

RM number: RM240334
Date: 15 August 2025
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Our reference:RM240334

NOTIFICATION REPORT FOR LAND USE CONSENT FOR THE OPERATION OF A CLEANFILL SITE, INCLUDING ASSOCIATED EARTHWORKS, AT 1044 COAST ROAD, WAINUIOMATA (LOT 5 DP 551868)

1. PROPOSAL

Land use consent is sought operate a clean fill at 1044 Coast Road, Wainuiomata. The clean fill would include two separate areas with eight stages in total across the two areas. The stages are shown below.

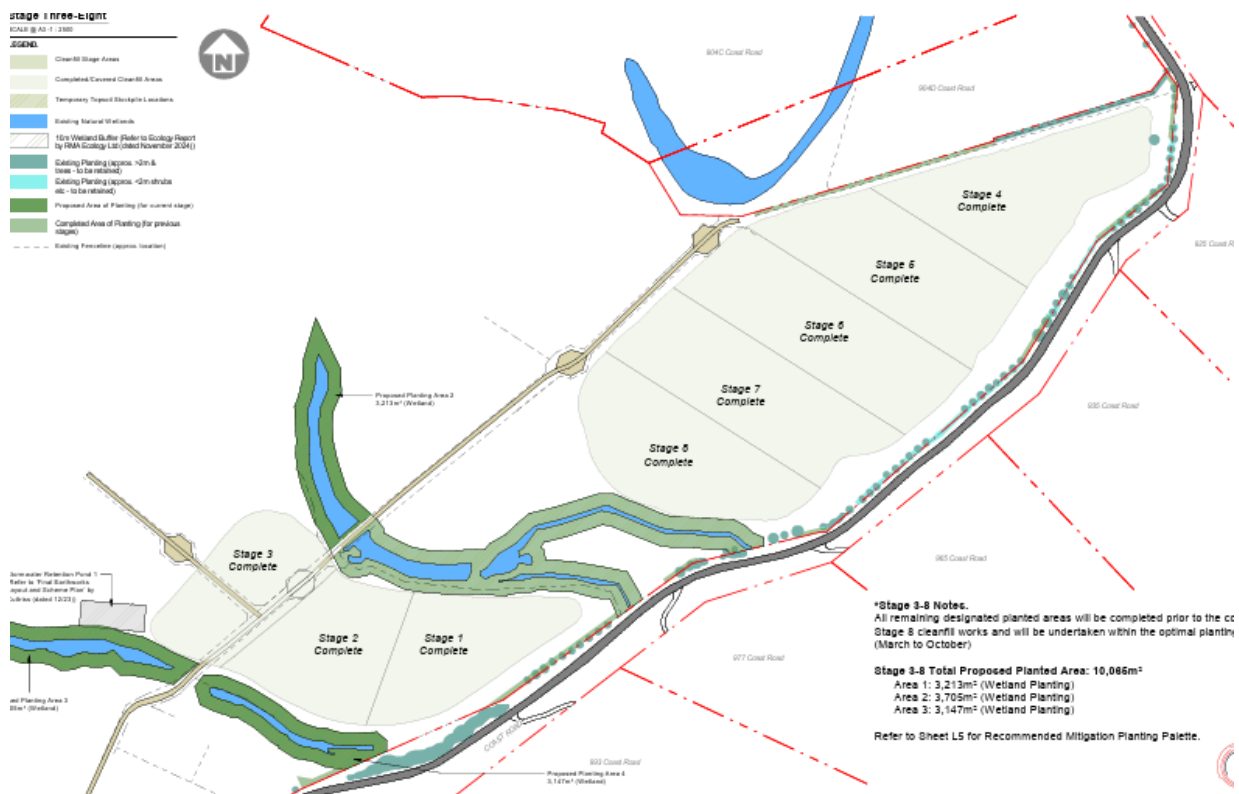


Figure 1: Proposed site plan showing the clean fill once all eight stages are completed.

The application is fully described in the AEE and that description is adopted and should be referred to.

In summary, the proposal involves:

- A clean fill as defined in the Waste Management Institute New Zealand (WasteMINZ) Technical Guidelines for Disposal to Land Revision 3.1, dated September 2023. The definition of clean fill material is:

“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.¹”

- There is no ground works proposed for the fill areas prior to deposition.
- A clean fill that will only be used by or on behalf of contractors to Friday Homes – the clean fill is not intended for use by other commercial operators.
- Each stage will be completed before moving to the next with a total area of 9.37ha and volume of 196,500m³. The smallest stage is Stage 1 which is 9,200m² and the largest is Stage 6 at 14,200m². The applicant proffered a condition confirming that 2500m² is the maximum area of non-stabilised fill that may be exposed at any one time.
- A maximum depth of 3.5m above existing ground. Fill batters will be constructed and stabilised progressively across each stage.
- Landscaping to provide mitigation as outlined in the Landscape and Visual Assessment by Design Group Stapleton Elliott that can be broadly described as perimeter planting and around the wetland.
- A new access would be constructed to 55m north of the existing access with associated vegetation clearance within road reserve and the application site.
- The trucks carrying clean fill would be limited to single unit trucks, operating between 730am and 530pm Monday to Friday and 730am until 1pm Saturday with no more than 18 trucks, or 36 movements per day.
- No truck movements on Sundays, public holidays, any long weekend or between 20 December and 10 January.²
- For each stage of construction the earthworks will be undertaken as follows:
 - Progressively form stabilised haul road to works area;

¹ Definition contained on page 1 of the WasteMINZ Technical Guidelines

- 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;
 - Clean fill to proposed earthworks platform levels
 - Upon completion of the filling with clean fill, spread and compact stockpiled topsoil and hydroseed to stabilise earth worked areas and reinstate to LUC 3
- Erosion and sediment control measures will be installed as detailed in the Erosion and Sediment Control Plan

The following conditions have been proffered:

Landfill Classification (Waste Acceptance Criteria)

1. The proposed landfill is to be used for class 5 clean fill only as defined in the WasteMINZ Technical Guidelines for Disposal to Land Revision 3.1 dated September 2023 and only accept the following waste:
 - Virgin Excavated Natural Material (VENM) such as clay, gravel, sand, soil or rock fines that:
 - 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
 - Does not contain any sulfidic ores or soil or any other waste.
 - Maximum incidental inert manufactured materials (e.g. concrete, brick, tiles) to be no more than 5% by volume per load; and
 - Maximum incidental or attached biodegradable materials (e.g. vegetation) to be no more than 2% by volume per load; and
 - After the above allowances for inert manufactured materials and biodegradable materials, maximum chemical contaminant limits accepted by the regulatory authority to be the background concentration for VEMN within the intended catchment of the site.
2. At least 20 working days prior to operation, carry out soils test to determine the background chemical contaminant levels of the site. The soil test is to be carried out by a suitably qualified and experienced practitioner who specialises in contaminated land investigations and the result submitted to Council.
3. Every load deposited must be visually inspected to ensure it meets the clean fill acceptance criteria under condition (1) above.
4. Laboratory testing is to be carried out by a suitably qualified and experienced practitioner who specialised in contaminated land investigations to at least a frequency of 1 per 50 loads, or 1 per 500m³ whichever is lesser. The testing is to confirm compliance with condition (1) above.
5. Any load that does not meet condition (1) must be rejected and disposed of at an alternative approved landfill suitable for the class of material.

6. No clean fill material shall be deposited at the site which has been sourced from a site defined as 'potentially contaminated'.

Note: A potentially contaminated site includes any site that is listed on the Greater Wellington Regional Council's Selected Land Use Register, or where there is reasonable cause to believe that activities listed on the Ministry for the Environment's Hazardous Activities and Industries List have previously occurred, unless a Detailed Site Investigation has been completed confirming the source of the material is not contaminated.

