



Land Use Consent Application, Assessment of Environmental Effects

1044 Coast Road, Wainuiomata Coast

Prepared for:

Kakariki Estate Limited

Ref: 30246

Cuttriss
Surveyors. Engineers. Planners.

Document Control			
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Disclaimer

This report has been specifically prepared for the abovementioned client, site and project and is a professional opinion based on information available at the time of writing. To the best of our knowledge, the information contained in this report is accurate at the date of issue. This report is not intended as a guarantee or warranty and Cuttriss Consultants Ltd does not accept responsibility for the accuracy or completeness of third party information.

APPLICATION FORM

APPLICANT	Kakariki Estate Limited
NAMES OF OWNER/S AND OCCUPIER/S OF THE SITE	Kakariki Estate Limited
SITE ADDRESS	1044 Coast Road, Wainuiomata Coast
LEGAL DESCRIPTION	Lot 5 DP 551868
TYPE OF RESOURCE CONSENT	Land Use Consent
RELATED APPROVAL	Nil
ADDITIONAL RESOURCE CONSENT/S	Greater Wellington Regional Council (GWRC) Land use consent for cleanfill activity under Rule 94 of the Natural Resources Plan (NRP) Earthworks and associated discharge exceeding 3,000m ² in a 12 month period under Rule 101 of the NRP and Rule WH.R24 of Plan Change 1 (PC1) to the NRP
DESCRIPTION OF APPLICATION	Land use consent for cleanfill and associated earthworks for a duration of 30 years
DEPOSIT FEE	\$9,330.00 (assuming Limited Notification)
ADDRESS FOR SERVICE	Elliott Thornton Cuttriss Consultants Ltd PO Box 30429 Lower Hutt, 5010 021 449 053 Elliott.Thornton@cuttriss.co.nz
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SECTION 1

INTRODUCTION

Resource consent is sought for land use associated with the operation of a private cleanfill and associated earthworks.

It is proposed to conduct cleanfill operations at 1044 Coast Road, Wainuiomata. The cleanfill operations will largely support housing within Wainuiomata and Lower Hutt where it is often necessary to remove material that is unsuitable for development and replace that material with a more suitable medium, or there is excess fill due to cut which needs to be disposed of at an appropriately facility.

The cleanfill operations are expected to only be associated with housing development carried out by, or on behalf of Friday Homes, and are not intended to be used for other general commercial purposes.

The type of material is to be restricted to a class 5 landfill as described in the [Waste Management Institute of New Zealand \(WasteMINZ\) Technical Guidelines for Disposal to Land Rev. 3.1 dated September 2023](#). These guidelines also represent best practice in New Zealand for disposal of land and have formed much of the guidance around the design and management of potential adverse environmental effects in this application.

Access will utilise the existing farm access at the southern end of the site, close to the access to the Catchpool Valley and truck movements are limited to single unit trucks, no more than 18 loads per day (36 total truck movements), resulting in an average of 4 truck movements per hour to minimise disruption to nearby residents and road users.

The access will be upgraded to cater for truck movements, and passing bays installed at various locations to enable 2 trucks to pass concurrently on-site.

The site is identified as being highly productive land, and to minimise the loss of productive land, the topsoil is intended to be stockpiled on-site, and replaced once the cleanfill activities have been completed.

The proposal also seeks to avoid a series of low value, but identified natural inland wetlands present on the periphery of the existing watercourses.

This application includes an assessment against the Operative District Plan (District Plan), and an assessment of environmental effects that the proposed activity may have on the environment, in accordance with Schedule 4 of the Resource Management Act 1991 (RMA).

In support of the application, I have attached information normally required by the Hutt City Council (HCC) along with anything necessary to understand the nature of effects.

1.1 SUMMARY TABLE

Job Number:	30246
Address of Site:	1044 Coast Road, Wainuiomata Coast
Property Description:	Lot 5 DP 551868
Site Area:	170.8 ha
Territorial Authority:	HCC
Regional Council:	GWRC
Operative District Plan:	City of Lower Hutt District Plan (revision 28 th August 2024)
Proposed District Plan:	N/A
Activity Area:	General Rural
Notations:	Nil
Tenure:	Freehold
Registered Owners:	Kakariki Estate Limited
Applicant:	Kakariki Estate Limited
Activity:	Earthworks Cleanfill
Activity Status:	Discretionary
Appendices:	<ul style="list-style-type: none"> A. Flood Modelling by River Edge Consulting B. Record of Title and Interests C. Earthworks Layout and Scheme Plan by Cuttriss Consultants D. Ecological Assessment and Wetland Mapping by RMA Ecology E. Traffic Assessment by Harriet Fraser F. Erosion and Sediment Control Plan by Cuttriss Consultants G. Proffered Conditions by Cuttriss Consultants H. Hydrological Assessment by PDP I. Wetland Catchment Analysis by Cuttriss Consultants J. Pre-Application Advice from Dan Kellow of HCC K. Acoustic Assessment by NDY L. Implications of NPS-HPL by Lowe Environmental Impact M. Correspondence with Colin Lunn of HCC N. Pre-Application Advice from Anna McLellan of GWRC

SECTION 2

PROPOSED ACTIVITY

2.1 SITE DESCRIPTION

Physical Description

The 170.8 ha rural site is currently an operational farm with pastures used for sheep grazing. It contains an existing residential dwelling, and farm buildings including sheds and buildings suitable for storage of equipment. Farming activities are concentrated on the eastern side of the Wainuiomata River which dissects the site, with the western side containing steep slopes vegetated with a mix of exotic gorse and weeds, and some stands of natural regenerating bush. A number of small tributaries of the Wainuiomata River also run through the site, and natural inland wetlands have been identified at the periphery of these tributaries albeit with low ecological value.

The site contains a number of farm tracks, with existing farm access primarily at the southern end of the site, off Coast Road.

The site has characteristics of a terraced river valley, with the higher terraces located on the southern-eastern portion of the site, and lower terraces where the cleanfill activity is proposed, in the central and north-eastern portion. The western side of the Wainuiomata River unaffected by this resource consent rises steeply and connects to the ridgeline which forms part of the East Harbour Regional Park.

The site is fenced and planted with trees on the Coast Road frontage. They have been identified as 'crack willow' with an average 6 – 8m spacing, and approximately 10m in height. They provide some screening during summer (although limited in winter as these are deciduous).

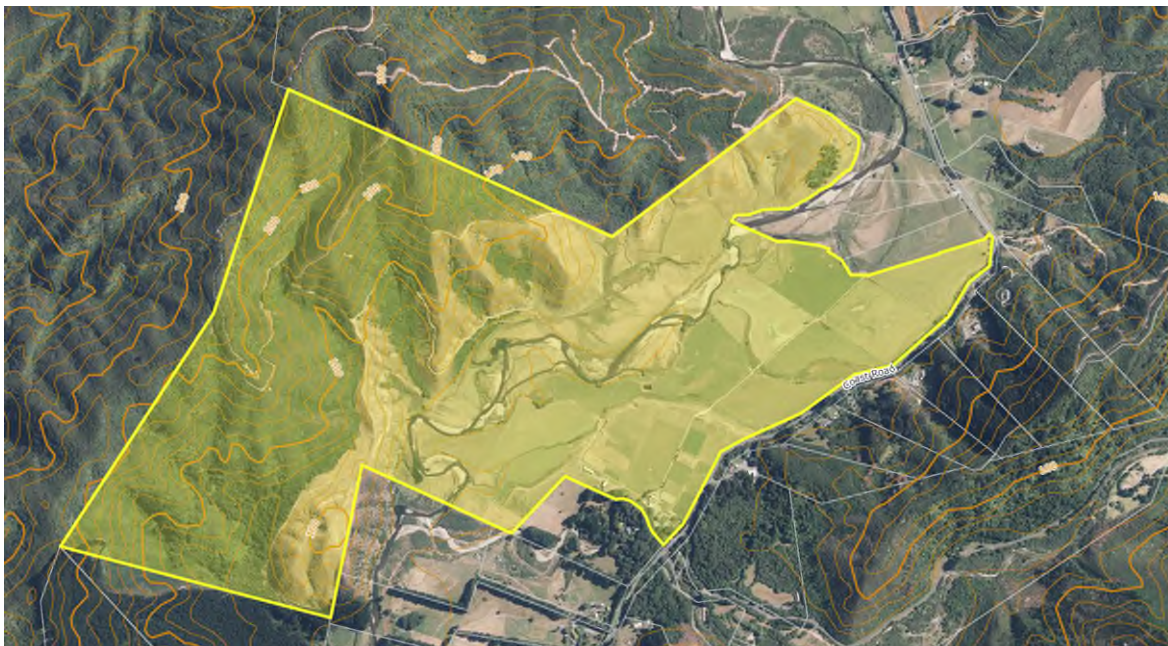


Figure 1 - Aerial of site (source: GRIP accessed 08/01/2024)

Despite the site not being covered by District Plan flood overlays, information from GWRC and modelling carried out by Rivers Edge indicates that parts of the site are subject to flooding in a 1% Annual Exceedance Probability (AEP) rainfall event with climate change from the Wainuiomata River as per Figure 2 below. A copy of the Flood Modelling is attached in **Appendix A**.

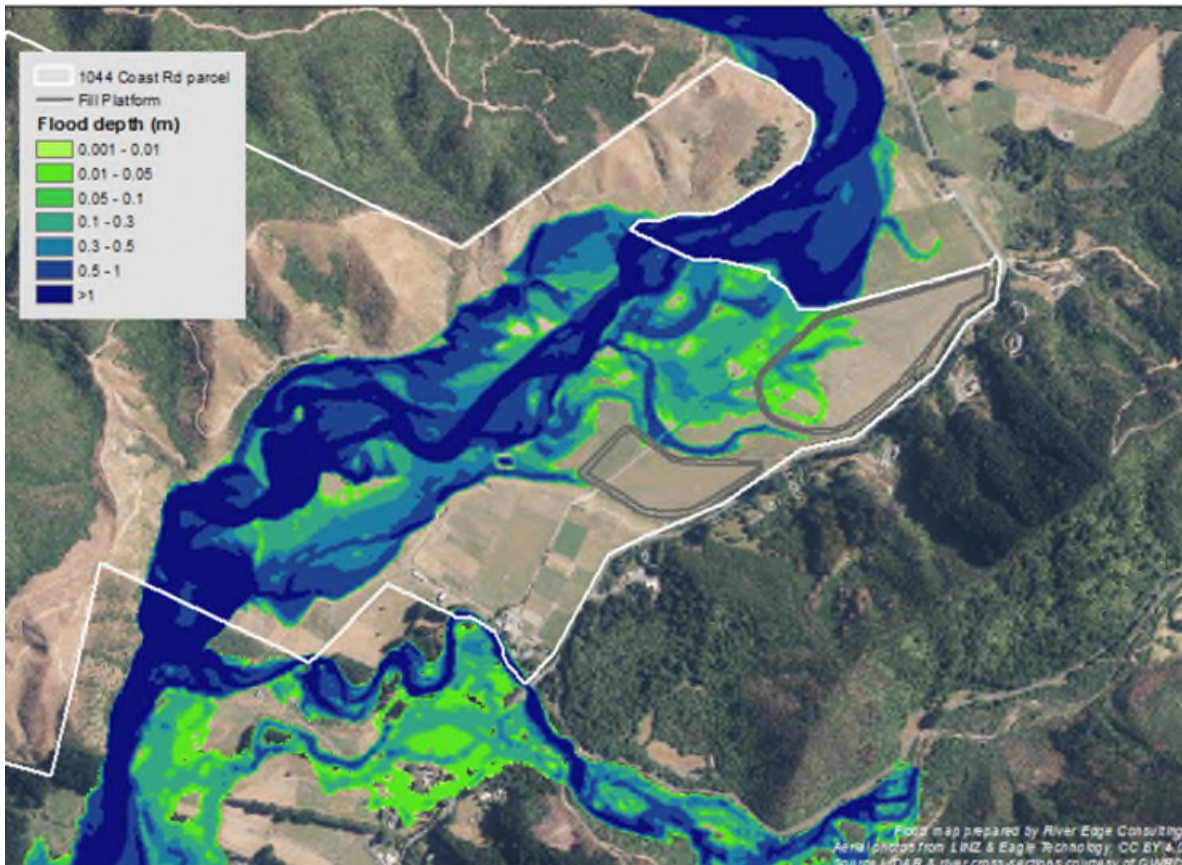


Figure 2 - Flood Modelling 1% AEP (source: River Edge Flood Modelling, 2022)

The site is identified as containing highly productive land, as defined in the National Policy Statement for Highly Productive Land (NPS-HPL) with the area east of the Wainuiomata River and location of the proposed cleanfill having a Land Use Capability of Class 3 as shown in Figure 3 below.

