

Re: SR 176538 - Approach by Meridian to allow certain works to start within core site

1. Meridian has approached Council with a request that Council accept Meridian's contention that conditions 45 and 46 of the resource consent provide sufficient scope for Meridian to relocate a large stock pile of spoil from the Spicer Forest to Boom Rock Road widening, currently located at a temporary site bordering Boom Rock Road, to a dedicated (and approved) fill site situated within the core site, notwithstanding that the roading improvements on Ohariu Valley Road and Boom Rock Road have not yet been fully completed.

2. Conditions 45 and 46, respectively, read as follow:

"45 Prior to commencement of any site preparation (including any Earthworks) or construction works on-site, the consent holder must at its own cost undertake the roading improvement works proposed for Ohariu Valley Road, Boom Rock Road and Spicer Forest.

Note: The condition does not preclude the use of the site as an adjunct to road upgrade works, such as for vehicle storage or on-site fill disposal associated with the roading improvement works.

46 The use of the upgraded refurbished roads by heavy construction vehicles for wind farm construction/site preparation traffic (other than site preparation as referenced under the note to condition 45) must not commence until the Compliance Monitoring Officer has approved in writing that the road meets the council requirements."

3. Incidental to considering the request, Council took its own legal advice on the plain and ordinary meaning of conditions 45 and 46.
4. Additionally, a meeting was held at Council on Thursday 14 March 2013 with Meridian staff Damon Simmons (Project Manager - Civil) and Alice Bradley (Environmental Compliance Officer), and Council officers, Soon Tek Kong (Manager – Transport Network), Neil Johnstone (Team Leader, Planning – Road and Traffic Maintenance), Ben Brown (Compliance Officer) and Bob Barber (Team Leader – Compliance). Mr Kong attended part of the meeting only.
5. The meeting allowed Meridian to explain in more detail the purpose of the request. It was described to us as a proposal to remove 'cut to waste' material from the Ohariu Valley Road/Boom Rock Road widening to fill site A01, with a desire to do so prior to the road widening being fully completed and signed off.

The attached plan (Reference MCK-UZA-DS-1851 dated 22 May 2012) shows with more particularity the current stock pile – top plan - (referred to as Fill Site PC01), and the fill site to which it is proposed to be removed – bottom plan – (referred to as Fill Site AO1)

6. The intention is to store within the core site such earthmoving equipment as may be required to remove the stock pile. In that way, it is not expected to add to the overall numbers of vehicle movements along Ohariu Valley/Boom Rock Road whilst the finishing stages of the road widening are completed. There will continue, however, to be some vehicle movements over that length of road to and from the core site to drop off and pick up personnel.
7. Based on the legal advice Council obtained, it is accepted that there is sufficient provision within conditions 45 and 46 of the consent to contemplate approval of the request as sought, notwithstanding that full sign-off of the widened road has not yet been given. In that respect, apart from the initial, one-off, movement of such heavy construction vehicles as will be necessary to remove the stock pile) along the widened road to the core site, the only other vehicles expected to be used will be utilities or vans to take staff to and from the core site.
8. This is not a situation where the numbers of heavy construction vehicles to be used to remove the stock pile will be taken from the pool of vehicles involved in the road widening exercise. Accordingly, this should not lead to delays in the time intended to be taken to complete the road widening.
9. At this stage, and for the purposes of this proposal, core work is confined to removal of the stock pile to dedicated fill site A01, creating, but not permanently finishing, the access road from the current stock pile to fill site A01, and on the proviso that no work be carried out beyond fill site A01.
10. To the extent that it may be desirable or practical, once the substantive road widening has been completed to the stage that sealing, signage, and road markings have been completed on the widened road, approval may be given to start more substantial core site work.

Some flexibility will be allowed for further ancillary works, including, for example, the completion of safety fences, which are expected to be fully finished within one-month of any earlier, qualified, sign-off.

Restrictions will, however, be placed on the size of vehicles that can use the widened road. Trucks limited to 3.5 tonnes or less will be permitted to use Ohariu Valley Road for any works required to be carried out before the safety fences have been installed, but the use of larger trucks, i.e. for the hauling of aggregate to the core site, will not be permitted until safety fencing has been fully completed.

11. The installation of stock and/or other fencing can be carried out at a later time, but is not to be unreasonably delayed. Where there is expressed land owner

insistence for stock fencing to be done sooner, or there is a clearly identified need to do so, then Meridian will liaise with that land owner about timing.

12. There was some concern expressed about the width of the Boom Rock Road/Ohariu Valley Road intersection (which has been designed to accommodate the heavy vehicle loads that will later use it) and the potential for anti-social (boy racer) elements to use it to do 'do-nuts' and the like. Meridian will take steps to install temporary 'narrowing' devices to impede those activities, but which will be able to be removed when the large load deliveries are to commence.

Meridian has also pointed out that there will be a permanently established security presence at the Boom Rock Road entrance to the core site. In any event, Meridian already has an established security presence in the area which is expected to act on any identified anti-social activities.

13. Other factors considered in regard to this proposal were:
 - That allowing the work to continue as conditions 45 and 46 contemplate was unlikely to have a detrimental impact on local residents given that the stock pile removal will be carried out fully within the boundaries of the core site.
 - The use of the widened road, and impacts on road safety, are not expected to be significant.
 - The stock pile, as presently situated, was always a temporary measure. In its current location it is, visually, an eye sore.
 - The removal of the stock pile, and the creation of the access road to fill site A01, enables continued productive use of the workforce which, unless involved in the road widening, would otherwise be under-utilised.
 - That in bringing works forward, even in this quite modest way, may contribute to gains and savings in progress and timeliness which might otherwise be lost. Ultimately the adage of the 'quicker they start, the quicker they finish' cannot be overlooked.

14. For the reasons advanced, Council has agreed to the request.

This is not a situation where the comment and/or feedback of the GLG is required; the issue being one that sits outside the functions of the CLG.

Notwithstanding that, however, this decision should be conveyed to the CLG for information purposes (and for it to disseminate to such others as it may see fit). It is also recommended that Meridian, via its established public information networks (website etc) publicise this approval in such detail and extent as it considers appropriate.

Council reserves the right to further review or modify any or all of the matters covered by this memorandum should circumstances require.

A handwritten signature in black ink, appearing to be 'R Barber', with a long horizontal flourish extending to the right.

R Barber
Team Leader (Compliance)
Wellington City Council
21 March 2013