7. No clean fill material shall be deposited within 10m of any watercourse or wetland.

Survey

8. At least 10 days prior to commencement of clean filling, a survey of the clean fill area as shown on the approved plans and documents is to be carried out by or under supervision of a licenced surveyor, and the boundaries of the clean fill are to be clearly marked so that areas outside are clearly visible and identifiable as out-of-bounds for dumping. No dumping or movement of earth or soil is to be carried out outside the clean fill areas including any temporary or stockpiling.

Confirmation is to be provided from a licenced surveyor to Council 5 days prior to commencement of clean filling that the setout is at least 10m from any identified wetland or watercourse, and in accordance with the approved plans.

Record Keeping

9. An electronic record of all clean fill material deposited at the site shall be maintained for the duration of the resource consent. The record shall include:
 - a. The name of the company delivering the material;
 - b. The date of delivery;
 - c. The physical address of the land the material was sourced from;
 - d. A description of the material as per the inspection required by condition (3) above;
 - e. Any laboratory reports pertaining to the composition of the material as per condition (4) above;
 - f. The weight and volume of the delivered material;
 - g. The approximate location on-site where the material will be dumped.
10. The consent holder shall prepare an annual monitoring report for the period of 1 July to 30th June to the Council, by 30 September each year for the duration of this resource consent. The annual monitoring report shall include but not be limited to:
 - h. The electronic record of clean fill accepted at the site as per condition (9).
 - i. A record of any material rejected at the site as per condition (5)
 - j. A record of any spills on-site and remedial actions carried out.
 - k. A record of any discovered contamination and any measures to address the contamination such as remediation and validation.
 - l. Confirmation from a licenced surveyor confirming that the clean fill remains within the boundaries specified by condition (8) above, at least 10m from any identified watercourse or natural inland wetlands, and does not exceed the Finished Platform Level's shown on the approved Earthworks Layout prepared by Cuttriss Drawing No. 30246 SCH Sheet 1 of 3 dated 10/10/2024.

Duration

11. The duration of the clean fill activity must not exceed 30 years unless lapsed, been surrendered or been cancelled at an earlier date.

Landscaping

12. Prior to the commencement of clean filling activities, the consent holder shall submit a landscape plan to Council for certification showing:
 - a. Full details of screen planting along the northern boundary. Unless otherwise agreed to in writing with the adjacent owners and occupants, the screen planting is to be capable of screening the clean fill platform as viewed from the neighbouring residential properties to the north within 5 years of operations commencing. Planting is to commence prior to breaking ground for Stage 2 of the cleanfill area; however, it is acceptable for planting activities to overlap with the cleanfill operations, provided all planting is completed within a maximum of two planting seasons. All designated planting areas for Stage 2 will be undertaken within the optimal planting season (March to October).
 - b. Full details of planting along the Coast Road frontage. The planting should provide screening of the clean fill platform as viewed from Coast Road within 5 years of operations commencing.
 - c. The species, location and size (at the time of planting). The plan should include both faster growing exotic plants (such as Leighton Green) able to provide a suitable screen between the clean fill operations and the neighbouring properties, and a mix of indigenous plants including a suitable balance of canopy trees and other species, designed to enhance the habitat in the longer term.
 - d. Full details of the landscaping works to be undertaken following the completion of the activity including:
 - i. Works to enhance, replant and fence the watercourses and wetlands with indigenous species, depth and profile that is commensurate with what would have naturally occurred within these areas prior to European settlement;
 - ii. Works to enhance, replant the batter faces such that they provide for slope stability. The planting on the batter face must also be with indigenous species that naturally occurred within the areas prior to European settlement.

Note: The purpose of the landscaping is to screen clean filling activities from view of the northern properties which contain residential houses and enhance the ecological values of the adjacent watercourses and wetlands at the completion of the activities.

13. Landscaping is to be carried out in accordance with the certified plans under condition (12) above. All works required by condition (12)(a) are to be completed prior to clean filling activities commencing, and all works required by condition (12)(b) within 6 months of operations commencing.

Enhancement of adjacent watercourses and wetlands can occur at any time prior to completion, provided it is maintained and still meets the above objection at completion.

14. Within 6 months of operations ceasing, certification is to be submitted to Council from a suitably qualified ecologist that works have been carried out in accordance with condition (12)(d)(i).
15. Landscaping (except for the enhancement work at 12(d)) is to be maintained at the consent holders cost for the duration of the consent, and the enhancement work at condition 12(d) is to be maintained for a period of 12 months post clean fill operations.

Rehabilitation

16. The consent holder shall progressively rehabilitate the site as each section or clean fill stage is completed (at a maximum of 2.5ha). Within 6 months of that section or stage being finished, rehabilitation of that area shall be completed. The rehabilitation is to include but not limited to:
 - a. A state compatible with a Land Use Capability 3 (LUC3) which existed prior to the clean filling activities, which as a minimum would include pasture, but may also include alternatives for cropping, orcharding or similar unless the NPS-HPL is amended to exclude LUC3 from the definition of highly productive land; or
 - b. Final cover in accordance with section 5.9 of the WasteMINZ Technical Guidelines for Disposal to Land Revision 3.1 dated September 2023 as applicable to a class 5 landfill (clean fill) if the NPS-HPL is amended to exclude LUC3 as highly productive land; and
 - c. Spreading a minimum depth of 300mm topsoil over the site; and
 - d. Top soil is not to be compacted during the spreading; rather top soil is to be tilled or ripped to improve drainage; and
 - e. The development of a free-draining and stable landform; and
 - f. Re-grassed and re-planted all exposed areas as soon as practicable to prevent erosion losses; and
 - g. Monitoring and maintaining rehabilitated areas to ensure they are functioning appropriately post-closure; and
 - h. At completion of the rehabilitation, remove all mobile machinery and plant from the site (or stage).
17. Certification is required within 6 months of rehabilitation works from a suitably qualified soils scientist with experience in carrying out land use capability investigations and/or agricultural science confirming compliance with condition (16)(a) if NPS-HPL still identifies the land as highly productive land.

Vehicle Crossing and Passing Bays

18. Prior to commencement of clean fill activities, an extra heavy vehicle crossing is to be constructed as shown on the approved plans to Coast Road, and the concrete extended to the site boundary with sufficient length of 1 truck length, and width to enable 2 trucks to pass.

19. Prior to commencement of clean fill activities in a particular area, passing bays are to be constructed that enable 2 trucks to pass, generally in the areas shown on the approved plans up to the point of that area.

Pre-start Meeting

20. Prior to the commencement of the clean fill, the consent holder shall hold a pre-start meeting that:
- a. Is located on the subject site.
 - b. Is scheduled not less than 5 days before the anticipated commencement.
 - c. Includes Hutt City Council and Greater Wellington Regional Council officers.
 - d. Includes representatives from the contractors who will undertake the works and any relevant suitably qualified professionals involved in the compliance, monitoring or site rehabilitation. The meeting will discuss erosion and sediment control measures, the clean fill methodology, and familiarity with the necessary conditions of any consent.

Operating Hours

21. The operation of the clean fill and associated haulage on Coast Road is restricted to operating between 7:30am and 5:30pm Monday to Friday, and 7:30am to 1pm Saturdays and is not to operate on the following dates:
- 20th December – 10th January inclusive;
 - 1st June to 30th September inclusive;
 - Any long weekend (i.e. where a public holiday as defined under the Holidays Act 2003 falls on a Friday or Monday);
 - Any public holiday.

These restrictions do not apply to any measures necessary for stormwater / surface water management or dust mitigation measures.

Note:

The purpose of this condition is minimise nuisance to nearby residents located adjacent to Coast Road, minimise conflicts between trucks and recreational users of Catchpool Valley, and restrict activities during high rainfall to minimise risk of sedimentation into nearby streams and Wainuiomata River.