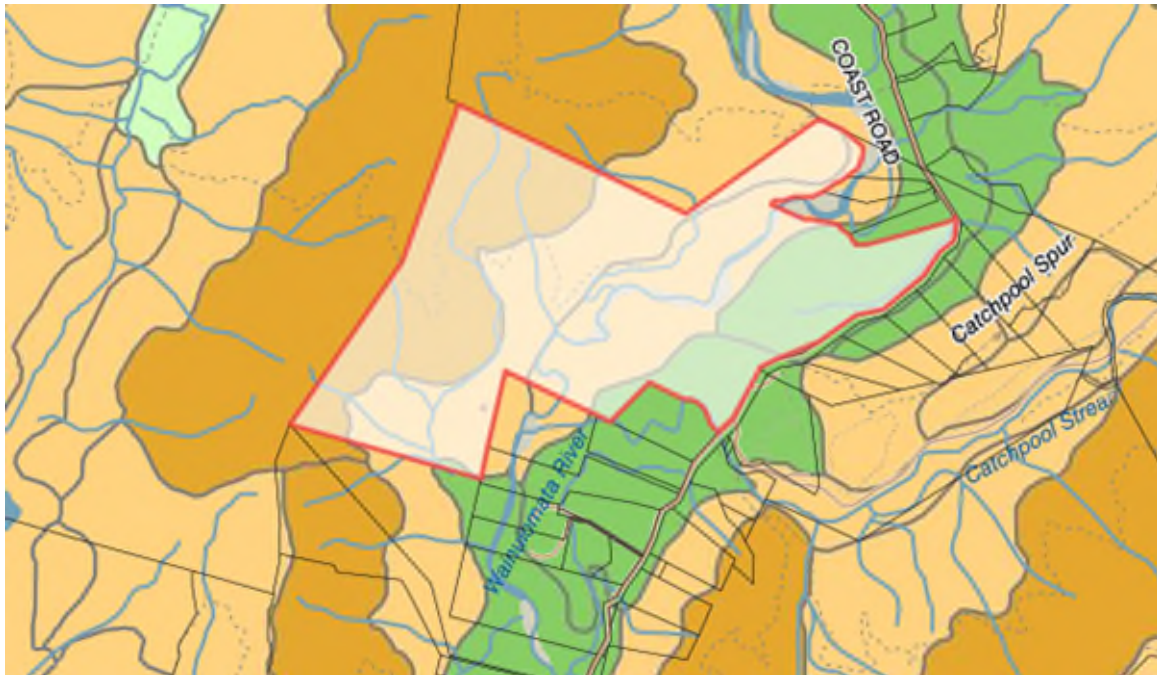


Figure 3 - Land Use Capability (class 3, green) (source: Manaaki Whenua Landcare Research, 03/10/2024)

The neighbouring sites and land use are shown in **Figure 4** below and are predominately rural or rural lifestyle, with the sites directly opposite on Coast Road containing a single residential house each.

The entrance to the Catchpool Valley and Ōrongorongo Valley campsite is also located opposite the cleanfill entrance. This is the most popular entrance to the Remutaka Forest Park for trampers, hunters and day walkers. A number of residential dwellings appear to be located within the Remutaka Forest Park, opposite the site as evidenced by the appearance of domestic activities present such as drying washing, and presence of private vehicles.

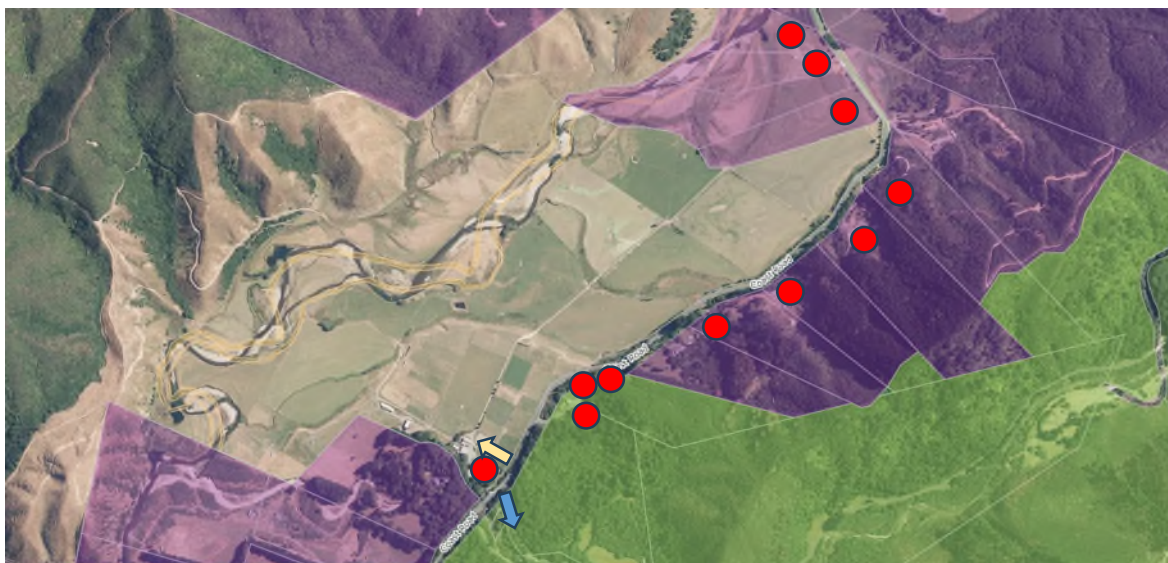


Figure 4 - Land uses near site, Remutaka Forest Park (green), private (purple), approx. location of residential dwellings (red circle), entrance to Catchpool Valley (blue arrow), entrance to proposed cleanfill (yellow arrow)

Site photos are shown in **Figure 5** below.



Figure 5 - From top terrace looking at wetland and southern fill zone 27/10/2023



Figure 6 - Similar view to Figure 3 from road 12/09/2024



Figure 7 - Typical view of northern fill zone from Coast Road 12/09/2024



Figure 8 - Typical view of northern fill zone from Coast Road 12/09/2024



Figure 9- View looking from Coast Road towards northern fill 12/09/2024



Figure 10 - View of terrace from Coast Road (southern fill will occur to the right) 12/09/2024



Figure 11 - View of wetlands 27/10/2023



Figure 12 - View of wetlands 27/10/2023

A legal description is provided in Table 1 and a copy of the Record of Title including the interests on title is attached at **Appendix B**.

Table 1. Site parameters

Address	Area	Property Description	RT	Tenure
1044 Coast Road Wainuiomata Coast	170.8 ha	Lot 5 DP 551868	954741	Freehold

The following interests are registered on the Record of Title for the site and are relevant to the assessment of this application:

- Consent Notice 11868076.3
 - Restriction that any buildings must be located outside the Wainuiomata River 'potential erosion hazard area' identified by GWRC unless a suitably qualified professional determines a more accurate erosion setback.
 - Restriction that any dwelling is constructed to the recommended building level as obtained from GWRC.
 - Note that residential development over Lot 5 is limited to a total of 8 dwellings.
- Esplanade Strip (5m wide, either side of the Wainuiomata River).
- Notice pursuant to Section 195(2) Climate Change Response Act 2002.

With regards to the consent notice, no buildings or cleanfill will be located within the potential erosion hazard area identified by GWRC. This is mapped on the Earthworks Layout and Scheme Plan prepared by Cuttriss Consultants Ltd in **Appendix C**. The other conditions of the consent notice relate primarily to residential dwellings which is not applicable to this resource consent.

With regards to the Esplanade Strip, all aspects of the proposal are outside the esplanade strip.

With regards to the Notice under section 195(2) of the Climate Change Response Act 2002, this relates to identification of forest land. No forested land is affected by the cleanfill and therefore also not relevant.

2.2 TYPE OF PROPOSAL

The proposed development is considered Land Use in accordance with section 87 of the RMA.

Table 2. Types of Resource Consent

Activity	Resource consent trigger
Land use	A consent to do something that would otherwise contravene section 9(3) of the RMA being the use of land in a manner that contravenes Chapters 8B and 14I of the District Plan.

Pursuant to section 88 of the RMA, this application is supported by:

- information relating to the activity, including an assessment of the effects on the environment ,
- appropriate supporting documents,
- the required deposit fee (to be invoiced).

2.3 DESCRIPTION OF PROPOSAL

As mentioned in the introduction, the site is proposed to be use for cleanfill (landfill - class 5) and is only anticipated to accept clean fill material. Cleanfill material is defined in the Waste Management Institute New Zealand (WasteMINZ) Technical Guidelines for Disposal to Land Revision 3.1, dated September 2023 as:

Virgin Excavated Natural Material (VENM) such as clay, soil and rock that are free of combustible, putrescible, degradable or leachable components.

When discharged to the environment, clean fill material will not have a detectable effect relative to the background, and the fill site will be able to be utilised for an unrestricted purpose on closure. Future excavation into the filled materials will be unrestricted.

The guidelines go on to describe Class 5 Cleanfill as:

A Class 5 Cleanfill only accepts cleanfill material as described above. The principal control on contaminant discharges to the environment from Class 5 Cleanfill is the Waste Acceptance Criteria (WAC).

Stringent siting requirements to protect ground water and surface water receptors are not required. Practical and commercial considerations such as site ownership, location and transport distance are likely to be the predominant siting criteria, rather than technical criteria.

Clean filling can generally take place on existing natural or altered land without engineered environmental protection or the development of significant site infrastructure. However, surface water controls are required to manage sediment runoff.

Extensive characterisation of local geology and hydrogeology is not usually required.

Monitoring of both accepted material and sediment runoff is required, along with operational controls.

The WAC for a class 5 clean fill comprise:

- VENM such as clay, gravel, sand, soil or rock fines that:
 - o Has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities; and
 - o Does not contain any sulfidic ores or soil or any other waste.
- Maximum incidental inert manufactured materials (eg concrete, brick, tiles) to be no more than 5% by volume per load; and
- Maximum incidental or attached biodegradable materials (eg vegetation) to be no more than 2% by volume per load; and
- Maximum chemical contaminant limits accepted by the regulatory authority to be the background concentration for VENM within the intended catchment of the site.

The technical guidelines mentioned above are considered industry best practice, and adherence is anticipated. The guidelines identify the source of material to predominately be slips/road clearance, construction site clearance, earthworks surplus, with the most likely contaminant risks being sediment contamination of surface water and dust.

The cleanfill is only intended for use by or on behalf of contractors working for Friday Homes, one of the regions leading land developers, with significant development activity occurring within the nearby urban area of Wainuiomata. The cleanfill is not intended to be used by other commercial operators.

The cleanfilling is to be carried out on the lower terraces of the site. There will be two distinct cleanfill pads, referred to as the northern fill zone, and southern fill zone. The cleanfill will have:

- Total area of 9.37ha;
- Volume of 196,500m³; and
- Maximum depth of 3.5m above existing ground.

The cleanfill zones are clearly shown on the Earthworks Layout prepared by Cuttriss Consultants Ltd dated 12/2023 and attached in **Appendix C**.

They have been designed to avoid and have a minimum 10m setback from any identified watercourses and wetlands, as identified by RMA Ecology in their Maps attached in **Appendix D** and **Figure 13** below.



Figure 13 - Excerpt from RMA Ecology Report - Mapped Wetlands and Watercourses with 10m buffers

They have also been designed to avoid the Erosion Zone identified by GWRC as mapped on the Earthworks Layout and Scheme Plan in **Appendix C**.

In addition to existing landscaping on-site, and adjacent legal road, to screen the activities from sensitive receiving environments, screen planting is proposed along the Coast Road frontage and northern property boundary containing a mix of evergreens such as Leighton Green which is a fast-growing conifer, and indigenous plants. Rehabilitation planting is also proposed on the periphery of the watercourses and wetlands, adjacent to the cleanfill.

A new access, separate from the existing farm access, is proposed to be constructed to the north of the existing dwelling at the southern portion of the site. The access has been carefully considered to maximise visibility, and avoid conflicts with other vehicles on the advice of Ms. Harriet Fraser who has carried out a Transportation Assessment which is contained in **Appendix E**. The haulage trucks will then utilise the existing farm access track, which runs parallel to Coast Road as indicated on the Earthworks Layout in **Appendix C**. Signage will also be erected at the new entrance to clearly distinguish it from the farm access, and provide contact details for any person seeking to get in contact with the consent holder regarding the cleanfill operation.

Haulage is proposed to occur along Coast Road, which is the only access available to the site from the urban areas of Lower Hutt and Wainuiomata. Coast Road is identified in Appendix 14A of the District Plan's Transport Chapter as a Secondary Collector Road, which in turn is defined in the District Plan as:

These roads link areas of population and economic sites. They may be the only route available in some places within this local area.

To manage effects on the transportation network, the vehicle for haulage is proposed to be restricted to a single unit trucks, operating between 7:30am and 5:30pm Monday to Friday,

and 7:30am to 1pm Saturdays. During that time, the maximum number of trucks dumping at the site is proposed to be restricted to no more than 18 per day, resulting in 36 vehicle movements per day along Coast Road, which represents on average, 4 trucks per hour.

Based on the advice of Ms. Fraser, haulage is not proposed on dates when the Catchpool Valley is at peak use. This would include:

- Period from 20th December – 10th January;
- Any long weekend (i.e. where a public holiday falls on a Friday or Monday);
- Any public holiday (including the easter long weekend).

