent be revoked, the dump removed and the site returned to its previous state all at Gleeson Managed Fill Ltd's cost.

AND additionally That Gleeson Managed Fill Ltd agree that no Legal proceedings will be necessary by WDC in the event of the above, nor any costs incurred by WDC.

Please take up this concern with the Council – Under the Resource Management Act 1991 (RMA), local authorities (councils) are responsible for monitoring to ensure activities meet requirements under the RMA, plan rules and resource consents.

The RMA does not prescribe how councils should carry out this function - councils have discretion to determine how to achieve compliance in their respective areas.

Councils use compliance promotion (such as education, on-site directions and awareness-raising) as the preferred method for encouraging compliance. When necessary, councils use formal enforcement action to discourage and penalise non-compliance and direct remediation of the damage.

4. That Gleeson Managed Landfill Directors, Gleeson Parent Company Directors and all Shareholder Trust Trustees be **liable** for the activities of Gleeson Managed Fill Ltd.
 - a. *See response re bond above – the consent will require a bond to be in place to ensure all works are completed. The company structure is of no relevance to the resource consent application process.*
5. What experience does the Gleeson Family and their entities have in clean and managed fill landfill sites ?
 - a. *This question has no relevance to the resource consent process. Appropriately qualified experts have been (and will continue to be) engaged to ensure best practice methods are adopted (and exceeded where necessary) for the activity to operate in accordance with the requirements of any consent granted and the provisions of the RMA.*

QUESTIONS WE WOULD LIKE HUNTLY COMMUNITY BOARD TO POSE TO WDC

- A. No communication was made by WDC or Paua Consulting to the Stakeholders of Lake Puketirini despite the opposite being stated in Paua's report. No meeting of the Lake Puketirini Management Committee has been convened by WDC nor was there one planned prior to the decision being made by Council on this consent. Why is that ?
- B. It is all very well having processes in place on paper for the management of clean and managed fill, but how in reality does this happen. Are you - WDC up to the task of auditing and policing this landfill on a daily basis ? for the lifetime of the landfill – potentially 10 years ? and have the necessary resources already in place ?
- C. Where are the other two landfills in the Waikato Area ? Are they close to waterways and a town as this one will be ? and what are their outcomes ? How happy are their neighbours ?
- D. Why has the Council allowed this Landfill Application to go through the 'un-notifiable' consent process? This is a totally different operation from a quarry and the community should be allowed to present their views to Council. The Council decision on the consent should represent the community views.
- E. If the landfill operation (especially managed fill) is a permitted activity in this area under the current District Plan how did this happen ?
- F. Is a managed landfill (toxic material) as opposed to a clean fill, (quarry overburden), a permitted activity for this area in the district plan. We see these as totally different business operations.
- G. If WDC gives un-notifiable resource consent to Gleeson Managed Fill Ltd , given the process used to give that consent, does the WDC agree that it has a contingent liability that should be placed on its balance sheet ? for the cost of remedial work in the event there is a failure of the landfill management plan and any legal actions taken by affected parties, including persons who use public facilities knowing that the WDC is responsible for their health and safety.

Pauline Kosoof
Secretary
Lake Puketirini Community Waterski Club
Member of Lake Puketirini Management Committee

17 June 2020

From: [AG Kosoof](#)
To: [Paua PLanning](#)
Subject: RE: Gleeson Managed Fill - Huntly Water Ski Club Questions & Responses
Date: Tuesday, 4 August 2020 11:41:10 AM
Attachments: [image002.png](#)

Hi Kate

Thank you for your response.

And thank you also for the Lake Puketirini WDC council contact details, as thus far there has been very little response.

Alan & Bronwyn Kosoof

LAKE PUKETIRINI COMMUNITY WATER SKI CLUB

From: Paua PLanning [mailto:pauaplanning@pauaplanning.co.nz]
Sent: Tuesday, 4 August 2020 11:13 AM
To: AG Kosoof
Cc: 'Biance Schoeman'
Subject: RE: Gleeson Managed Fill - Huntly Water Ski Club Questions & Responses

Hi Alan,

Apologies for the late response – I did not send out an email update in the weekend, due to becoming a grandmother for the first time – it has been a lovely distraction over the past week!

Please find attached our response to the queries you have raised. Note that some of these are outside the parameters of the resource consent process under the RMA, however I hope the information provided does give some clarification and certainty.

The contact at WDC for Lake Puketirini is:

Will Gauntlett

RM Policy Manager

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452 ■ M 0274064948

We are currently preparing a response to the concerns they have raised in regard to Lake Puketirini.