Noise

22. Tonal reverse alarms shall be prohibited on all machinery located permanently on the site. Broadband reverse alarms may be fitted if reverse alarms are required.

Tracking detritus

23. The consent holder shall avoid as far as practicable the conveyance, tracking or carrying of earthworked materials onto Coast Road. The consent holder shall inspect the vehicle crossing and road access area at the material disposal site daily during clean fill operations when material is transported to the site. In the event material is tracked onto the Coast Road, where safe to do so, the consent holder shall clear the earthworked materials from the road(s) and clean the road so it is restored to its original condition in such a way that avoids the material being washed into nearby watercourses.

Note:

Earthworked materials include all detritus, soil, wood chip or rock. This may require the installation of a wheel wash facility.

Complaints

24. The consent holder shall distribute written communication (letters) to all property owners and occupiers along Coast Road (from No.'s 115B and 122 in the north, south to 1044 Coast Road) no later than 20 working days prior to the commencement of works onsite. The letter shall identify the procedures for making inquiries for information and/or complaints/concerns regarding the works. This shall include at a minimum:
- a) The consent holders name and key contact details
 - b) The main site manager, name and contact details;
 - c) A 24-hour contact telephone number for the consent holder or appointed agent;
 - d) A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about noise or dust nuisance or any other problem resulting from the exercise of this consent.

No later than 10 working days prior to the commencement of activities associated with this consent, the consent holder shall submit a copy of the letter and a list of properties served with this letter to the Council's Compliance and Monitoring Team as proof of compliance.

25. The consent holder must maintain a complains register. The complaints register must include details of when a complaint was received, the steps taken by the consent holder to investigate the complain, and any steps taken to address the issue raised. The complaints register must be provided to Council annually, and available on request.

Signage

26. The consent holder must erect signage at the clean fill entrance, visible to haulage trucks, clearly identifying the northern entrance for clean fill activities, and include the name and contact information of the clean fill operator.

The signage must be maintained as legible until the completion of the clean fill activities, and removed should activities cease for a period exceeding 12 months.

Note:

This condition is to manage complaints and also to ensure that the clean fill entrance is clearly identified separately to the residential or farming entrance.

Environmental Management Plans

27. No later than 20 working days before the commencement of any earthworks, the consent holder shall ensure that the contractor submits the following for certification:
- An Environmental Management Plan prepared by suitably qualified person(s) and detail how all the conditions of this consent shall be complied with.
 - Erosion, Dust and Sediment Control Plan demonstrating compliance with Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region rev. 1 dated February 2021 or as updated
 - Stormwater Management Plan
 - Inspection, maintenance, monitoring and control Plan
 - Hazardous Substances Management and Spill Prevention and Management Plan

- Identification of appropriate auditing requirements to ensure performance of all components of the site's Environmental Management Plan
- Ongoing maintenance plan (including maintenance of drainage systems to ensure the ongoing effectiveness of the consented design)
- Noise Management Plan
- Traffic Management Plan (including site access design)
- Site closure plan

All management plans must be prepared by a suitably qualified professionals and all works must be carried out in accordance with the certified management plans.

Top Soil Management Plan

28. No later than 20 working days prior to commencement of any earthworks, the consent holder shall prepare and lodge a topsoil management plan for certification of Council. The purpose of the plan is to outline a framework that ensures that the topsoil is managed and replaced in such a way that the land use capability is re-established at completion of the clean fill activities, and that minimises the potential soil loss to water. The plan is to outline the method to which soil is extracted, temporarily stockpiled, managed and then reestablished on the site.

Note: If the National Policy Statement for Highly Productive Land is amended to exclude LUC3 from the definition of highly productive land, compliance with this condition is no longer required.

Review

29. The Council (or Greater Wellington Regional Council) may annually, on any of the last five days of May or November, serve notice of its intention to review the conditions of this resource consent for the purposes of:

- i. Dealing with an adverse effect on the environment occurring as a result of the exercise of this resource consent;
- ii. Requiring best practice options to be adopted by the consent holder to remove or reduce any adverse effect on the environment as a result of the exercise of this resource consent;
- iii. Requiring the consent holder to carry out monitoring and reporting instead of, or in addition to, that required by the resource consent; or
- iv. Requiring the consent holder to comply with a relevant rule in an operative District or Regional Plan (or proposed Plan that has immediate legal effect).

30. Dust Management Plan – *Note: the RFI confirmed a condition requiring a DMP is proffered but did not specify and details of the DMP was required to include.*

Conditions proffered via the s92(1) response

The RFI response dated 15 May 2025 confirmed the applicant agrees or proffers conditions that would require:

- Maintenance of vegetation between the fenceline and physical road for 180m from the vehicle crossing within the legal road to a height no more than 1m above ground level.

- The installation of a 'trucks crossing' warning sign be installed and maintained at both the northern and southern approaches to the site and removed once the activity ceases.
- Maximum number of truckloads of clean fill material to be transported to the site on any day the clean fill is operating is 18, i.e. 2 trucks every hour max (assuming even distribution over a 9-hour period).
- Maximum size truck that will be used is a 10T tipper truck.
- Maximum size roller of 3T.
- Maximum size excavator of 20T.
- Equipment to be well maintained.
- 1 excavator or 1 compactor will be used on the clean fill itself at any one time as part of normal operations.
- Excavator to operate for a maximum of 15 minutes within a 60-minute period.
- Compactor to operate for a maximum of 15 minutes within a 60-minute period.
- Proposed operating hours are Mon to Fri 7.30am to 5.30pm and Saturday 7.30am to 1pm.
- Clean fill will be closed during the winter months (1 June – 1 October).
- No use of vibratory rollers OR a vibration assessment of a vibratory roller be conducted on-site to confirm the discernible nature of this activity beyond the site boundary.
- Clean fill operation to comply with the Proposed District Plan, day-time noise limits (55 dB LAeq) at the notional boundary of the nearby residential dwellings.
- Prohibit tonal reverse alarms on machinery permanently located on site.
- No slamming of tailgates on trucks.
- A Noise Management Plan to be established for the clean fill operation.
- A maximum of 2500m² of non-stabilised fill at any one time.

2. SITE DESCRIPTION

Section 2 of the AEE describes the site in full and I adopt the site description which should be read in conjunction with this report. I visited the area but did not go on site on 3 December 2025 and walked over the site where the proposed clean fill will be located on 15 July 2025.



Photo 1 – facing north east along northern boundary across stages 4 and 5



Photo 2 – facing south west from 100m south of # 935 letterbox



Figure 2: Aerial Site

Key features of the site are as follows:

- The site is a 170.8 hectare operational farm and the site accommodates a dwelling and farm buildings.
- The western side of the site, beyond the Wainuiomata River, contains steeper vegetated land whereas the flatter land to the east of the river, which has two terraces, is mostly pasture used for grazing.
- Small tributaries to the Wainuiomata River cross the site.
- There are trees (Crack Willow) approximately 10m in height within the site along some of the Coast Road frontage. The trees are deciduous.

The site is legally described as Lot 5 Deposited Plan 551868. The title is subject to the following relevant interests:

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.
- Residential development over is limited to a total of 8 dwellings.
- Esplanade Strip (5m wide, either side of the Wainuiomata River).

The nearby sites are a mixture of rural or rural lifestyle. The AEE notes that the sites opposite on Coast Road contain a single residential house each which I agree with. There is a single dwelling on the site abutting or close to the northern boundary (904D Coast Road). The entrance

to Catchpool Valley (Remutaka Forest Park) is located around 15m south of the proposed site entrance.

The proposal is not within the potential erosion hazard line or within the esplanade strip.

Most of the site where the clean fill would be located is identified by Greater Wellington Regional Council (GWRC) as being within the 1% AEP flood hazard extent. The application includes modelling from Rivers Edge that further refines the flood extent.