In addition, GWRC typically restrict earthworks over an area of 3,000m² during winter due to the increased risks associated with rainfall and sedimentation. This covers the period 1st June to 30th September, and it is anticipated that similar restrictions will apply to the cleanfill activity.

In addition, based on the advice of Ms Fraser, clearance of vegetation (including indigenous vegetation) on the road berm to a distance of 181m is proposed to be carried out to ensure safe sightlines for trucks entering and exiting the site, and this is to be maintained as a height of no more than 1m. This is shown on the drawing titled Entry Sightlines SK03 in **Appendix C**.

The cleanfill will be carried out in stages, restricted to small discrete areas at a time to minimise soil disturbance and work area.

For the northern fill, it is anticipated that it will be carried out in approximately 3 stages, each of around 2.5 Ha each, and the smaller southern fill to be carried out in approximately 2 stages, each up to 2.5 Ha each.

Both fills will be uncertified fills as there is no intention to construct buildings within these areas in the foreseeable future.

The smaller stages enable the construction and stabilising of works to minimise sedimentation risks.

For each stage of construction, earthworks will be undertaken as follows:

- Progressively form stabilised haul road to works area;
- Installation of erosion and sediment control measures.
- Temporarily remove topsoil and stockpile on-site immediately following earthworks stage with the location to be determined on-site by a contractor to suit operations;
- Cleanfill to proposed earthworks platform levels
- Upon completion of the filling with cleanfill, spread and compact stockpiled topsoil and hydroseed to stabilise earthworked areas and reinstate to LUC 3.

The fill batters / areas will be constructed and stabilised progressively. Toe protection will be in the form of silt fences, with optional vegetation.

Further details of the works, including managing of construction effects such as erosion and sediment control, are contained within the Erosion and Sediment Control Plan contained within **Appendix F**.

In considering the above, and the advice from the supporting technical reports, we have put together a list of proffered conditions which are contained within **Appendix G**. These should be considered to form part of the proposal's mitigation measures.

2.4 ASSESSMENT AGAINST THE RELEVANT RULES AND STANDARDS

District Plan Notations

The subject site is located with the General Rural Activity Area. There are no notations specifically relevant to this proposal.

District Plan Standards

Table 3 provides an assessment of the proposal against the relevant District Plan standards:

Table 3. District Plan Assessment Table

District Plan Rule No.	District Plan Standard	Compliance
Chapter 8B 2.1 General Rural Permitted Activities		
8B 2.1.1a Dwellings	Maximum of two dwellings, provided that each must have a net site area of 15ha.	Not applicable Proposal is not for any new dwellings
8B 2.1.1b Minimum Yard Requirements	<ul style="list-style-type: none"> i. Principal Buildings: 10.0m ii. Accessory Buildings: 5.0m iii. For all buildings and structures: 20m minimum set back from water bodies, where the average width of the water body is greater than 3.0m measured from natural bank to natural bank; or 3.0m minimum set back from water bodies, where the average width of the water body is less than 3.0m measured from natural bank to natural bank. 	Not applicable Proposal is not for any new buildings.
8B 2.1.1c Maximum Height	For any principal or accessory building: 8.0m.	Not applicable Proposal is not for any new buildings.
8B 2.1.1d Recession Planes	<p>For any principal or accessory building, and from all site boundaries -</p> <ul style="list-style-type: none"> i. From the north facing site boundary: 2.5m + 45° ii. From the north-east and north-west site boundary: 2.5m + 41° iii. From all other site boundaries: 2.5m + 37.5° <p>provided the recession plane angles shall not apply to television aerials, flagpoles and chimneys.</p>	Not applicable Proposal is not for any new buildings.

<p>8B 2.1.1e Maximum Site Coverage</p>	<p>Maximum Site Coverage: 1000m².</p>	<p>Not applicable Proposal is not for any new buildings.</p>
<p>8B 2.1.1e Dust</p>	<p>All outside areas shall be surfaced, or managed appropriately so that there shall be no dust nuisance at or beyond the boundary of the site.</p>	<p>Will Comply Cleanfill activities will be managed such that there shall be no dust nuisance at or beyond the boundary of the site. Refer to the Erosion and Sediment Control Plan in Appendix F.</p>
<p>8B 2.1.1g Odour</p>	<p>All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour at or beyond the site boundary.</p>	<p>Will Comply Cleanfill activities will be managed such that there shall be no offensive odour at or beyond the boundary of the site. Refer to the Erosion and Sediment Control Plan in Appendix F.</p>
<p>8B 2.1.1h Lightspill and Glare</p>	<ul style="list-style-type: none"> i. Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of a dwelling on a neighbouring site. ii. All activities shall be undertaken so as to avoid all unreasonable light spill beyond the site boundary. iii. All activities, buildings and structures shall avoid glare (light reflection) beyond the site boundary. 	<p>Not applicable Proposal does not include any activities that will require light.</p>
<p>8B 2.1.1i Vibration</p>	<p>All activities that cause vibration shall be carried out in such a manner that no vibration is discernible beyond the site boundary.</p>	<p>May comply Given the distances from adjoining boundaries, it is unlikely but possible that intermittent</p>

		vibration may be discernible beyond the site boundary associated with the plant and equipment on-site.
8B 2.1.1j Home Occupation	<p>An occupation, craft or profession established on the same site as a dwelling, which is used for residential purposes, (but excluding activities such as livestock farming and forestry where these are the principal use of the site) provided that:</p> <ol style="list-style-type: none"> i. At least one resident of that dwelling is employed in the home occupation; ii. Not more than two persons who do not reside on the site shall work on the site at any one time; iii. Home occupations shall not include: <ul style="list-style-type: none"> • the repair, alteration, restoration or maintenance of motor vehicles not belonging to residents of the site; and • courier depots. iv. No home occupation shall involve the use of trucks or other heavy vehicles; v. No retail sales shall be permitted directly from the site except for goods or produce grown or produced on the site; vi. Home occupations shall not involve visitors to the site between 8.00pm and 7.00am; vii. Not more than 35% of the gross floor area of all the buildings on the site, and not more than 15% of any outdoor areas on the site may be used in association with the home occupation; and viii. Any external storage of materials associated with the home occupation shall be screened so as not to be visible from outside the site. 	Not applicable The proposal is not for a home business.
8B 2.1.1k Piggeries	<ol style="list-style-type: none"> i. All grazing and shelter areas must be a minimum of 50m from a residential building on the site, an existing residential building on a neighbouring site, from a site boundary where the boundary adjoins a site in the Rural Residential Activity Area or any residential activity area or a public road. ii. A maximum of five adult pigs (defined to be one year or older) are permitted at any one time. 	Not applicable The proposal is not for a piggery.

	iii. All adult pigs shall have a nose ring.	
8B 2.1.1l Commercial Forestry	<p>i. Where the commercial forestry is planted to within 50m of a site boundary with a public road, a 10m amenity strip, planted in species not used in the commercial forestry operation, will be provided, parallel and for the length of the commercial forestry operation, adjacent to a public road boundary and shall not be harvested at the same time as the commercial forest.</p> <p>ii. Where there is an existing dwelling on an adjoining site, all new commercial forestry must be planted a minimum of 30m from that dwelling.</p>	Not applicable The proposal is not for commercial forestry.
8B 2.1.1m Recreation	<p>i. No motorised recreational activity shall be permitted except for the enjoyment of those residents on the site and their visitors, or in the case of the Rimutaka Forest Park where the Department of Conservation has granted consent for motor vehicles within the Park.</p> <p>ii. No buildings may be used for or in association with a recreation activity; and</p> <p>iii. Recreation includes garden tours where there are no associated sales or services.</p>	Not applicable The proposal is not for a recreational activity.
8B 2.1.1n Visitor Accommodation	Maximum visitor occupancy: 10 persons.	Not applicable The proposal is not for visitor accommodation.
8B 2.1.1o Prospecting and Exploration	The total area of disturbance shall not exceed 1000m ² and the total volume of material disturbed shall not exceed 50m ³ ;	Not applicable The proposal is not for prospective or exploration.
8B 2.1.1p General Rules	Compliance with all General Rules in Chapter 14.	Does not comply See assessment below.
8B 2.1.1q Benmore Cres, Manor Park, Section 1 SO 36533	Benmore Cres, Manor Park, Section 1 SO 36533, in addition to the other Permitted Activity Conditions, the development of buildings and structures may only occur on land above 28.0 msl (mean sea level).	Not applicable The site is not Benmore Cres, Manor Park.
8B 2.1.1r Baring Head, Pt 1A2 Parangarahu	i. Any new buildings must be located within the building envelope shown on Appendix General Rural 3.	Not applicable The site is not Baring Head.

	<ul style="list-style-type: none"> ii. Maximum site coverage of a single building for the purpose of accommodating a single or two household unit shall be 300m². iii. Maximum total site coverage for all farm accessory buildings shall be 300m². iv. Maximum height for all buildings within the building envelope shall be 6.0m v. All buildings on the site must be clad with rough textured natural materials. vi. All building materials used on the site must be of low reflectivity. vii. If any surface is painted, the level of reflectivity of the paint shall be below 40%. viii. Any earthworks must be limited to the immediate area of the building platforms. 	
<p>8B 2.1.1s On the land identified in DP 72284 but excluding that area identified as 'G' and shown on Appendix General Rural 4</p>	<ul style="list-style-type: none"> i. Any permitted extraction activity may only occur for a maximum of 21 days, but not necessarily consecutive, in a 90 day period. The operator shall maintain and make available to Council on request, records of the dates on which extraction activities occur. ii. Except for structures and equipment associated with processing activities, the maximum height shall be 8.0m. For structures and equipment associated with processing activities, the maximum height shall be 12.0m. Formed stockpiles shall not exceed a maximum height of 12.0m. iii. Landowners and adjacent landowners shall be advised of the activity at least one week in advance of the commencement of the activity. iv. All activities shall be undertaken in a way that avoids creation of a dust nuisance at or beyond the boundary of the area identified by DP 72284 but excluding that area identified as 'G'. v. For all activities: 6.00am - 6.00pm Monday to Friday (excl public holidays) and 6.00am - 1.00pm Saturday (excl public holidays). vi. Structures and equipment shall be removed from the area following the completion of each phase of the extraction activity. vii. The area shall be managed and maintained in a tidy and safe manner at all times. Any accumulated non-alluvial materials associated with 	<p>Not applicable The site is not DP 72284.</p>

	<p>viii. the extraction activity shall be removed from the area at least once every six month period. Waste alluvial material shall be spread over the extraction area at the completion of each phase of extraction activity.</p>	
<p>8B 2.1.1t Primary and Secondary River Corridors</p>	<p>All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m² or less and with a setback of 20m or more from a flood protection structure.</p>	<p>Not applicable Despite being adjacent to the Wainuiomata River, the site is not specifically mapped as a Primary or Secondary River Corridor.</p>
<p>The proposal is <u>not</u> a permitted activity as it does not meet standard 8B 2.1.1p.</p>		
<p>Chapter 8B 2.2 General Rural Restricted Discretionary Activities The following activities are provided for as Restricted Discretionary Activities:</p>		
<p>a. Commercial recreation</p>	<p>The proposal is not for commercial recreation.</p>	
<p>b. Visitor accommodation with a visitor occupancy of more than 10 persons excluded H. vi below</p>	<p>The proposal is not for visitor accommodation.</p>	
<p>c. Cafes and restaurants.</p>	<p>The proposal is neither a café or restaurant.</p>	
<p>d. Residential accommodation for the elderly.</p>	<p>The proposal is not for any form of residential accommodation.</p>	
<p>e. Urupa and cemeteries.</p>	<p>The proposal is not a urupa or cemeteries.</p>	
<p>f. Intensive farming.</p>	<p>The proposal is not for intensive farming.</p>	
<p>g. Any activities which would otherwise be Permitted but is shown on Appendix General Rural 5.</p>	<p>The site is not shown on Appendix General Rural 5.</p>	
<p>h. In the Quarry Protection Area shown on Appendix General Rural 1.</p>	<p>The site is not in the Quarry Protection Area</p>	
<p>i. All new buildings and structures or additional in the Primary or Secondary River Corridor with a gross floor area greater than 20m² or with a setback less than 20m from a flood protection structure.</p>	<p>The site is not subject to a mapped Primary or Secondary River Corridor.</p>	
<p>The proposal is <u>not</u> a restricted discretionary activity as it is not for one of the activities listed a – i above.</p>		
<p>Chapter 8B 2.3 General Rural Discretionary Activities</p>		

The following activities are provided for as Discretionary Activities:		
a. Except where stated in the General Rules, any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.	The proposal is an activity which doesn't meet the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 General Rules.	
b. Turf farming.	The proposal is not for turf farming.	
c. Top soil removal.	The proposal will involve temporary topsoil removal.	
d. Exploration and mining of materials.	The proposal is not for exploration or mining of materials.	
e. Landfills and transfer stations.	While a cleanfill is similar in nature, it is not strictly a landfill or transfer station.	
f. Any activities within the identified coastal environment shown on Map Appendices 2A, 2B and 2C.	The site is not identified on Map Appendices 2A, 2B or 2C.	
g. Brothels and commercial sexual services not falling within the ambit of home occupation.	The proposal is not a brothel or commercial sex service.	
The proposal is a <u>discretionary activity</u> as it is one of the activities listed a and c.		
Chapter 14A Transport Permitted Activity Standards		
14A 5.1a i.	Complies with the standards listed in Appendix Transport 1	Does not comply Refer to Traffic Assessment by Harriet Fraser in Appendix E . Non compliance is in regards to standards that apply to driveways and site access.
14A 5.1a ii.	Does not exceed the high trip generator thresholds specified in Appendix Transport 2	Complies The proposal will not generate more than 500 vehicle trips per day as confirmed in the Traffic Assessment by Harriet Fraser in Appendix E .