Kind Regards,

Kate Madsen

Director – Paua Planning



Environmental & Social Impact Assessments - Resource Consents - Planning Advice and Action

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From: AG Kosoof <admin@agk.co.nz>
Sent: Monday, 3 August 2020 11:36 PM
To: Bianca Schoeman (biance@pauaplanning.co.nz) <biance@pauaplanning.co.nz>
Cc: 'pauaplanning@pauaplanning.co.nz' <pauaplanning@pauaplanning.co.nz>
Subject: FW: Gleeson Managed Fill - Huntly Community Questions & Responses 24 JULY 2020

Hi Bianca

We must have missed last weekend's edition of your updates ? or have these now ended ?
Bianca, could you please respond to our below email. We have not had confirmation from you that you have received our original questions. These were sent to Kate Madsen as mentioned below.

Please confirm that you have these and are dealing to them.

Also a response regards the contact at WDC as asset managers of the Lake. We may as well be talking to the same person.

Much appreciated.

Alan & Bronwyn Kosoof

From: AG Kosoof
Sent: Saturday, 25 July 2020 12:39 p.m.
To: Bianca Schoeman
Cc: cpkosoof@xtra.co.nz; Cameron Mich
Subject: RE: Gleeson Managed Fill - Huntly Community Questions & Responses 24 JULY 2020

Hi Bianca

Some feedback for you.

- A. Yes we reading your updates with great interest.
- B. The reason we have not responded is that you haven't got to our questions yet, but appreciate you will get there eventually.

Our questions were emailed to Paua Planning Tuesday, 30th June at 5.07 pm. If you need a re-send, please email me back.

Bianca, can you please give us the contact details of WDC Asset Manager of Lake Puketirini, that you are dealing with, as we would like to make contact with them so that we are all on the same page and make your job easier.

Alan & Bronwyn Kosoof

Lake Puketirini Community Water Ski Club

From: Bianca Schoeman [<mailto:biance@pauaplanning.co.nz>]
Sent: Saturday, 25 July 2020 7:58 AM
To: 'Kate Madsen'
Subject: Gleeson Managed Fill - Huntly Community Questions & Responses 24 JULY 2020

Good morning everyone,

Here is the 4th follow up email to the community board meeting held late in June, in regard to the proposed Gleeson Managed Fill operation. Again, I have attached the Visual Summary of the Proposal for your overall reference.

This week, I have put together a list of positive effects from the proposal, as Council do have to consider potential positive impacts from the proposal, as well as negative – see attached. There is also some photos taken in April this year from within the area proposed for restoration and protection.

As yet, I have not had any feedback to these emails; it would be great to know if anyone is (a) reading them; and (b) has any further questions. We are happy to provide any of our technical reports and plans at your request. Next week we are having a hui with representatives of Waahi Whaanui Trust, which, while a Cultural Impact Assessment has been prepared on their behalf, we have not had the opportunity to meet in person. We are also responding to Waikato District Council in their role as 'Asset Managers' of Lake Puketirini. The importance of ensuring water quality in the lake is not impacted will also be discussed with Iwi.

Thanks for your time and attention – please let me know if you no longer wish to receive these emails.



Kind Regards,
Kate Madsen
Director – Paua Planning



Environmental & Social Impact Assessments - Resource Consents - Planning Advice and Action
Mobile: [+64 21 944583](tel:+6421944583)
Email: kate@pauaplanning.co.nz

From: [AG Kosoof](#)
To: [Biance Schoeman \(biance@pauaplanning.co.nz\)](mailto:biance.schoeman@pauaplanning.co.nz)
Cc: ["pauaplanning@pauaplanning.co.nz"](mailto:pauaplanning@pauaplanning.co.nz)
Subject: FW: Gleeson Managed Fill - Huntly Community Questions & Responses 24 JULY 2020
Date: Monday, 3 August 2020 11:36:37 PM
Attachments: [image002.png](#)

Hi Biance

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Alan & Bronwyn Kosoof
Lake Puketirini Community Water Ski Club

From: Biance Schoeman [mailto:biance@pauaplanning.co.nz]
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To: 'Kate Madsen'
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Thanks for your time and attention – please let me know if you no longer wish to receive these emails.



Kind Regards,
Kate Madsen
Director – Paua Planning



Environmental & Social Impact Assessments - Resource Consents - Planning Advice and Action
Mobile: [+64 21 944583](tel:+6421944583)
Email: kate@pauaplanning.co.nz

From: [AG Kosoof](#)
To: pauaplanning@pauaplanning.co.nz
Cc: [Cameron Mich](#)
Subject: Gleeson Cox Landfill Consent Application
Date: Tuesday, 30 June 2020 5:07:18 PM
Attachments: [Gleesons Managed Landfill questions.docx](#)

Hello (Attention Kate)

Could you please place us on your mailing list for answers mailout regarding Huntly Landfill Consent.

I am not sure whether our questions were passed to yourselves, but I attach a copy in case they weren't, so they can be included in your reply document.

Much appreciated.

Alan & Bronwyn Kosoof

Pauline & Clive Kosoof

Members Lake Puketirini Community Water Ski Club