The area where the clean fill is proposed is defined as having a Land Use Capability Class 3 (LUC 3) rating so is defined as Highly Productive Land under the National Policy Statement for Highly Productive Land (NPS-HPL).

District Plan

Operative District Plan

The application site is zoned General Rural and there are no District Plan overlays.

Proposed District Plan

Under the Proposed District Plan the site is General Rural and features a Highly Productive Land overlay over the eastern side of the site which includes the area of the clean fill.

Other consents

Resource consent has been sought from Greater Wellington Regional Council for land use consent for clean fill activity under Rule 94 of the Natural Resources Plan (NRP), Earthworks and associated discharge of stormwater associated with earthworks exceeding 3,000m² in a 12 month period under Rule 101 of the NRP and Rule WH.R24 of Plan Change 1 (PC1) to the NRP and under the NES Freshwater resource consent was sought for a change to the hydrology of a wetland.

3. RELEVANT PLANNING RULES AND REGULATIONS

Operative District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the General Rural activity area, which this proposal falls within, are contained in chapters 8B (General Rural) and 14 (General).

I agree with the assessment set out in table 3 of the AEE. The proposal requires resource consent due to the following District Plan non-compliances.

General Rural - Rule 8B 2.1 Permitted Activities

8B 2.1 (a) - A proposal is a Permitted Activity if it complies with the permitted activity conditions and is not specified as a Permitted, Restricted Discretionary, Discretionary or Non-Complying Activity.

The proposal does not comply with permitted activity condition 8B 2.1.1 (p) which requires compliance with the General Rules in Chapter 14. See the assessment below under General Rules.

Rule 8B 2.2 Restricted Discretionary Activities

A proposal is Restricted Discretionary Activities if it is one of the activities listed under this rule – clean fills are not listed.

Rule 8B 2.3 Discretionary Activities

8B 2.3 (a) - A proposal is a Discretionary Activity 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 does not meet the permitted activity condition which requires compliance with the General Rules.

8B 2.3 (c) – Top Soil Removal is listed as a Discretionary Activity.

The proposal includes temporary removal and stockpiling of top soil.

General Rules - Chapter 14

Transport - 14A 5.1 (a) Activities are permitted if they comply with the standards listed in Appendix Transport 1 and do not exceed the high trip generator thresholds in Appendix Transport 2.

The proposal will not breach the high trip generator threshold.

Standard 1 requires service lanes, private ways to be designed and constructed in accordance with NZS 4404:2010. Standard 2 requires site access and manoeuvring to be compliant with, amongst other matters, AS/NZS 2890.1.2004. The AEE states there is partial compliance with a bespoke design needed given the truck only use in a rural context. HCC's Transport Engineer peer reviewer agrees there is technical non-compliance and I accept this assessment. The proposal is compliant in regard to the number of crossings allowed per site, separation distances between accesses and a Secondary Collector and on-site space required to avoid using road reserve for parking or manoeuvring.

The proposal is Restricted Discretionary activity under rule 14A 5.1 (b).

Noise – The RFI response dated 15.05.2025 states there will not be compliance with rule 14C 2.1.10 which requires all non-residential activities in the Rural Zone to not exceed the conditions measured anywhere beyond the site. The conditions are a maximum 50dBA 7am to 10pm. Consent is not sought to operate outside of these hours. HCC's Acoustic Engineer peer reviewer agrees with this assessment and I accept this assessment. This non-compliance triggers resource consent under 14C 2.2 (a) as Discretionary Activity.

Earthworks – the proposal needs resource as the permitted activity standards for earthworks are 1.2m vertical change and 50m³ maximum volume whereas the proposal has a maximum fill height of 3.5m and a volume of 196,500m³. This requires resource consent as a Restricted Discretionary activity under rule 14I 2.2.

Overall, resource consent is required under the following rules:

- 8B 2.3 (a) - Discretionary activity
- 8B 2.3 (c) - Discretionary activity
- 14C 2.2 (a) - Discretionary activity
- 14A 5.1(b) - Restricted Discretionary activity
- 14I 2.2(a) - Restricted Discretionary activity

All aspects of the consent are linked so the consent shall be bundled as a **Discretionary activity**.

Notification Preclusions

There are notification preclusions in relation to any of the rules.

Proposed District Plan

On the 6th of February 2025 Hutt City Council notified the Proposed District Plan; this is the result of a full review of the Operative District Plan which first became operative in 2003. As such the proposed plan is in the early stages of the Schedule 1 process with public submissions which closed on the 2nd of May 2025. While the proposed plan requires consideration with regard to any resource consent decision it is noted that the majority of the proposed plan provisions do not have legal effect whereby only certain rules apply at the time of public notification. The relevant rules which have legal effect are determined by s86B of the RMA and in the case of the proposed plan only relate to the protection of historic heritage which includes new Sites and Areas of Significance to Māori (SASM) identified as category 1 or category 2 and notable trees.

There no PDP rules that have legal effect that are relevant to this proposal.

National Environmental Standards

In regard to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health the AEE states that there is no evidence that the site has been used for activities such as a market garden where herbicides and pesticides may have been used. Council records, including historic aerial photos, do not indicate any HAIL activities have been undertaken on the site. The proposal does not require assessment under any National Environmental Standards

4. PERMITTED BASELINE AND EXISTING ENVIRONMENT

Applying a permitted baseline, Council has the discretion to disregard any effects that could be established from that of a permitted activity. It is only the adverse effects over and above those

forming a part of the baseline that are relevant when considering who is 'affected', whether effects are considered to be more than minor, and when making a substantive decision.

The permitted baseline for earthworks is of no relevance given the permitted baseline volume of 50m³ equates to 0.025% of the proposed volume.

In regard to the existing environment it is acknowledged the site is a working farm and that farming will at times include the use of machinery such as tractors. The existing environment has been taken into account in the assessment.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four-step process that must be followed, and triggers or precludes notification of applications in certain circumstances. The sections below follow the four-step process for public notification (under section 95A) and limited notification (under section 95E).

5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the 4-step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"> ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status 	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy the following properties in making an assessment under s95D:

- 864, 904A, 904B, 904C, 904D, 1048, 1066, 1074, 1154, 919, 925, 935, 965, 977, 993, 1025N Coast Road.

Potential adverse effects from the proposal are discussed below.

Landscape and visual

The proposal will be undertaken in eight stages which range from 0.92 to 1.42 hectares each. Each stage is expected to take 2 – 3 years and upon completion will be covered with stockpiled topsoil and hydroseeded to return the area to pasture. The areas proposed for stockpiling topsoil are approximately 1500m² and are located adjacent to the relevant clean fill stage. Proffered conditions of consent are relevant to the consideration of landscape and visual effects. In particular conditions 12 – 15 (see above on page 5) have been taken into account in the assessment below.

The mitigation planting plans contained within Appendix 3 of the LVA show the progression of planting as the activity progresses through the stages. The notes on the Stage 1 Mitigation Planting Plan states *“Planting is to commence prior to breaking ground for this stage (Stage 1) of the cleanfill area; however, it is acceptable for planting activities to overlap with the initial stages of cleanfill operations, provided all planting is completed within a maximum of two planting seasons. All designated planting areas for Stage 1 will be undertaken within the optimal planting season (March to October), beginning with the roadside planting areas.”*

The roadside planting for Stage 1 totals 548m² and relates to planting slightly south of Area 1 and a second area between Stage 1 and Coast Road. The notes on the DGSE plans do not require planting to have been completed prior to works commencing and even if this had occurred screening will be very limited initially. Depending on the speed that the clean fill gets deposited it may be that planting has not been completed before a substantial amount of filling has occurred within Stage 1. However, planting will have occurred before the commencement

of any clean filling within the later stages assuming Stage 1 is no shorter than 6 months. The planting shown on the 'Stage 2 – Recommended Mitigation Planting' plan relates to planting along the internal boundary adjacent to # 904D and along five sections adjacent to Coast Road. This planting is to occur prior to Stage 2 but planting must only be completed within a maximum of two planting seasons.