The proposal is a <u>restricted discretionary activity</u> where it does not comply with the standards listed in Appendix Transport 1.		
Chapter 14B Signs Permitted Activity Standards <i>NOT APPLICABLE – The proposal does not include signs</i>		
Chapter 14C Noise Permitted Activity Standards		
14C 2.1a	These rules are without prejudice to the powers of Council pursuant to the Act.	Noted
14C 2.1b	These rules are without prejudice to the powers of any Medical Officer of Health pursuant to the Health Act 1956.	Noted
14C 2.1c	The noise levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound", and assessed in accordance with NZS 6802:1991 "Assessment of Environmental Sound". The noise level is the L10 descriptor, as defined in NZS 6801:1991.	Noted
14C 2.1d	The lower levels shall apply between the commencement of the lower level on a Saturday evening and Monday morning, and Public Holidays, unless otherwise specified.	Noted
14C 2.1e	The maximum sound level shall not exceed Lmax75dBA during the hours 10.00pm - 7.00am, measured anywhere within a residential activity area.	Not applicable The site is not near a residentially activity area
14C 2.1f	All construction, demolition, and maintenance work shall comply with NZS 6803P "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".	Will comply It is anticipated that works will meet these standards.
	Sirens being used in response to an emergency (and routine testing and maintenance) are exempt from the Permitted Activity Condition standards.	Not applicable The proposal does not require the use of sirens.
Rules 14C 2.1.1 - 9 do not apply to the site or the General Rural Activity Area		
14C 2.1.10 General Rural Activity Area	All non-residential activities must not exceed the conditions as specified, measured anywhere beyond the site on which the activity takes place – Maximum 50dBA 7:00am – 10:00pm Maximum 40dBA 10:00pm – 7:00am	Complies Refer to section 4.3 of the Acoustic Assessment of Environmental Effects prepared by NDY and

		contained in Appendix I.
Rules 14C 2.1.11 - 13 do not apply to the site or the General Rural Activity Area		
<p align="center">Chapter 14D Hazardous Facilities <i>NOT APPLICABLE – The proposal is not for a hazardous facility.</i></p>		
<p align="center">Chapter 14E Significant Natural, Cultural and Archaeological Resources <i>NOT APPLICABLE – While the site is mapped as containing a Significant Natural Resource it is within the Areas where Rule 14E 2.2 (b)(ii) ceased to apply on 1 January 2004 in Appendix Significant Natural, Cultural and Archaeological Resources 4</i> <i>The site is not mapped as containing cultural or archaeological resources.</i></p>		
<p align="center">Chapter 14F Heritage Buildings and Structures <i>NOT APPLICABLE – The site does not contain a mapped or identified heritage building or structure.</i></p>		
<p align="center">Chapter 14G Notable Trees <i>NOT APPLICABLE – The site does not contain a mapped or identified notable trees.</i></p>		
<p align="center">Chapter 14H Natural Hazards <i>NOT APPLICABLE – The site is not located within the Wellington Fault Rupture Hazard Overlay, or a mapped Inundation Area, Overland Flow Path, or Stream Corridor Flood Hazard Overlays, or Coastal Hazard Overlays.</i></p>		
<p align="center">Chapter 14I Earthworks Permitted Activity Standards</p>		
14I 2.1.1 (a) Ground Level	Not altered by more than 1.2m, measured vertically	Does not comply The cleanfill will change the ground level by up to 3.5m.
14I 2.1.1 (b) Quantity	Maximum: 50m ³	Does not comply The volume of cleanfill will exceed 50m ³ (approx 196,500m ³)
14I 2.1.1 (c) Baring Head, Pt 1A2 Parangarahu	Baring Head, Pt 1A2 Parangarahu, as shown on Appendix Earthworks 2, any earthworks must be limited to the immediate area of the building platforms.	Not applicable The site is not Baring Head.
14I 2.1.1 (d) In the Primary and Secondary River Corridors	In the Primary and Secondary River Corridors, earthworks must be a minimum distance of 20m from a flood protection structure.	Not applicable The site is not within the Primary or Secondary River Corridors.

<p>The proposal is a restricted discretionary activity as it does not comply with all the Permitted Activity Conditions.</p>
<p>Chapter 14J Temporary Activities Permitted Activity Standards <i>NOT APPLICABLE – The proposal is not a temporary activity as it is not a one off event and will not occur for a short duration.</i></p>
<p>Chapter 14K Filming Permitted Activity Standards <i>NOT APPLICABLE – The proposal is not for filming.</i></p>
<p>Chapter 14L Renewable Energy Generation Permitted Activity Standards <i>NOT APPLICABLE – The proposal is not for renewable energy generation.</i></p>
<p>Chapter 14M Wind Permitted Activity Standards <i>NOT APPLICABLE – Chapter 14M does not apply to the General Rural Activity Area.</i></p>

Land Use

The cleanfill activity is unable to meet all General Permitted Activity Rules in Chapter 14, is not for an activity explicitly listed as restricted discretionary, and involves the removal of topsoil, it is therefore a **discretionary activity** pursuant to **Rule 8B 2.3**.

In relation to Chapter 14A – Transport, the proposal does not meet the standards relating to driveways and access. The activities associated with transport are therefore a **restricted discretionary activity** pursuant to **Rule 14A 5.1b**. The matters of discretion are restricted to the effects generated by the standards not being met.

In relation to Chapter 14I – Earthworks, the proposal exceeds the maximum standards for earthworks. The proposed earthworks are therefore a **restricted discretionary activity**, as per **Rule 14I 2.2(a)**. The matters of discretion limited to :

- *Amenity values;*
- *Existing natural features and topography;*
- *Historical or cultural significance; and*
- *Natural hazards.*

Summary

As all activities are interlinked, the proposal is bundled as a **discretionary activity** under the District Plan.

2.5 PERMITTED BASELINE FOR THE SITE

The permitted baseline would require compliance with the earthworks standards. Earthworks up to 50m³ and 1.2m change in ground level are permitted. The extent of the breach with regards to earthworks (196,500m³, with up to 3.5m vertical change), is far in excess of the permitted activity standards for earthworks and is therefore of little relevance to any assessment on the potential effects of earthworks.

With relation to other aspects of the activity, including vehicle movements, the site is an existing operational farm, and a range of rural activities can be carried out as a permitted activity including commercial forestry, non-intensive farming and associated activities, which

may be congruent to the scale and intensity of a cleanfill activity and may be of some relevance to comparing or disregarding effects, such as stock movement.

2.6 NATIONAL ENVIRONMENTAL STANDARDS

National Environment Standard for Contaminated Soils

Under National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), if a site has been the subject of an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List ('HAIL') then the NESCS warrants further consideration. It is our understanding that no previous activities have occurred on the site which are identified on the HAIL list. In particular, while it is currently a working farm, there is no evidence to suggest it was used for activities such as a market garden whereby heavy herbicide or pesticides are used. As such, the site is considered to not be contaminated and an assessment of the proposed activity against the requirements of the National Environmental Standard is not required for this proposal.

National Environment Standard for Freshwater

Under National Environment Standard for Freshwater (NES-FW), landfill and cleanfill areas that may affect wetlands can require resource consent under regulation 45B. The proposal meets all permitted activity standards of regulation 45B with the exception of sub-clause (5) whereby there is discharge of water directly into an identified natural inland wetland. Based on the advice of PDP in their Hydrological Assessment in **Appendix H**, where they have stated that the effects on the hydrological functions of the wetland will be minimum, runoff is likely to enter the wetland areas which may trigger regulation 45B. They have confirmed that there may be a localised decrease in groundwater due to slightly slower recharge rates, and localised increases in surface run-off from the batter slopes, neither of which they consider will negatively impact the hydrological function of the wetland.

The analysis by RMA Ecology in **Appendix D** further states that the Sediment Retention Pond will discharge treated water into the stream and wetland network, potentially increasing water levels in sections of wetland downstream. While the level increase is likely to be small and unlikely to have a detrimental effect on the wetland this does represent a change.

It is noted that this differs from the Civil Engineer on the project who in their opinion, following assessment of the existing topographical data is that; *the clean fill and associated erosion and sediment control measures at Coast Road are unlikely to affect the water level range or hydrological function of the wetlands directly adjacent to the works areas, as the catchment areas feeding these wetlands are largely unchanged.* A copy of the catchment analysis is contained in **Appendix I**.

Therefore, applying a conservative approach, based on the advice of PDP and RMA Ecology, it appears more likely than not that there will be a change in water level range triggering regulation 45C(5) of the NES-FW, but that it is unlikely to cause an adverse effect. Conversely, based on the advice of RMA Ecology, this may result in net positive ecological outcomes given the intermittent nature of the adjacent watercourse.

Other National Environment Standards

The National Environmental Standards pertaining to air quality, telecommunication facilities, sources of drinking water, electricity transmission, plantation forestry, storing tyres outdoors, marine aquaculture and fresh water are not applicable to this proposal.

2.7 OTHER CONSENTS

Resource consents are required under the Natural Resources Plan (and Plan Change 1) from Greater Wellington Regional Council and will be applied for concurrently with or shortly after this resource consent.

2.8 OVERALL STATUS OF APPLICATION

The overall activity is a **discretionary activity**, discretion for assessing this application is not limited and all other and any matters can be considered.

SECTION 3

NOTIFICATION ANALYSIS & CONSULTATION

3.1 PRE-APPLICATION CONSULTATION

In accordance with clause 6(1)(f) of Schedule 4 of the RMA, the following persons have been consulted prior to lodgement of this resource consent:

- HCC;
- GWRC.

The purpose of the consultation was to understand any concerns the consenting authorities may have, and have informed the technical information to support this resource consent.

Details of the consultation are outlined below:

Hutt City Council

An initial Pre-application discussion was had with Charlie Hopkins, then Principal Planner at HCC on 16th December 2021. No major concerns were raised in that initial informal meeting.

Following that discussion, formal Pre-application advice was sought and provided from Dan Kellow a planning consultant to HCC and is attached in **Appendix J**.

Mr. Kellow confirmed in his written advice dated 8th September 2022 that:

- The activity would be considered earthworks under the District Plan and would be a Discretionary Activity subject to Rule 8B 2.3(a) and the top soil removal subject to Rule 8B 2.3 (b) – (d).
- The activity is anticipated in the environment and may be considered acceptable.
- Main areas of consideration would be:
 - Maintenance and enhancement of the open character and visual amenity values;
 - Retention of the intrinsic values of the land.
- A Landscape and Visual Assessment from a suitably qualified expert would be required and peer reviewed.
- A Transport Impact Assessment (TIA) would be required and peer reviewed.
- A Noise Assessment would be required and peer reviewed.

- Management of landscape and visual effects would be needed including staging, progressive rehabilitation and screening, but notes that some exposed earth is acceptable given the activity status of turf farming.
- Confirmed no known cultural or historic physical resources on the site.
- Consultation would be required from GWRC in relation to flood water displacement given the proximity to the river.
- The TIA would need to estimate the number of truck movements per day/hour. He also noted that Coast Road is narrow and truck movements would need to be carefully managed. The truck movements could also impact on rural character through noise and this would be considered and assessed.
- It is unlikely that HCC would seek joint lodgement with GWRC to understand overall effects.
- Positive effects of cleanfill can be considered including the need for a cleanfill to serve Hutt City.
- He expects that the application would be notified given scale and visibility. Unsure whether public or limited.

It should be noted that the above advice was provided on the basis of both cleanfill, but also limited quarry and gravel extraction activities. Neither a quarry nor gravel extraction is proposed.

In response to the advice of Mr. Kellow we have carried out:

- Transport Assessment (**Appendix E**);
- Acoustic Assessment of Environmental Effects (**Appendix K**);
- Assessment of landscape and visual effects as part of this Assessment of Environmental Effects (AEE) (see **section 3.2** below).
- Flood Modelling (**Appendix A**);
- Ecological Assessment (**Appendix D**); and
- Hydrological Assessment (**Appendix H**).

In response to the technical documents provided, we have outlined and introduced significant restrictions on the number of trucks per day, and type of trucks.

We note that Mr. Kellow was of the view that a cleanfill activity can be considered acceptable in the zone, subject to technical information which is contained within this application. We also note his views on notification.

We have carried out a notification assessment below and have since come to the view that the effects on the environment are no more than minor, and with the exception of those properties adjacent to the north, the effects are less than minor on all other persons.

Since the original advice was provided in 2022, the National Policy Statement for Highly Productive Land (NPS-HPL) took effect. Further advice was sought in relation to the application of the NPS-HPL and Mr. Kellow provided further advice in an email dated 17th October 2022.

Mr. Kellow confirmed in his written advice dated 17th October 2022 that:

- The site is considered highly productive land.
- The activity would not meet the exemptions set out in clause 3.9(2) of the NPS-HPL.

- The policy directive is to 'avoid' and it is unlikely consent could be granted, with the NPS-HPL given significant weighting.

In response, we sought an expert assessment of the highly productive land from Lowe Environmental Impact (**Appendix L**) which confirmed that the cleanfill could be managed in a way that the productive soils could be stockpiled, and replaced such that in their professional view, there would be no loss of productive land.

With this information, which Mr. Kellow had not received when providing his advice on the NPS-HPL, we are therefore of a differing view, being that the proposal is consistent with the NPS-HPL and that it does not represent an impediment to consent being granted.

In addition, we have discussed the vegetation clearance for sightlines with Colin Lunn, Maintenance and Renewals Manager at HCC in charge on their street trees assets. He confirmed in an email dated 14/11/2024 that he had no objection to the removal of vegetation for sightlines along Coast Road, as this would make it easier to maintain reducing costs and liability to the rate payer. He does however note that this may create some negative feedback from Coast Road and Remutaka Forest Park users and will therefore be considered as part of the resource consent application. A copy of the email correspondence is including in **Appendix M**.

Greater Wellington Regional Council

Pre-application discussion were held with Anna McLellan, Team Leader for Consents and Compliance at GWRC on 4th October 2022.

She confirmed in her email and phone call that GWRC didn't have any significant concerns, provided the cleanfill avoided the wet areas (streams/wetlands). A copy of the email correspondence is in **Appendix N**.

In response to her feedback, the proposal has been designed to avoid intrusion within 10m of all identified wetlands and watercourses as confirmed by RMA Ecology and shown on the Earthworks Layout and Scheme Plan in **Appendix C**.

Other Persons

No other persons or entities relevant to this application has been consulted prior to lodgement and under clause 6(3) of Schedule 4 of the RMA, there is no obligation to consult with any person.

3.2 SECTIONS 95A AND 95D PUBLIC NOTIFICATION ANALYSIS

Section 95A specifies that a consent authority must follow the four-step process (set out in section 95A) in the order given, to determine whether to publicly notify an application.

It is considered that the proposal is not required to be publicly notified for the following reasons in accordance with the prescribed steps.

Step 1: mandatory public notification in certain circumstances:

- The applicant has not requested public notification.
- Public notification is not required under section 95C.

- The application has not been made jointly with an application to exchange recreation reserve.

Step 2: if not required by step 1, public notification precluded in certain circumstances:

- Public notification is not precluded as the application is for a discretionary activity which is not a boundary activity.

Step 3: if not precluded by step 2, public notification required in certain circumstances:

- Public notification is not required. The proposed activity is not subject to a rule or national environmental standard that requires public notification, and it is the case of this AEE that the potential adverse effects on the environment are no more than minor.

Landscape Character and Amenity Effects

At present, the landscape character of the locality is predominately rural, with a mix of lifestyle blocks, working farms and open spaces. The area has a very low density of housing, which are widely spaced out and interspaced between large open spaces including paddocks and some small stands of native bush.

The site is highly visible when driving south along Coast Road, and the type of landscape that is visible driving south along Coast Road is typical of a rural area, and contributes to scenic amenity values enjoyed by both residents but also visitors, particularly those visiting the Remutaka Forest Park and Wainuiomata Coast, despite not being specifically identified as such within the District Plan.

Coast Road provides access to local properties, and is also a popular route for visitors from further afar accessing the Remutaka Forest Park from Catchpool Valley, East Harbour Regional Park and the southern coast, where it provides access to Baring Head Lighthouse, and Turakirae Head which is an important geological scenic reserve, as it shows clear indication of seismic uplift and is also a popular destination to observe New Zealand Fur Seals. Coast Road also forms part of the Remutaka Cycle Trail.

The relatively flat valley floor dominates this landscape, flanked by vegetated hills and ranges to the east and west.

Within the valley floor, the Wainuiomata River meanders south largely hugging the western foothills of East Regional Park, with Coast Road running parallel, largely hugging the eastern edge of the valley floor. Coast Road and the Wainuiomata River are separated by widely visible open spaces, often sparsely vegetated with grazing paddocks and a few houses.

The predominate view when driving south, is that of the Eastern Harbour hills in the distance, and grazing paddocks and the occasional residential dwelling, closer to Coast Road.

Further up the eastern flank is the southern extent of the Remutaka Range. This is barely visible from Coast Road as Coast Road hugs the eastern floor of the valley. However, the western flank forms part of East Harbour Regional Park, administered by GWRC, is highly visible from Coast Road and forms a vista that includes both the open valley floor and the regenerating bush of East Harbour Regional Park.

Other than from Coast Road, the valley floor is not highly visible from any other vantage points, although some walkers may get glimpses of the valley floor from the ridgelines, through small gaps in the bush. Having walked many of the main ridgeline tracks from the Catchpoole Valley entrance, the tracks have very limited visibility or views.

Given the likely low visibility from the walking tracks and ridgelines, the landscape character and amenity values are predominately only experienced from Coast Road, and largely from drivers or cyclists, and therefore consideration of effects on landscape character and amenity are limited to only those users.

The proposal has the potential to change the character of the landscape of the locality. This includes both changes during the cleanfilling activities which are temporary (albeit for a reasonable duration), and permanent changes in landform resulting from the final finished ground levels. I will address each of these effects separately.

Temporary Landscape Character and Amenity Effects

The temporary landscape character and amenity effects of the cleanfilling activity are limited to the physical works associated with dumping of material and the scarring of the landscape that will occur from the temporary stockpiling of existing top soil, as well as the visual impact of exposed or new material being brought to the site, which will initially contrast against the grassed background, and be more visible.

For the duration of the activity, the landscape character will change from a relatively flat, terraced grassed working farm, to having an almost permanent digger, the movement of trucks and stockpiling of material earth. While only limited to a small portion of the site, this will result in a noticeable change in landscape character from a working farm to an active cleanfill, the effect of which is exacerbated by the duration of the activity.

Notwithstanding, this change in character will be partly mitigated by the screen planting that has already been planted along Coast Road, which includes plants at a density intended to screen activities from view of Coast Road, as shown on the Earthworks Layout and Scheme Plan in **Appendix C**. The planting is evergreen and given the density and nature of the planting, will result in partial screening of the activities on site from view of drivers and cyclists along Coast Road, which as outlined above, is the predominate area that the site is visible from.

The screening will therefore partly mitigate effects, with views of the site likely only between exposed areas between screening, such as if plants die or where the elevation of the road is above the screening planting.

The effects will also be limited to a small portion of the site at any one-time, and therefore the cleanfill will present as a smaller activity, against the backdrop of green grassed paddocks which will remain the predominate activity on the site, and visual focus of any views.

Further, some modification of land for farming or other rural activities is not an uncommon occurrence in a rural environment. Farmers often make modifications such as for farm tracks, drainage, irrigation etc. Further, areas of exposed earth are also not uncommon in a rural environment, particularly where horticultural activities are being carried out such that after harvest, there may be a period of time where the ground is exposed ready for the next crop.

Having regard to the mitigation already present on-site, the small scale of the operation when considered against the wider environment, and the nature of other rural activities such as farm tracks, maintenance, and horticultural activities, I consider the temporary effects on landscape character and amenity to be no more than minor.

Permanent Landscape Character and Amenity Effects

Post cleanfilling activities, the landscape visual character and amenity effects would be limited to changes in landform as a result of the filling.

It is anticipated that the cleanfill area will be grassed, such that there will be no visible areas of exposed earth. However, the form and character of the area will vary slightly.

Presently, the paddocks present as a series of terraces, rising from the highest point near the access to the south, and stepping down to the north, and west towards the Wainuiomata River. Other than the terraces themselves, the paddocks are predominately flat.

The southern most fill area is lower than the level of Coast Road. Post cleanfill, the cleanfill area will be brought up to around the same level as Coast Road meaning the terrace that currently exists will be less pronounced and the currently flat paddock will no longer be uniformly flat, but will be raised and appear closer to the level of the road. This will result in a noticeable change to the visual landscape character and amenity of the area, as the area will no longer be uniformly flat and lower than the road level, but will hide the extent of the terrace and will result in a more noticeable depression between the road and the level of the new cleanfill which will change the visual characteristics of this area.

This is partially mitigated or screened through additional planting along Coast Road, and any visual effects will only be noticed briefly and in passing.

The north-eastern fill area will have similar characteristics, however the raised batter will be located further away from the road, meaning it will potentially be more visible as there is greater potential to see the batter slope. Again, this will change the topographical features of the site visually.

Based on the above, both fill areas can still be used as paddocks, and on top of the fill will appear visually as grassed paddock, similar to what currently exists. The predominate change though will be a less pronounced terrace, and the establishment of a clear depression between the road and the batter of the fill area, which is uncharacteristic of the site at present.

However, views from Coast Road will be fleeting, as there is no stopping bays and with a signposted speed of 80 km/hr is unlikely to be visible for long. In addition, as mentioned above, changes to landform and topography such as for farm tracks, etc within the permitted activity standards, can be a feature of rural areas.

Overall, the cleanfill has been designed to be sympathetic to the natural topography. While this will alter including the slight obscuring of the terrace, and a more defined depression around the existing watercourses, overall it will remain predominately minimal in nature and the site will still appear predominately flat.

I therefore consider the permanent effects on landscape character and amenity to be no more than minor.

Transport Effects

Access to the site will be from Coast Road. The proposal has the potential to affect the flow of traffic and safety as a result of increased vehicle movements, and entrance to the roading network.

Coast Road is identified in Appendix Transport 3 of Chapter 14 of the District Plan as a Secondary Collector Road, which is described in Table 1-1 as:

These roads link local areas of population and economic sites. They may be the only route available to some places within the local area.

A Transport Assessment has been carried out by Ms. Harriet Fraser Traffic Engineering and Transportation Planning (**Appendix E**).

Ms Fraser has identified that the average daily flow of traffic along Coast Road is 3,180 vehicle movements per day (vpd) with 7.5% of those accounting for heavy vehicles. She notes that the traffic volumes will vary depending on the seasons and popularity of recreational activities occurring within the Catchpool Valley mentioned above. She has also carried out an analysis of crash data from the past 5 years, and reports 10 crashes, none of which involved trucks, and the majority occurring during the hours of darkness, a time when the cleanfill activities will not be operating.

The proposal cleanfill activities will bring in approximately 18 loads per day, resulting in 36 additional truck movements. Over a typical day, this could mean up to 4 truck movements per hour. This represents an increase of little more than 1% over existing background movements, which will be barely discernible, and easily absorbed into the wider network.

It should be noted that a resource consent from GWRC will also be required for these activities, due to the area and extent of earthworks. Typically, GWRC will impose a condition to not carry out earthworks during the winter period, 31st May to 1st October due to the increased rainfall typical of that period and higher potential for erosion and sediment effects. Should a similar restriction be imposed by GWRC, it is likely that operations will be restricted during that period, and associated vehicle movements during that period will be considerably less, meaning that the 36 additional truck movements will reduce to near 0 additional truck movements for 4 months of the year, unless otherwise granted permission to carry out winter works by GWRC.

The access to Coast Road will be 10m wide, stabilised and have a level grade of a least 11.15m from the road. This is separate from the existing farm access. This is sufficient to allow for two trucks to pass. Vegetation will be cleared near the entrance so that 181m sightlines are available in both directions. This will take place on HCC legal road, and initial discussions with HCC were had with Colin Lunn, who confirmed that the removal of the vegetation is acceptable from a Council maintenance and transport perspective. See **Appendix M**.

Ms Fraser considers that overall, there is no crash pattern that will likely be exacerbated by cleanfill operations, and that the design of the access to Coast Road will provide for safe truck movements to and from the cleanfill site, without obstructing traffic or causing conflict.

She does however recommend that cleanfill operations do not occur on public holidays, because this is often when recreational use of Remutaka Forest Park can be expected to be busy.

Extending her view on this, I would also consider any weekend adjacent to a public holiday, along with the period from 20 December to 10 January to be times of high recreational use of the Rimutaka Park and therefore these times are also excluded from operations.

Based on the advice of Ms. Fraser, I consider the transportation effects from the activities to be no more than minor.

Earthworks Effects

The operations have the potential to cause effects from earthworks. This is associated with both the stockpiling of top soil, and placement of cleanfill material.

Earthworks effects include erosion and sedimentation of nearby watercourses, dust, and stability. Visual effects have already been addressed above.