The LVA identified a visual catchment using zone of theoretical visibility analysis. This led to the following groupings of properties as part of the LVA's assessment of effects.

- Northern Neighbours (904A, 904B, 904C & 904D Coast Road)
- Northeastern Neighbours (919 & 925 Coast Road)
- Eastern Neighbours (935, 965, 977 & 993 Coast Road)
- Catchpool Valley Road Activities & Users.

This approach of identifying potentially affected parties is accepted by HCC's landscape and visual peer reviewer (Linda Kerkmeester).

I note that all of the above sites are considered to be adjacent to the site and therefore are excluded from the 95A assessment and are instead assessed below in section 5.2 in relation to s95E. It can be inferred that adverse visual effects on all person(s) owning or occupying sites other than those listed above will be less than minor due to distance, topography and vegetation. As such this assessment now focuses on the effects on users of Coast Road.

The applicant's LVA discusses the landscape values and the associated effects and concludes the following:

- temporary effects on the physical landscape would be Low-Moderate, reducing to Very Low at the completion of the clean fill operations period.
- temporary associative landscape effects will initially be experienced as Low-Moderate, reducing to Very Low upon completion of the clean fill activity.
- temporary effects on the perceptual landscape will be Low, reducing to Very Low on the conclusion of the clean fill activity.

The LVA states there are two areas where the road bends increasing the visibility into the site for people passing the site. The visual simulations illustrate the screening that will result from the proposed planting and concludes that this impact will be a 'low visual impact'³. I note that the planting adjacent to the northern corner of the site (LVA - Visual Simulation 1) will be completed within two planting seasons of Stage 2 commencing. This planting is adjacent to Stage 4 so if each stage takes the predicted 2 - 3 years then the planting will have occurred at least three years before Stage 4 commences with Stage 4 being closest to the northern eastern boundary. The southern visual simulation occurs at a point 100m before the road drops down and there is existing planting in this area to be supplemented with proposed planting. I note that there is sporadic vegetation between the carriageway and site boundary.

The applicant's LVA considers effects will be Low which equates to a less than minor or minor adverse effect. Ms Kerkmeester agrees with the finding of the LVA that adverse effects on

³ LVA page 19

landscape character and visual effects will be Low - Moderate from Coast Road during operations and Low in the longer term. The LVA uses the 7- point scale which is accepted practice by the NZ Institute of Landscape Architects and a Low-Moderate rating equates to a **minor** adverse effect.

I agree with this conclusion in relation to users of Coast Road and have taken into account the following when considering the expert assessment and conclusions discussed above. Because the proposal is staged there will be a limited area of operational clean fill visible from Coast Road at any one time. For example, Stage 4 is approximately 185m in length where it is adjacent to the road and people passing the site at 70km/h will pass Stage 4 in around 10 seconds. This short period of time limits any potential adverse effect on Coast Road users.

Rural Character

The AEE describes the character of the area as *“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.”*⁴ I agree with this assessment but note that there is an area to the north of the site where the river flats are covered in scrub rather than pasture.

The activity of the clean fill operation will involve machinery and truck movements. Neither of these are uncommon in the rural area but the frequency and consistency of machinery and truck usage will be notably different from the existing character. To an extent the setback from the road will mitigate the effects of the truck and machinery movements which will be viewed at a distance and will be viewed in a much wider landscape and as such will not dominate or significantly change the broader rural character.

The clean fill operation will involve deposition of fill which must be 95% Virgin Excavated Natural Material such as clay, soil and rock. While it is not uncommon within a rural area to have a field ploughed and therefore not be pasture, the deposition of the clean fill material will represent a change from what is typically associated with a working farm.

The modest size of each stage limits the extent of the change in character as will planting which will provide screening once it has grown and this will especially apply to the stages 4 onwards. Importantly, the clean fill will appear as one portion of a much larger working farm. For example, the length of Stage 1 that is adjacent to the road represents approximately 17% of the total length of the site that adjoins the road. Stages 2 and 3 are set back considerably from the road so during these stages the change in character will be less obvious due to setback and visibility in much wider environment. For the above reasons my view is the predominant character of a working farm will remain for this site with any adverse effects associated with the change in use and therefore change in character to be less than minor.

Earthworks – stockpiling, erosion and sediment control effects

An Erosion and Sediment Control Plan (ESCP) has been submitted with the application and this should be referred to. Earthworks will not occur during the winter shutdown period where

⁴ AEE page 21

erosion and sediment control is more difficult. Resource consent has been sought from GWRC in relation to earthworks and associated discharge over 3000m² in a 12-month period.

Proffered condition 27 requires that an Erosion, Dust and Sediment Control Plan, demonstrating compliance with Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region, to be submitted for certification and all works must be carried out in accordance with the certified management plans.

Erosion and Sediment Control (excluding dust)

After taking into account the setback from external boundaries, the shallow slope of the batters and the requirement for a ESCP I consider that subject to compliance with the ESCP condition there is no reason to conclude that adverse effects associated with erosion and sediment cannot be suitably managed to result in less than minor adverse effects.

Dust

The Erosion and Sediment Control Plan states dust control will be undertaken to ensure there is no dust nuisance and that this will be achieved with the use of water spray, stabilising surfaces as soon as practically possible, and controlling vehicle speed.

Dust effects are most likely during dry spells of weather combined with high winds. Dust can also be created by trucks and other machinery moving within the site. In regard to trucks causing dust when travelling along the internal road, the applicant has proffered a condition requiring a Dust Management Plan and the applicant has noted this will include a limitation on the speed of trucks which will help to avoid this potential effect. Water spray may also be required on the internal road in certain conditions which can be stipulated in the Dust Management Plan.

The RFI sought further information to confirm how the proposal will comply with rule 8B 2.1.1(f) which requires a site to be managed so that there is no dust nuisance at or beyond the boundary. The District Plan defines a dust nuisance as: *a dust nuisance shall occur if there is visible evidence of suspended solids in the air beyond the site boundary and/or there is visible evidence of suspended solids from a dust source settling on the ground, building or structure of a neighbouring site, or water.*

The RFI response confirmed a Dust Management Plan would be a condition of consent but did not provide any details on what the DMP may include. The RFI response provided a copy of a Water Permit that allows water to be taken at a rate of 2376m³/day for irrigation purposes. The permit expires 31.10.2026 and the applicant confirmed a new permit would be sought.

The applicant has proffered a condition of consent restricting the area of non-stabilised fill to 2500m². 'Stabilised' is given the same meaning as that contained within the resource consent granted by GWRC on 8 August 2025 which is:

Stabilised means the earthworks site is inherently resistant to erosion or rendered resistant to erosion through the application of the methods of stabilisation specified in Section E3 of the ESC Guide for Land Disturbing Activities in the Wellington Region, unless alternative methods are provided for by the Erosion and Sediment Control Plan.

. In the event that a permit for water take for dust suppression is not obtained alternative water supplies will be required and the applicant has confirmed that there is 75000L of rainwater storage on site.

According to the *Ministry for the Environment 2016 Good Practice Guide for Assessing and Managing Dust* it appears the volume of water that can currently be taken for irrigation is likely to be sufficient for dust suppression. However, as stated above the permit is expiring and no information has been provided as to whether a permit for dust suppression is likely to be granted.

In the event that a water permit for dust suppression is not granted then water may have to be brought onto site. The MfE guidance states a general rule of thumb is 1 litre per square meter per hour. The applicant has noted the limitation of 2500m² of non-stabilised fill at any time means two 10,000L water tankers would provide adequate water for 8 hours of spraying. I note water may also be required to be sprayed on the internal road. The water tankers as well as the onsite storage will ensure sufficient water is available and as such I conclude dust effects can be managed to an extent that adverse effects will be less than minor.

Noise effects

The Acoustic Assessment of Environmental Effects dated 19 March 2025 focused on nearby receivers and as with the LVA all nearby receivers are adjacent sites so will be considered below in section 5.2. The peer reviewer on behalf of HCC (Marshall Day Acoustics) did not raise any concerns with the nearby receivers identified.

The Acoustic Assessment of Environmental Effects states on page 13 that to be compliant with ODP noise limits at the notional boundary a setback of 105m is required. There are not any dwellings on sites, besides those that will be assessed in section 5.2, that are within 105m from any stage of the proposal. As such, due to the distance to any other sites beyond the nearby receivers any noise effects on the wider environment are considered to be less than minor. This includes users of Coast Road who will only experience any adverse noise effects fleetingly and mostly from within vehicles which provide noise insulation as well as creating their own road noise. The number of people passing the site on foot or by bicycle is not known but given the remote location this is expected to be a low number and as with people in vehicles the effects are fleeting.

Transport effects

The proposal includes limiting truck movements to no more than 18 loads per day which averages 4 truck movements per hour. Passing bays will be provided within the site and a new 6m extra heavy-duty site crossing would be constructed. Proffered conditions of consent are relevant to the consideration of transport effects. Conditions 18, 19, 21 – 23 and 26 have been taken into account in the assessment below as well confirmation in the RFI response that a 180m sightline can be achieved within legal road and that maintaining vegetation within road reserve to no more than 1m in height would be accepted. The application included correspondence from HCC's Maintenance and Renewals Manager confirming that removal of the mixed indigenous vegetation, planted close to the road shoulder and below 11000KV powerlines, would largely be supported due to a reduction in maintenance costs. The RFI

response also confirmed that a 'trucks crossing' warning sign would be installed at the northern and southern approaches to the site and removed once the activity ceases.

The application included an assessment from Harriett Fraser Traffic Engineering and Transportation Planning which was peer reviewed by 'Luke Benner Consulting Traffic Engineers'. Mr Benner considers that the clean fill operation will be able to operate safely with effects to Coast Road that will be less than minor where the sightlines are maintained at all times with suitable traffic management signage in place for the duration of the activity. The applicant has confirmed agreement to control these matters via conditions of consent. I concur with this assessment.

Loss of Highly Productive Land

The site is mapped as Land Use Capability 3 by Maanaki Whenua which means it is defined as Highly Productive Land under clause 3.5(7) of the National Policy Statement -Highly Productive Land. Conditions of consent have been proffered in relation to ensuring the land is returned to a productive state. Condition 17 requires certification within 6 months of rehabilitation works from a suitably qualified soils scientist with experience in carrying out land use capability investigations and/or agricultural science confirming compliance with condition (16)(a) if NPS-HPL still identifies the land as highly productive land.

Once the clean fill activity is complete the site will be returned to pasture so the permanent loss of productive capability is avoided. Topsoil will be stored on site and reused as part of the rehabilitation process.

The amount of land that cannot be used for productive purposes during the clean fill operation is modest. A typical scenario would be two stages at any one time. This would consist of the stage where clean filling is occurring and the previous stage if it was still being rehabilitated. The length of time to fill each stage means the rehabilitation would have occurred on a previous stage before a future stage is stripped of topsoil. As such the amount of land lost to productive purposes over the life of the clean filling operation would be two stages at any one time, which would be in the order of 2 – 3 hectares and the effect of this loss is considered to be no more than minor due to modest amount of land involved. At the conclusion of the clean fill there will no loss of productive land and therefore no long-term adverse effect.

Natural Hazards

The application included a report from River Edge Consulting that modelled flooding to allow an assessment of the effect of raising the height of the land. The report should be referred to. I have relied on the expertise of GWRC's Flood Advisory Team who have reviewed the report by River Edge Consulting.

The report stated that the displacement effects would be less than minor when considering the maximum height increase of flood waters during a 1:100 flood event (with a 20% climate change allowance). The modelling showed that a limited portion of the proposed fill area would be inundated and that outside the property boundary the predicted impacts would be negligible at less than 5mm on the site to the north. No effects beyond neighbouring properties were

identified and therefore flooding effects on the wider environment are considered to be less than minor. The effects on neighbouring sites are assessed below in section 5.2.

In relation to the potential for a flood to scour the batter slopes and move clean fill material off site GWRC provided the following comment:

“In summary, hydraulic modelling confirms the proposed cleanfill lies within the flood fringes where 1% AEP (plus climate change) peak velocities (0.3–0.4 m/s) are insufficient to induce significant shear stresses capable of causing slope instability or scour once capped and vegetated, with effects assessed as less than minor.

For interim, uncapped states, the applicant’s staged Erosion and Sediment Control Plan (also attached) prescribed progressive stabilisation, whereby fill batters will be topsoiled, hydroseeded or hydromulched as construction progresses. With adherence to progressive stabilisation and prompt remediation if required, scour effects from a 1% AEP flood in Wainuiomata river are expected to remain less than minor⁵.”

Given the above expert opinion, which I agree with, I consider natural hazard related adverse effects to be less than minor.

Ecological Effects

The area of fill is currently pasture used for grazing and the ecological effects assessment report prepared by RMA Ecology confirmed that there are no areas of vegetation on the site that meet the classification of ‘significant’ under the National Policy Statement for Indigenous Biodiversity.

The RMA Ecology report stated:

- there is no vegetation within the footprint of the fill areas that supports habitat for lizards; that the birds observed on site were not at ‘At Risk’ or ‘Threatened’ and;
- that there is no suitable habitat for bats.

Given the fact the development area is all currently pasture for grazing and the findings of the RMA Ecology report I consider adverse effects on terrestrial ecology to be less than minor.

The potential for effects upon freshwater ecology are within the jurisdiction of GWRC. Section 30 (1)(c) of the RMA confirms the function of regional councils includes controlling the use of land for the purpose of:

- the maintenance and enhancement of the quality of water in water bodies and coastal water:
- the maintenance of the quantity of water in water bodies and coastal water:
- the maintenance and enhancement of ecosystems in water bodies and coastal water:

Accordingly, these matters are directly addressed by GWRC as part of the consideration of the resource consent they are assessing.

⁵ Email from GWRC’s Flood Advisory Teams Senior Engineer dated 10.07.2025

Cumulative Effects

Cumulative effects are actual effects that occur due to successive proposals where individually a proposal may generate insignificant effects but cumulatively the effects may become significant. I note that on this site there are no unimplemented consents to take into account. I did not observe any similar activities, or noise generating activities of note, occurring within or close to the site during my site visits. I am not aware of any unimplemented resource consents nearby that could contribute to cumulative effects. I consider any potential cumulative effects are less than minor.

Conclusion

In conclusion the adverse effects on the environment will not be more than minor.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. While this proposal relates to a development which is untypical from the existing character of the site and surrounding area the District Plan provides clear policy direction and assessment matters relevant to the proposal. For example, the District Plan has a specific objective and policies in relation to top soil removal and turf farming which are to a limited extent comparable to the proposal. The modest scale of the individual stages limits the scale of any adverse effects as do the proffered conditions of consent. Overall, it is considered that public notification will not reveal any new information relevant to determination.

On this basis, it is not considered necessary to publicly notify the application due to special circumstances.

Conclusion

Public notification is not required.

5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4-step process must therefore be followed to determine if limited notification is required.