Erosion, Sedimentation and Stability Effects

An Erosion and Sediment Control Plan (ESCP) has been prepared by Cuttriss and is attached in **Appendix F**, detailing the measures likely to be carried out during site works to minimise or avoid erosion and sedimentation of nearby waterways as a result of the cleanfill operations and associated earthworks.

The ESCP details that during the set-up, the site will have a established site entrance, metalled access, site office (likely within an existing building) and parking area along with silt fences and clean water cut-off drains.

As the works progress in stages, the haul road to the works area will be progressively formed, and installation of other erosion and sediment control measures carried out, as detailed in the final ESCP which will include toe protection of fill batters in the form of silt fences, and optional vegetation slash. Dirty water cut-off drains will also divert water discharges from the fill site to a sediment retention pond for treatment prior to discharge.

At the completion of the filling activities, the stockpiled topsoil will be placed on top of the cleanfill, and hydosedded.

The ESCP outlines that the above measures will require continued monitoring and all works will be carried out in accordance with the best practice erosion and sediment control measures and techniques in accordance with the Greater Wellington Regional Council's (GWRC) Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region. In addition, works are not proposed to be carried out during the winter period when risks of erosion and sedimentation are higher due to greater levels of rainfall.

Based on the measures outlined above, the ESCP concludes that the risk of sedimentation will be minimal.

I concur with the conclusions of the ESCP, and consider that with the effects of erosion and sedimentation can be controlled though implementation of best practice measures and monitoring to be no more than minor.

Dust

As detailed in the ESCP, dust control will be undertaken to ensure there is no nuisance through the use of water spray, stabilising surfaces as soon as practically possible, and controlling vehicle speed.

In addition, it is anticipated that the cleanfill will be progressively rehabilitated to avoid dust. With these measures in place, the effects of dust or soil loss will be no more than minor.

Ecological Effects

RMA Ecology were engaged to identify the presence of any natural inland wetlands present on the site. They have proposed a series of maps contained in **Appendix D**, which outline the location of natural inland wetlands which predominately occur in the low-lying areas and adjacent to the streams running east-west through the site.

The initial assessment identified that wetlands 1, 3 and 4 originally fell within the footprint of the cleanfill. They concluded that the wetlands were of very low ecological value as they were heavily grazed and trampled by stock and primarily only exotic wetland species present.

They did not observe any at risk or threatened plant or bird species on the site, and did not consider that the site had habitat values that would be conducive to native lizards or native bats.

In response to the advice from RMA Ecology, the design of the cleanfill has been modified to avoid the wetlands, despite their very low ecological value. In addition, an assessment of hydrology was carried out by PDP in **Appendix H**, which considered any changes to run-off that may result in the partial or full drainage of the wetlands.

The assessment from PDP concludes that there may be some minor localised decrease in groundwater levels due to slightly lower recharge rates, however that this would be within the existing range of seasonal variation, and some localised surface run-off from the batter slopes.

They conclude that the changes are not expected to change the hydrological controls on the wetland to significantly affect wetland health and that effects will be less than minor provided the surfaces remain permeable, which is the intention.

In considering the very low ecological values present, avoidance of wetlands identified by RMA Ecology, and minimal change to the hydrological function as confirmed by PDP, I consider the proposed ecological effects of the cleanfill will be less than minor.

Contaminates and Leachate

The conditions proffered require that only class 5 landfill (cleanfill) material be deposited on-site, which is free of any contaminants and contains no, or low volumes of organic material, and no other waste material that would likely cause the land to be contaminated or leachate to occur. As such, no lining or capping is needed.

All works and management of the activity will be in strict accordance with the best practice guidelines by WasteMINZ Technical Guidelines for Disposal to Land Rev. 3.1 dated September 2023 which do not identify contamination or leachate as a risk for a class 5

landfill disposal and therefore do not recommend any monitoring as per Table 8-1 of their guidelines illustrated below.

Table 8-1 Monitoring Requirements for Landfill/Fill Classes

Monitoring Requirement	Class 1	Class 2	Class 3	Class 4	Class 5
Leachate	✓	✓	X	X	X
Groundwater	✓	✓	✓	✓	X
Surface water ¹	✓	✓	✓	X	X
Sediment	X	X	✓	✓	✓
Landfill gas	✓	✓	X	X	X
Settlement	✓	✓	✓	✓	✓
Meteorological conditions	✓	✓	✓	✓	✓

The guidelines only recommend recording to ensure the source of material is not a HAIL, and random testing of material.

Given the extremely low risks, and consideration of the relevant technical guidelines, I consider the potential effects of contamination and leachate to be able to be managed to be less than minor.

Rural Productivity

The site is mapped by Manaaki Whenua Landcare Research via their [online portal and mapping tool](#) as:

- Manaaki Whenua identify the full site LUC Unit¹ as: *nz3s-25*.
- Manaaki Whenua Landcare Research describes LUC Class 3 as: *Arable. Moderate limitations, restricting crop types and intensity of cultivation, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry.*
- The dominant limitation to land use is *S* described as: *s - Soil physical or chemical properties in the rooting zone such as shallowness, stoniness, low moisture holding capacity, low fertility (which is difficult to correct), salinity, or toxicity first limits production*
- The description of the site is: *Flat to gently undulating low river terraces of fine-grain alluvium overlying gravels below 200m asl with sandy, well drained moderately deep poorly structured Recent soils in moderate (1200 – 1800mm) rainfall areas. In those*

¹ LUC codes have 3 parts: Class + Subclass + Unit e.g. 6e22. The Class (1-8) indicates general land use capability. Subclass identifies the dominant physical limitation or hazard ('e' is erodibility; 'w' is wetness; 's' is soil; 'c' is climate). Units group together areas where similar land inventories have been mapped, and which have similar agricultural suitability, or require similar land management. Where complex units occur (e.g., nz3s-34+nz6e-146) the dominant unit (i.e., nz3s-34) only will be shown.

areas unprotected by stopbanks there is potential for flooding and slight stream bank erosion.

This suggests that the land could have productive land capacity.

The generated report by Maanaaki Whenua finds limitations on the site for the potential crops which may be explored on site and found that of the 21 crop type suitability scores, apples is the highest scoring potential, followed by blueberries, kiwifruit and avocado. However, the majority of crops listed were categorised at marginal or *unsuitable*.

The proposal does not propose to reduce or minimise the productive use of the land in the long term, however in the short-medium term the site will be used for cleanfilling activities rather than productive purposes.

To ensure the long term productive capability is not compromised, a site-specific assessment was carried out by Lowe Environmental Impact (attached as **Appendix L**).

In essence, it is proposed to temporarily stockpile the productive soils on-site, and place the productive soils back on-top of the cleanfill so that it's productive capability is not compromised.

Lowe Environmental Impact found that:

... the soils of the site are well suited to modification through excavation and reinstatement. The establishment of a cleanfill on the lower terrace of the site is unlikely to cause a reduction in the productive capacity of the site where appropriate design and management is incorporated.

They have recommended further reporting and conditions, which are incorporated into the proffered conditions in **Appendix G** to confirm the return of the land to at least LUC3 post cleanfill unless NPS-HPL changes such that LUC3 is no longer considering highly productive land.

Therefore, based on the information from Lowe Environmental Impact and that from generated Manaaki Whenua Landcare Research report, the proposed cleanfill will not compromise the long-term use and productive potential of the land for primary production activities, and any adverse effects are no more than minor.

Step 4: public notification in special circumstances:

- It is considered that there are no special circumstances specific to this application that would require this proposal to be publicly notified.

In determining whether the adverse effects on the environment may be more than minor, a consent authority:

- must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur and/or any land adjacent to that land
- may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect
- in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion

- must disregard trade competition and the effects of trade competition, and
- must disregard any effect on a person who has given written approval to the relevant application.

3.3 SECTIONS 95B AND 95E LIMITED NOTIFICATION/AFFECTED PARTIES ANALYSIS

Section 95B states that if a consent authority does not publicly notify an application, it must decide if there are any affected persons.

Step 1: certain affected groups and affected persons must be notified:

- There are no affected customary rights groups, customary marine title groups, the application site is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances:

- The application is not precluded from notification by a rule of national environmental standard and, as the application is for a discretionary activity, limited notification is not precluded by step 2.

Step 3: if not precluded by step 2, certain other affected persons must be notified:

The following assessment applies in accordance with section 95B(8):

Section 95E applies when a consent authority is deciding if a person is an affected person. A consent authority must decide that person is affected if the activity's adverse effects on the person are minor or more than minor but not less than minor.

In making this decision, the consent authority:

- may disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect
- in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity on the person that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion, and
- must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

In accordance with Section 95E, Council is unable to consider those parties who have given their written approval to the applicant as affected persons. Written approvals have not been obtained as part of this application.

The site including the Wainuiomata River is not subject to a statutory acknowledgement in either:

- [Ngati Toa Rangatira Claims Settlement Act 2014](#); or
- [Port Nicholson Block \(Taranaki Whānui ki Te Upoko o Te Ika\) Claims Settlement Act 2009](#)

Therefore, there are no specific statutory acknowledgement areas that need to be considered under section 95B.

The potentially affected persons are therefore only identified as:

- Those residents within the Rural Zone adjoining Coast Road south of 115B Coast Road, Wainuiomata who may be adversely affected by increased in traffic as a result of haulage;
- Those residents adjacent to the site, including those opposite on Coast Road who may experience visual, noise, dust effects;
- Department of Conservation who administers the Catchpool Valley and Ōrongorongo Valley which has entrances close to the proposed entrance to the cleanfill.

All other persons are unlikely to be adversely affected by the cleanfilling activities, either due to separation distance or not being located on the haulage route.

Potentially Affected persons on Haulage Route

Haulage of cleanfill has the potential to adversely affect the rural character and amenity of persons residing in rurally zoned property adjacent to the route. Effects include increased noise, dust and congestion as a result of the haulage route.

In relation to noise, an acoustic assessment has been carried out by NDY and attached in **Appendix K**. Under section 5 of their report, they have noted a maximum increase of 1.5 dB L_{Aeq} which they've advised is a negligible increase and not expected to be perceived change in noise by receivers along Coast Road. I do note that despite the noise energy being negligible over a 1 hour period, at the point upon which it passes a property, the nature of the audible environment may differ from background noise (i.e. qualitatively as opposed to quantitatively) as they may have louder engines, and the nature of noise from the trailer is not typical of the more common private motor vehicle.

As noted in the Traffic Assessment in **Appendix E**, the haulage represents a mere 1% increase in vehicles above background levels. This means that the adjacent properties are unlikely to experience any noticeable increase in congestion or queueing to enter or exit their properties.

The proposal seeks to restrict the operating hours of haulage such that it doesn't occur during the evenings or times where people may be more sensitive to noise, such as Sunday mornings, and public holidays.

In addition, as the haulage will occur during the day, a time when there is usually a higher level of traffic and associated background noise, it is unlikely to be noticeable to any significant degree.

Further, traffic is considered a common feature on rural roads, including traffic from trucks which may be used to deliver goods, or transfer of livestock. As the cleanfill haulage will be

carried out during the day, avoiding the most sensitive times, and usually at time when people who don't work from home, are working elsewhere.

With regards to dust, it is anticipated that standard best practice such as covering of cabs, will be carried out to minimise dust during haulage.

Based on the assessment by NDY in relation to noise energy, and advice of Ms Fraser, and dust controls, I consider any effects of people living on the haulage route from increased truck movements to be less than minor and for those persons not to be affected persons.

Persons residing near site

There are a number of residential dwellings near the cleanfill site that could be adversely affected from visual change, dust, noise and vibration. These include:

- 919 - 993 Coast Road (opposite side of Coast Road);
- 904C Coast Road (to the north);
- 904D Coast Road (to the north).

The above properties are all considered to be rural lifestyle (i.e. predominately residential on large allotments, rather than used for commercial purposes), given the proximity to urban centres of Lower Hutt and Wellington.

All persons will notice and experience a change in landscape character and visual amenity from that currently experienced on-site. This was addressed in the landscape and visual effects assessment above, and the conclusions reached remain relevant here in that the effects are considered to be congruent to those of a working farm, albeit of greater duration than may reasonably be anticipated of typical rural activities, and to not be of significantly different landscape form to what could be expected on a rural farm.

However, while most people will only experience or notice the change fleetingly, such as driving to visit the Remutaka Forest Park, or Wainuiomata Coast, those living nearby are going to notice the change permanently, and given the duration, effects on them are more likely to be noticed, particularly as rural areas change at a slower pace to urban areas.

Therefore, while the landscape and visual effects on the wider environment are no more than minor, the effects on persons living nearby vary depending on their outlook and proximity to the activity, I will address this more specifically below.

With regards to dust, as outlined in the earthwork's effects assessment above, the cleanfill is anticipated to be stabilised at the completion of site works, and the exposed earth managed such that material does not cause adverse dust effects beyond the boundary of the site. I consider the effects of dust to be able to be controlled to have effects that are less than minor.