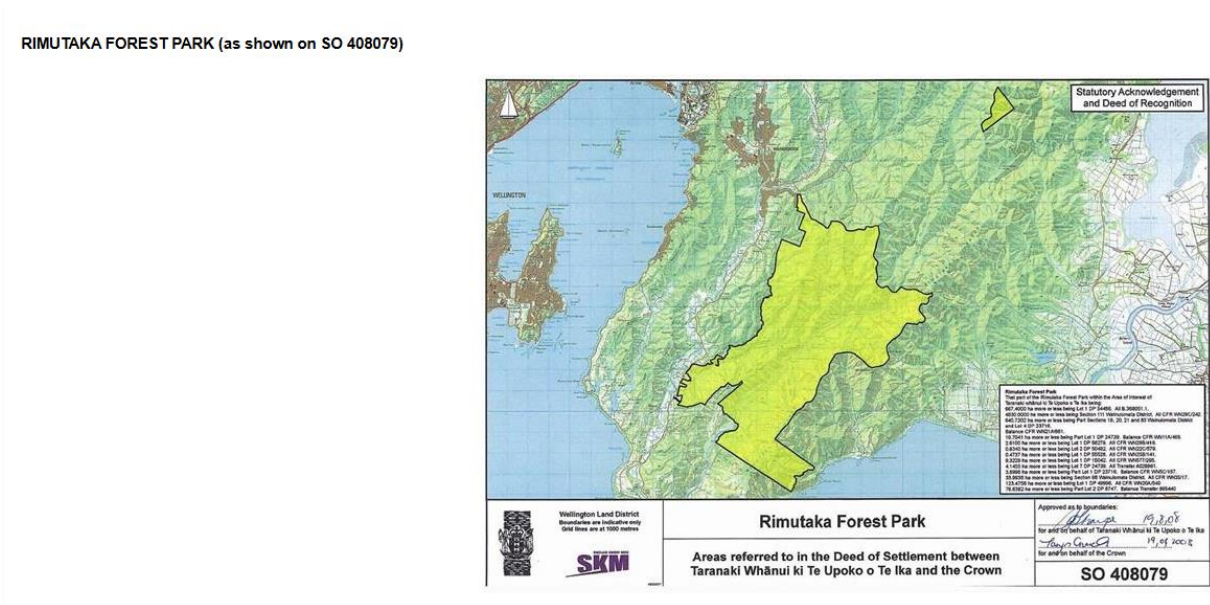
Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No

Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	No
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The site is adjacent to a small section of the western boundary of Remutaka Forest Park. The fill area of Stage 1, at the closest point is approximately 60m from the statutory acknowledgement area (1025 Coast Rd - Remutaka Forest Park) and the new vehicle crossing is directly opposite 1025 Coast Road.



No comments have been received from the Port Nicholson Block Settlement Trust who were notified of the application on 16.07.2025. The adverse effects on 1025 Coast Road are assessed as being less than minor in the assessment that follows under Step 3.

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: <ul style="list-style-type: none"> A controlled activity (other than a subdivision) under the District Plan 	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons 'affected' under s95E?	No
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▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary'	(see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	Yes (see below assessment)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected person/s. No persons have given written approval.

In accordance with section 95E, I have considered whether the proposal could adversely affect any other persons. This assessment has considered effects on the owners and occupiers of all of the adjacent properties:

- 864, 904A, 904B, 904C, 904D, 1048, 1066, 1074, 1154, 919, 925, 935, 965, 977, 993, 1025N Coast Road, Wainuiomata.

Landscape and visual - rural character

The landscape and visual amenity effects will vary considerably depending on what stage of the clean fill is operational and what viewing point is being considered. For example, Stages 1 - 3 are 750m south of 919 Coast Road whereas Stage 4 is located well north of 977 and 993 Coast Road and would be viewed at an oblique angle.

The applicant's LVA has assessed the visual effects by grouping adjacent sites and has specifically commented on the effects on individual stages and the same approach has been taken below. The LVA comments generally on visual effects from adjacent sites as well as viewpoints from driveways of several of the adjacent sites.

Sites to the north: 904 A – D Coast Road

The LVA states:

“The residents at 904A & 904B Coast Road are at a greater distance from the Site and are separated from the cleanfill activities by the properties at 904C & 904D Coast Road. Therefore, it is thought their temporary visual and amenity effects will be low, reducing to very low upon completion of the cleanfill activity.

904C & 904D Coast Road are however, also in close proximity to the development, and due to this, the visual and amenity effects will temporarily be moderate during the operation of stages 4 & 5, reducing to low as the cleanfill activity is undertaken in the other stages and eventually closed.”⁶

The LVA considers a 'temporary visual impact effect' to equate to a stage which is 2 – 3 years in duration. The definition of 'effect' in section 3 of the RMA 1991 includes any temporary effect.

⁶ AEE - Landscape and Visual Assessment by Designgroup Stapleton Elliott - page 16

Even if only one stage, and no other stages, has an adverse effect on a site it will still be ‘temporary’ effect of 2 – 3 years.

Ms Kerkmeester agrees with the applicant’s assessment as do I. Consequently, I consider the adverse visual and amenity effects on person(s) owning/occupying 904A and B will be Low subject to conditions being complied with, reducing to Very Low upon completion. The adverse visual and amenity effects on person(s) owning/occupying 904C and D will be Moderate during construction of stages 4 and 5 and Low during other stages reducing to Very Low upon completion. I note the dwelling located at the western end of # 904C is reasonably close to Stage 6 also.

The Low classification is shown on the NZ Institute of Landscape Architects 7- point scale below as extending across Less than Minor and Minor. Moderate equates to a More than Minor effect.

Negligible	Very Low	Low	Low-Moderate	Moderate	Moderate-High	High	Very High
Less than minor			Minor	More than minor		Significant	

Figure 1: NZILA 7-point scale (top line) compared to RMA 4-step scale (bottom line)

Figure 4: 7-point scale included on page 3 of the AEE - LVA.

Sites to the northeast: 919 and 925 Coast Road

The dwelling on # 919 is clearly visible from within Stage 4 and 5 and is elevated approximately 20m above Stage 4. The dwelling faces north west with the bulk of Stages 4 and 5 site located to the west.

The dwelling # 925 is screened by vegetation within # 925 and is elevated 25m above Stage 4. I have noted the location of screening vegetation within adjacent sites as this cannot be relied on as mitigation due to it not being within the control of the applicant.

The LVA states: “...the proposed cleanfill activity will result in limited change, resulting in the visual and amenity effect to be initially very low during Stages 1-3, increasing to temporarily low during the operation of Stage 4, before reducing to very low from Stage 4 to completion.”⁷

The LVA peer reviewer for HCC agrees with the applicant’s assessment and I have no reason to disagree with the assessment with the exception of the potential effects during Stage 5. I consider it is likely that during Stage 5 adverse effects will be ‘Low’ also given the visibility of Stage 5 from these sites as observed during my site visit. Consequently, I consider the adverse visual amenity effects on person(s) owning/occupying 919 and 925 Coast Road will be Low during Stage 4 reducing to Very Low upon completion.

Sites to the east: 935, 965, 977 and 993 Coast Road

⁷ AEE - Landscape and Visual Assessment by Designgroup Stapleton Elliott - page 17

These sites are to the east across Coast Road and to varying extents are elevated above the application site. The dwellings on these sites are approximately elevated above the site as follows:

- # 935 - 20m
- # 965 - 20m
- # 977 - 5m
- # 993 - 11m

The degree of outlook toward the site varies depending on whether the dwelling is on a slope or is set back further on a more level building platform.

When viewed from the north-western side of Stage 5 the top half of the garage/barn on # 935 is partly visible but the dwelling was not visible. The screening provided by vegetation is within # 935.

When viewed from the north-western side of Stage 8 the two-storey dwelling on # 965 is visible with some vegetation screening present within # 965. In addition, an accessory building is visible although no record could be found of this building on the HCC property file so its use is unknown.