With regards to noise, in addition to the noise from the haulage route, there will be some noise associated with the physical dumping and operation of machinery to move the material on-site, including the use of a digger and dumping of material. This has been considered in NDY's acoustic assessment in **Appendix K**. NDY assumed that some noise mitigation of 5 dB would be achieved by dense foliage, which does vary throughout the site.

The conclusions reached are considered below, however I do note the noise assessment by NDY didn't considered effects on No. 904C/D.

With regards to vibration, this is difficult to determine or assess, however given the separation distances, it's unlikely they'd experience any noticeable vibration, or if they did, given the restrictions on the operating times, it'll likely occur during the day when there are typically less people present at home and not occurring during times where sleep disturbance would be an issue.

919-993 Coast Road

No.'s 919-993 are separated by Coast Road and some distance from the cleanfilling activities. They are at a higher elevation whereby screening vegetation is present along Coast Road. While not fully screening the activities from view, most of these properties, if not all, have a planted frontage to Coast Road, preventing or minimising views across the site. This also suggests that this view is not of high value to their amenity as it appears that they have not maximised this outlook.

Even if views are present, the cleanfill activities will be seen from a distance, meaning while they will form a small aspect of a much wider canvas and will appear insignificant when compared to the views of the valley and adjacent hills opposite Wainuiomata River. I therefore consider the landscape and visual effects on the persons resident in these properties to be less than minor and these persons not to be adversely affected from landscape and visual effects.

With regards to noise, the assessment by NDY considered the limitations on the hours of operation will mean that at the notional boundary during a 60 minute operation of typical cleanfill equipment (eg. excavator, compactor, dump truck), the day-time noise limits are expected to comply with day-time noise limits.

Again, I note this is predominately a quantitative assessment, however, even if considering the qualitative nature of the audible environment, this would consist of the use of farming equipment and vehicles along Coast Road. I therefore consider the noise effects on the persons resident in these properties to be less than minor and they not to be adversely affected from noise effects.

904C/D Coast Road

Unlike the properties opposite Coast Road, conversely, No.'s 904C/D to the north will experience a more immediate change, due to being within much closer proximity.

Based on a recent site visit, they currently enjoy a view over the site, which provides a degree or sense of outlook and spaciousness, which will be disrupted permanently post cleanfill. Currently the land profile between the properties is relatively flat, however post cleanfill, they will have a more immediate view of a 3m vegetated bund. To mitigate this effect, the applicant has already commenced dense planting near the boundary, which is permitted and will partially screen the activities from view. This will take some time to grow, and wasn't particularly established during a recent site inspection.

In addition, I consider the occupants of No.'s 904C/D to be more greatly affected by the physical works associated with the cleanfill close to the property boundary, such as the

greater presence of people, vehicle movements, stockpiling, earth movement and associated earthmoving equipment (eg. digger).

While from afar and generally, these types of activities are atypical of a rural farm, the duration is not. Given the close proximity, unlike those from further afar, this will not be seen as a minor element of a wider landscape and any effects visually will be more pronounced and noticeable due to their limited separation distance.

As such, I consider the landscape and visual effects on the persons resident at No. 904C/D to be no more than minor, and they to be affected persons.

In addition, the acoustic assessment from NDY has not considered the effects on these properties. I therefore have no information to consider that they wouldn't be affected persons.

Department of Conservation

The Department of Conservation manages Catchpool Valley, which is popular destination for day walking, tramping, hunting, fly fishing and camping.

Access to Catchpool Valley is directly opposite the access to the cleanfill on Coast Road. It is also noted that the Department of Conservation has a cluster of buildings to the north of the primary access point to Catchpool Valley, presumably used as a rangers residence. Unlike the other properties mentioned above, this residence is located close to Coast Road and not as elevated as others nearby.

The potential effects are limited to conflicts between haulage trucks and recreational users of Catchpool Valley, and on the nearby residence on-site.

With regards to the on-site residence, it is anticipated that persons would less likely be present during the day when haulage vehicles would operate, such that they are unlikely to be adversely affected by noise or other activities resulting from the haulage activities. Cleanfilling activities will not occur at night, Sunday's or public holidays as mentioned above.

With regards to conflicts on the access, this has been addressed in the Traffic Assessment by Ms Harriet Fraser in **Appendix E**, who does not consider that there will be an adverse effect, provided that haulage does not occur during peak use of Catchpool Valley which includes public holidays, long weekends and the period between Christmas and New Years as mentioned above.

With the above measures in place, I consider the adverse effects can be controlled such that the effects on the Department of Conservation as less than minor and they are not an adversely affected person.

Affected Persons Summary

In summary, effects are able to be managed such that the effects on the adjacent properties to the north are no more than minor, and effects on the Department of Conservation, and all other adjacent properties are less than minor.

Step 4: further notification in special circumstances:

- It is considered that there are no special circumstances specific to this application that would warrant the application to be notified to any persons not already determined to be eligible under section 95E.

Under Section 95B, it is therefore considered that limited notification is only required for the owners and occupants of 904C/D Coast Road, Wainuiomata Coast.

SECTION 4

ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 MATTERS TO CONSIDER

The relevant documents and statutory provisions to this application are as follows:

- Section 104 of the Act – Potential or Actual Effects
- National Policy Statements
- Objectives and Policies of the Greater Wellington Regional Policy Statement
- Objectives and Policies of the Operative Hutt City District Plan
- Other matters, and
- Part II of the Resource Management Act.

4.2 SECTION 104 OF THE ACT – ACTUAL OR POTENTIAL EFFECTS

A consent authority must, subject to Part II of the Act, have regard to the actual and potential effects on the environment of allowing the proposed activity. An assessment of the relevant environmental effects associated with this proposal has been carried out in the s95 assessment above. Its conclusions are also relevant under s104 but need not be repeated here. An assessment of any additional actual potential effects on the suitability of the proposal is provided below:

Positive Effects

The meaning of 'effect' as outlined in section 3 of the RMA, includes positive effects and also forms a matter the consent authority must have regard to under section 104(1)(ab) of the RMA. Positive effects are an important consideration in the overall balancing exercise involved in assessing resource consent applications.

The proposed cleanfill will have the following positive effects:

- Reduce cost of land development in Wainuiomata and Lower Hutt and by association, this will lead to more affordable housing as:
 - Haulage of material will be shorter by locating a cleanfill within closer proximity to the development site; and
 - Cost of disposal is cheaper, as class 5 landfill which include cleanfills, represent a lower cost of disposal than a class 1 landfill which takes all types of waste.
- Increase the life of existing class 1 landfills by diverting inert material to a cleanfill. According to the Wellington Regional Waste Assessment 2023, a total of 129,741 tonnes of cleanfill material was deposited in a class 1 landfill in 2020/2021. With affordable and well located alternatives, the amount of cleanfill disposed at class 1 landfills may reduce. The report suggests that of the total waste received at a class 1

landfill, cleanfill makes the largest portion of waste (20.7%) that could be diverted elsewhere.

- Provide an additional cleanfill operation where there is an identified shortage in the Wellington Region. The Wellington Regional Waste Assessment 2023 recommends the number of cleanfill material and associated tonnages could increase.
- Reduce illegal dumping of material by enabling a consented and managed cleanfill operation in accordance with best environmental practice and control. It was noted in the Wellington Regional Waste Assessment 2023 that there is likely a high degree of unconsented and illegal cleanfilling occurring.

The proposed cleanfill will enable the efficient development of Wainuomata and Lower Hutt by Friday Homes, by providing for a place to dispose of cleanfill material that is unsuitable for residential development, reduce the haulage route such as the other cleanfills listed on the [HCC website](#) in the region being [Kiwi Point](#) in Ngauranga Gorge, [Silverstream Cleanfill](#) Fergusson Drive, Upper Hutt, or [Silverstream Landfill](#), all of which would require haulage over the Wainuomata Hill, through the Hutt Valley and onto State Highway 2 which would add to overall development costs, leading to more affordable delivery of housing supply.

In addition, the proposal includes additional screen planting, and rehabilitation of the nearby watercourses and wetlands, resulting in a net ecological benefit.

4.3 NATIONAL POLICY STATEMENTS

National Policy Statement for Urban Development 2020

The National Policy Statement for Urban Development (NPS-UD) is considered to be relevant to this application.

Under the NPS-UD, Wellington is listed as a tier 1 urban environment, and the Hutt City Council is listed as a tier 1 local authority, however the site is not an urban environment as it is not zoned, nor intended to be predominately urban in character, however the cleanfill activity does support development of the nearby urban environment of Wainuomata, and the wider Hutt Valley.

The objectives and policies of most relevance to the proposal are:

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

and

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- Have or enable a variety of homes that:*
 - Meet the needs, in terms of type, price, and location, of different households; and*
 - Enable Māori to express their cultural traditions and norms; and*
- Have or enable a variety of sites that are suitable for different business sectors in terms of location and the site size; and*
- Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- Support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

- (e) *Support reductions in greenhouse gas emissions; and*
- (f) *Are resilient to the likely current and future effects of climate change.*

With consideration to Objective 1 of the NPS-UD, the decision to consent this cleanfill will improve housing affordability, particularly in Wainuiomata, as costs associated with haulage and disposal or material associated with land development and housing will be reduced. See positive effects assessment above for further commentary. These costs are passed on to the purchaser.

In addition, the addition of a cleanfill will provide greater levels of competition between providers, resulting in a more competitive land and development market.

With consideration to Policy 1, the cleanfill activity enables housing within land zoned for urban purposes, particularly in Wainuiomata, to be constructed and meet the needs of the community. In addition, the cleanfill supports competition between waste operators, and provides competition and minimises the consolidation of disposal options supporting a competitive land and development market.

The decision to consent the cleanfill would also aid in reducing greenhouse gas emissions, as haulage from development sites to disposal would be significantly reduced, and waste would be diverted away from landfills increasing the life and operation of existing landfills.

As a higher order planning document, the relevant objectives and policies of the NPS-UD must be taken into consideration.

Overall, it is considered that the proposal is consistent with the NPS-UD, and while not within an urban environment, the cleanfill is necessary to support land development within urban environments and therefore the NPS-UD is considered a relevant matter to have regard to and should be weighted appropriately.

National Policy Statement for Freshwater Management 2020 (amended January 2024)

The National Policy Statement for Freshwater Management (NPS-FM) is considered to be relevant to this application, insofar as the site is within close proximity to the Wainuiomata River, and there are a number of identified wetlands within proximity of the cleanfill.

The objectives and policies of most relevance to the proposal are:

Objective 1: *Ensure that natural and physical resources are managed in a way that prioritises:*

- (a) *First, the health and well-being of water bodies and freshwater ecosystems*
- (b) *Second, the health needs of people (such as drinking water)*
- (c) *Third, the ability of people and communities to provide for their social, economic and cultural-well-being, now and in the future.*

and

Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

Policy 3: *Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

Policy 5: *Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved,*

and the health and well-being of other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

Policy 7: *The loss of river extent and values is avoided to the extent practicable.*

Policy 9: *The habitats of indigenous freshwater species are protected.*

Policy 10: *The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.*

Policy 13: *The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*

The application of the NPS-FM is more relevant for the resource consent to be lodged with GWRC, however it gives effects to Objective 1 in that effects on the nearby Wainuiomata River can be managed to not cause erosion, sedimentation or release of contaminants that could adversely affect freshwater values, while enabling people and communities to provide for their social, economic and cultural-well-being, now and in the future.

Having regard to Policy 6 of the NPS-FM, the cleanfill has been designed to avoid the loss of any natural inland wetlands, and based on the advice of PDP, shouldn't adversely affect the amount of water being received.

Having regard to Policy 7, the proposal is located outside the banks of the Wainuiomata River, avoiding loss of rivers.

Overall, it is considered that the proposal is consistent with the NPS-FM.

National Policy Statement for Highly Productive Land 2022 (amended August 2024)

The NPS-HPL is considered to be relevant to this application.

Under the NPS-HPL, the land is highly productive land as defined under clause 3.5(7) of the NPS-HPL as it is zoned General Rural, is mapped by Maanaki Whenua as Land Use Capability 3, and is not identified for future urban development, or subject to a Council initiated, or an adopted, notified plan change to rezone it from General Rural to Urban or Rural Lifestyle.

The objectives and policies of most relevance to the proposal are:

Objective 1: *Highly productive land is protected for use in land-based primary production, both now and for future generations.*

and

Policy 8: *Highly productive land is protected from inappropriate use and development.*

As outlined in the section 95A assessment above, Lowe Environmental Impact carried out a review of the soils and potential impact on the productive capability of the land from the cleanfilling activities.

It is noted that in the short-medium term, while the cleanfilling activities are being carried out, there will be a temporary loss of productive capability of the land.

However, based on the advice of Lowe Environmental Impact, they are of the opinion that it is feasible to retain, stockpile, and replace the soils on-top of the cleanfill material, and that this would protect the highly productive land such that post cleanfill, it can continue in the long-

term to be used for land-based primary production consistent with clause 3.9, clause 3.10, Objective 1 and Policy 7 of the NPS-HPL.

Other National Policy Statements

None of the other National Policy Statements are directly relevant to this application. In particular, with relation to the National Policy Statement for Indigenous Biodiversity, it is noted that the site is not mapped as having any significant natural areas or exhibit values described in the District Plan as being of significance to indigenous biodiversity.

4.4 OBJECTIVES AND POLICIES OF THE REGIONAL POLICY STATEMENT

There are no objectives and policies from the Regional Policy Statement (RPS) that are considered to be applicable to this proposal and are not otherwise covered in the policy directives of the District Plan.

With regards to highly productive land:

- Policy 56 seeks to consider as part of an application for resource consent whether the proposal will result in a loss of productive capability. As noted in the assessment above, there will be a temporary short-medium term loss, however in the long term, based on the advice from Lowe Environmental Impact, there should be no loss of productive capability.
- Policy 59 seeks to retain class I and II land for productive purposes, neither of which are applicable to this site which is identified as having a Land Use Capability of 3.

Consideration should also be given to Policy 65 which aims to promote conservation and efficient use of resources, and reduce disposal at landfills. As noted above, the disposal of cleanfill diverts inert waste from landfills, consistent with this policy, and the shorter haulage route would aid in energy efficiency.

In particular, under section 3.3(c) of the RPS, it explicitly states that:

Cleanfills are one way to extend the life of landfills by diverting clean inert waste from the landfill waste stream.

It notes that in 2004 there were 10 municipal landfills in the Wellington region, and in 2007 there were five, with two anticipated to close between 2007 – 2017. While the RPS is somewhat dated, the issue identified being that landfills are a finite and limited resource, is still relevant, and a new cleanfill goes some way to extending the life for existing landfills.

On 19 August 2022, GWRC notified Plan Change 1 (PC1) to the RPS, with further submissions closing 19 December 2022. The purpose of PC1 is to implement the NPS-UD and the NPS-FM. It also incorporates changes to address climate change, indigenous biodiversity and high natural character. As discussed in Section 4.3, the application is considered to align with the directives of the NPS-UD. The other matters addressed in PC1 are not considered to be directly relevant to the application.

4.5 OBJECTIVES AND POLICIES OF THE OPERATIVE DISTRICT PLAN

The relevant objectives and policies of the District Plan for this application are considered to be:

General Rural Activity Area

Open Space, Character and Amenity Values

Objective: 8B 1.1.1

Policies a – c

In relation to policies a and b, the proposal will not have any detrimental effect on the open character and amenity values of the area.

As noted in the section 95A assessment above, the site will retain its open character, with no buildings, structures or permanent activities proposed. The cleanfill activities will appear as a small and minor activity, with the only evidence of cleanfilling activities being the likely presence of a digger, stockpile of material, and new exposed earth, along with trucks on Coast Road.

These activities will mostly be screened from Coast Road but the existing planting, and even if it were visible, would appear against the backdrop of the wider site which remains unchanged, and predominately open in character.

At completion of the works, the topsoil will be replaced, and capped with hydroseeding such that it will have a visual appearance similar to that currently, with the exception being it will be raised ground with some depressions for preservation of watercourses and wetlands.

In relation to policy c, the natural wetlands, and tributaries to the Wainuiomata River remain untouched. However, at the margins, their characteristics will change as they will no longer be contained within shallow depressions at a similar or slightly lower elevation than the adjacent paddock; but within more defined depressions with the cleanfill rising either side such that they'll have defined banks more akin to a deeper and more defined watercourse, than is currently present.

I therefore consider the proposal to be consistent with objective 8B 1.1.1 and associated policies a and b, but inconsistent with policy c as the natural character of the wetlands, river and in particular, their margins, is not being preserved but their topographical profile will change. However, I do not consider that change to be inappropriate.

It is also noted that the site exhibits very little, if any intrinsic ecological values, largely due to the ongoing operation of the site as a working farm, and any values present are limited to the bed of the streams and wetlands which are being avoided.

Top Soil and Turf Sustainability

Objective 8B 1.1.4

Policies a and b

The proposed topsoil removal is considered temporary, and will remain stockpiled and stored on-site. As noted in the section 95A assessment above regarding rural productivity, Lowe

Environmental Impact believe that the productive soil can be retained thereby minimising the loss of soil biology that is irreversible.

The site is not steeply sloping, thus there is limited effect on landslips, and the cleanfill and topsoil stockpile will be managed to minimise and avoid effects of erosion, sedimentation, dust, soil spill on roads. There will however be temporary visual impacts, however this will mostly be screened by the landscape planting already carried out alongside Coast Road, and an increase in vehicle movements, but such that they only represent a fraction of the overall traffic volumes per day on Coast Road.

As noted above, the site is intended to be rehabilitated to ensure its long term sustainability and retain the productive capability of the land. In addition, the watercourses on the site are avoided and it is not anticipated that the activities will cause adverse effects on them.

Details of how the site is being managed, and rehabilitated post cleanfill, are contained within **Appendix F**.

I therefore consider the proposal to be consistent with objective 8B 1.1.4 and associated policies a and b.

Other General Rural Activity Area Objectives and Policies

None of the other objectives or policies in the General Rural Activity Area are considered relevant as the site is not considered a coastal environment, the site does not exhibit steep topography, is not a recreational activity, is not for forestry, is not for prospecting, exploration or mining of minerals, and is not intended to be used for any new buildings or structures.

Earthworks

Natural Character

Objective 14I 1.1

Policies a and b

The site is not considered to have any natural features that contribute significantly to the City's landscape, and the view from Coast Road will predominately be maintained as it will remain predominately open, and expansive without obscuring views of the adjacent East Harbour Regional Park or ridgelines, consistent with this objective.

Having regard to policy a, as mentioned in the landscape effects assessment above, the earthworks have been designed to be sympathetic to the natural topography. While this will alter including the slight obscuring of the terrace, and a more defined depression around the existing watercourses, overall it will remain predominately minimal in nature and the site will still appear predominately flat.

Having regard to policy b, the site does not impact on any significant escarpments, steel hillside areas and is not coastal in nature.

I therefore consider the proposal to be consistent with Objective 14I 1.1 and associated policies a and b.

Amenity, Cultural and Historical Values

Objective 14I 1.2

Policies a - d

The site is not identified in the District Plan has have any specific visual amenity, cultural, historical or specific natural features or values that would result in a potential inconsistency with this objective.

However, as noted in the section 95A assessment above, the site does exhibit characteristics which have scenic and landscape values which are valued and typical of the rural zoning, including expansive open space used as paddocks on a working farm, terraces leading down towards the Wainuiomata River, and its presence as the foreground of the East Harbour Regional Park when viewed from Coast Road and adjacent properties.

Policy a only deals with amenity effects as they relate to a visual backdrop to the city. I consider this to be primarily concerned with the central valley floor, and not Wainuiomata.

Policy b relates to rehabilitation, which is proposed to be carried out such that there should be no exposed earth visible post cleanfill activities, with the site being restored as a grassed paddock, albeit slightly raised and with more defined banks of the watercourses.

Policy c, relates to historical significance which is not relevant here, and policy d with cultural or spiritual importance of value to mana whenua, again which is not identified as being present.

I therefore consider the proposal to be consistent with Objective 14I 1.2 and associated policies a – d.

Other

None of the other objectives or policies relating to earthworks are considered relevant, as the works are not necessary for the management of any stream or river and are not located within primary or secondary river corridors.

Transport

Objectives 14A 3.4 – 3.5

Policies 14A 4.1 – 4.7

Objectives 14A3.1 – 14A 3.3 relate primarily effects associated with construction or expansion of the transport network and therefore are not relevant.

Objective 14A 3.4 and associated policy 14A 4.2 relate to effects on the safety and efficiency or function of the transport network. As noted in the section 95A assessment above, an assessment has been carried out by Ms Fraser and she has concluded that the effects of 36 truck movements per day are easily able to be accommodated within the existing roading environment, although suggested that haulage be restricted on days when the adjacent Remutaka Forest Park is likely to be busiest. Given the volumes of additional traffic are small against the background levels, and advice of Ms. Fraser, it is not likely to adversely effect the safety or function of the existing transport network.

Objective 14A 3.5 and associated policy 14A 4.6 relates to on-site effects from vehicle movements. To that end, the proposal is designed such that haulage trucks will not conflict with existing activities, can easily manoeuvre on-site and enter and exit in a forward direction.

Policy 14A 4.4 is not applicable as the proposal is not a noise sensitive activity, and 4.5 is not applicable as the activity is not a high trip generator. Policy 14A 4.2 and 4.7 is only applicable insofar as the proposal is designed to accommodate trucks. It would be inappropriate to provide for other forms of transport such as cycling or walking as this would present a safety hazard.

I therefore consider the proposal to be consistent with objectives 14A 3.4 – 3.5 and associated policies 14A 4.2, 4.6 and 4.7.

Other

No other objectives and policies of the District Plan and relevant or relate to cleanfill activities.

4.6 OTHER MATTERS

- The Wellington Region Waste Management and Minimisation Plan 2023 – 2029 sets out the need to try diverting waste from landfill. The proposal aids in achieving those goals.
- The National Party prior to the 2023 election, announced a plan as part of their Going for Housing Growth Plan to remove Land Use Capability 3 from the NPS-HPL definition of highly productive land. While the changes to the NPS-HPL have not been made prior to this application, it remains likely that this will occur at some point in the future.

There are no other matters or non-statutory documents of particular relevance to the consideration of this application.

4.7 PART II OF THE RESOURCE MANAGEMENT ACT

Section 5: Purpose and Principles of the Resource Management

Section 5 identifies the purposes and principles of the Resource Management Act 1991 and states:

“sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

For the reasons outlined throughout this report, the proposal is considered to be consistent with the sustainable management purpose of the Act.

Section 6: Matters of National Importance

Section 6 of the Act identifies the matters of national importance which are required to be recognised and provided for when assessing this application. It is considered that there are no relevant Section 6 matters that require consideration as part of this proposal.

Section 7: Other Matters

Section 7 of the Act identifies the other matters which particular regard must be had in relation to the use, development, and protection of natural and physical resources.

Of these matters: s7(b) the efficient use and development of natural and physical resources, s7(c) the maintenance and enhancement of amenity values, and s7(f) the maintenance and enhancement of the quality of the environment have been duly considered and assessed in Section 4.2 of this report.

Section 8: Treaty of Waitangi

Section 8 of the Resource Management Act requires applications to take into account the principles of the Treaty of Waitangi.

The application site is not identified as having any particular cultural or historic significance. To avoid any disturbance of unrecorded historical or wāhi tapu sites, it is proposed to adhere to an accidental discovery protocol for the duration of the earthworks.

SECTION 5

CONCLUSION

Land use consent is sought for cleanfill activities over a 30 year period. The cleanfill is proposed up to approximately 3.5m in height, on top of an existing working farm paddock, avoiding both wetlands and watercourses.

The cleanfill will only accept class 5 landfill material, being inert and non-contaminated materials. The cleanfilling will be carried out in accordance with all technical guidance issued by WasteMINZ Technical Guidelines for Disposal to Land Rev. 3.1 dated September 2023 and managed to avoid potential adverse effects including landscape and visual, loss of productive land capability, erosion, sedimentation, contamination, land stability, dust, noise and traffic to an acceptable level.

A s95A and 95B assessment has been undertaken with respect to the public realm and potentially affected parties and concluded that the application should be processed on a limited notified basis, with the only affected persons being those resident in the properties directly bordering the site to the north at 904C/D Coast Road, Wainuiomata Coast.

A s104 assessment has also been completed focussing on the potential and actual adverse effects, and mitigation has been offered such as limits to hours and days of operation to avoid noise and perceived nuisance as a result of the haulage route, minimising works over the winter period to minimise risks of erosion during the period of higher rainfall, dense planting on boundaries, and offering operational mitigation as detailed in various management plans forming proffered conditions of consent.

The proposal also includes a number of positive effects, which include enabling more affordable housing in the District, reducing haulage of material on suburban streets, reducing carbon emissions, diverting waste away from other types of landfill, potentially extending their life, and rehabilitation of the adjacent streams and wetlands resulting in a net benefit in terms of ecological and biodiversity values.

This application finds that the proposal is consistent with the relevant Objectives and Policies of the NPD-UD, namely through enabling housing, the NPS-HPL through no long-term loss of productive land, and the RPS, as well as the Operative District Plan and Part II of the RMA.

On balance, while there will be effects on the neighbours to the north that are no more than minor, these effects are able to be managed to an acceptable level without significantly compromising their amenity or enjoyment of their property, namely through the proposed limits to hours and days of operation and screen planting, noting that for part of the year, no cleanfill activities are anticipated. Notwithstanding, it is our view that the adverse effects are more than counterbalanced by the positive outlined above, and the proposal is generally consistency with all relevant planning policies and objectives.

It is therefore considered that the Council can grant consent to the proposal on a limited-notified basis, subject to the imposition of appropriate conditions.

We request that draft conditions be circulated to us prior to the release of the resource consent decision, and confirm upfront that the consent be placed on voluntary suspend under section 91D of the RMA, while we review and respond with any comments (or confirm we have no comments), in relation to draft conditions.