When viewed from the north-western side of Stage 8 the dwelling on # 977 is visible however I note the dwelling is directly opposite the area south of Stage 8, which does not include a clean fill stage, so the outlook toward Stage 8 will be oblique.

When viewed from just north of the wetland area the dwelling on # 993 is not visible. This is due to vegetation with that site.

The LVA states “...it is considered that although they may have limited views across the Site, due to the existing topography and elevation of these properties, the temporary effect would be low, reducing to very low upon completion of the cleanfill.”⁸

The LVA peer reviewer for HCC agrees with the applicant’s assessment and I have no reason to disagree with the assessment. Consequently, I consider the adverse visual amenity effects on person(s) owning/occupying 935, 965, 977 and 993 Coast Road will be Low reducing to Very Low upon completion.

Catchpool Valley

There are several buildings near the road within the Catchpool Valley site (1025N Coast Road). It is not clear from council records or aerial photos how many are dwellings but for the purpose of this assessment it is considered there are dwellings in this location. Extensive vegetation within road reserve and a wooden boundary fence prevents an outlook toward the application site. In addition, the buildings/dwellings are located approximately 11m above Stage 1.

⁸ AEE Landscape and Visual Assessment by Designgroup Stapleton Elliott - Page 17

The LVA states “...although this area is in close proximity to the cleanfill activity, the Site is not captured in any views from this area and therefore the overall effect would be very low to negligible.

The LVA peer reviewer for HCC agrees with the applicant’s assessment as do I. Any adverse visual amenity effects are considered to be Very Low.

Viewpoints

The LVA also includes an assessment from the driveway entrance points to the sites above with the exception of # 993. The assessment concludes that from the seven viewpoints that adverse effects during each stage will be ‘Low’ and this relies on planting within the site as well as existing on-site vegetation. I agree with the likelihood that proposed planting will provide some level of screening for the later stages as this will provide time for the planting to establish. However, the assessment of the visual amenity effects from viewpoint 7⁹, which faces Stage 1 from the driveway of # 993, also relies on planting within the site. The viewpoint from the entrance to # 993 site is currently unobstructed. The ‘Stage 1 Notes’ on the ‘Stage 1 – Recommended Mitigation Planting¹⁰’ plan states “*Planting is to commence prior to breaking ground for this stage of the cleanfill area; however, it is acceptable for planting activities to overlap with the initial stages of cleanfill operations, provided all planting is completed within a maximum of two planting seasons. All designated planting areas for Stage 1 will be undertaken within the optimal planting season (March to October), beginning with the roadside planting areas.*” The planting totals 548m² of planting within the site adjacent to the roadside boundary. Given there is no certainty that the planting will have occurred at a time that allows growth to occur to provide screening it is considered the proposal planting will provide minimal screening in the short term i.e., during the Stages 1 and 2.

The LVA, in section 6.3, states the temporary visual impact effect to be Low for Viewpoints 1 – 7 and Very Low for Viewpoint 8. I note this differs from the table in section 6.2 which has the temporary effect on Viewpoint 2 as Moderate and Very Low for Viewpoints 5 and 6.

Ms Kerkmeester states in her review that “*I agree with the findings that the effects on landscape character and visual effects as viewed from the Coast Road and on adjoining neighbours will be **low to moderate** during operations, reducing to **low** in the longer term. This will be subject to strategic staging, screen planting and reinstatement of the pasture¹¹.*” I agree with Ms Kerkmeester’s assessment.

I note the assessment of effects on persons owning/occupying adjacent sites does not disregard vegetation screening the site that is either within road reserve or on adjacent sites. No reliance can be placed on such screening as mitigation. When taking this into account I consider the adverse landscape and visual effects on person(s) owning/occupying the following adjacent sites to be at least minor:

⁹ Viewpoint 7 on the Viewpoint Location Map on page 11 of Appendix 1 of the LVA does not align with the description of the location of viewpoint 7 on page 19.

¹⁰ Plan L2 contained on page 44 of the LVA.

¹¹ Page 5 LVA Peer Review dated 24 July 2025.

- 904C, 904D, 919, 925, 935, 965, 977 and 993 Coast Road.

I do not consider 904A and 904B are adversely affected to an extent that equates to 'Minor'. The LVA states the effect on these sites is Low and a Low rating extends over Less than Minor and Minor on the 7-point scale. Due to the separation distance, which is at least 160m, the planting that will occur well in advance of Stage 4 commencing and a lack of elevation over the site, there is a limited outlook toward the application site. Furthermore, unlike the other adjacent sites excepting 904C and 904D, when the owner/occupants come and go from these sites it is likely to be to Wainuiomata and beyond which does not involve passing the application site thereby further reducing the adverse visual effects. I consider the adverse visual effects are less than minor on person(s) owning/occupying 909A and B Coast Road.

I also consider the adverse visual effect on persons owning/occupying 1025 Coast Road to be less than minor due to the separation distance, # 1025's boundary fencing, height difference and limited outlook toward the application site.

Earthworks – stockpiling, erosion and sediment control effects

With the exception of 904D Coast Road all of the other adjacent sites are separated from the clean fill stages horizontally and/or vertically such that any erosion and sediment related effects (excluding dust) will be less than minor for the reasons given in in the s95D assessment.

In regard to potential dust effects, as stated in the s95D assessment, there is adequate information and proffered conditions to conclude dust effects can be adequately managed to the extent any dust effects will be less than minor.

Noise effects

The Acoustic Assessment of Environmental Effects dated 19 March 2025 focused on nearby receivers and all nearby receivers are adjacent sites. The peer reviewer on behalf of HCC (Marshall Day Acoustics) did not raise any concerns with the nearby receivers identified. I note that there is dwelling at the southwestern end of 904C Coast Road which is approximately 105m from Stages 5 and 6.

I note the assessment has not made any allowance for trucks that may be used to spray water for dust control. I agree that the assessment of effects can focus on a notional boundary which is 20m from a rural dwelling or the boundary if that is less than 20m. Table 5 of the Acoustic Assessment includes the following table that sets out the notional boundary.

DWELLING	APPROXIMATE DISTANCE FROM SITE TO NOTIONAL BOUNDARY	USE
1025 Coast Road	58m	Residential
993 Coast Road	49m	Residential
977 Coast Road	50m	Residential
965 Coast Road	63m	Residential
935 Coast Road	80m	Residential
925 Coast Road	84m	Residential
919 Coast Road	110m	Residential
904D Coast Road	23m	Residential
904C Coast Road	100m	Residential
904B Coast Road	150m	Residential
904A Coast Road	170m	Residential

Figure 5: Table 5 on page 12 of the applicant's Acoustic Assessment

Table 6 of the LVA sets out the expected noise levels at the nearest receiver's notional boundaries.

DWELLING	EXPECTED NOISE LEVEL FROM CLEAN FILL OPERATION AT THE NOTIONAL BOUNDARY
1025 Coast Road	56 dB L _{A10} (1 hr)
993 Coast Road	56 dB L _{A10} (1 hr)
977 Coast Road	57 dB L _{A10} (1 hr)
965 Coast Road	52 dB L _{A10} (1 hr)
935 Coast Road	52 dB L _{A10} (1 hr)
925 Coast Road	50 dB L _{A10} (1 hr)
919 Coast Road	49 dB L _{A10} (1 hr)
904D Coast Road	63 dB L _{A10} (1 hr)
904C Coast Road	51 dB L _{A10} (1 hr)
904B Coast Road	47 dB L _{A10} (1 hr)
904A Coast Road	44 dB L _{A10} (1 hr)

Figure 6: Table 6 on page 13 of the applicant's Acoustic Assessment

The Acoustic Assessment identified the following sites where noise levels at the notional boundary will be exceeded during a 60-minute period when typical clean fill operations are occurring at the worst-case location: 904C, 904D, 935, 965, 977, 993 and 1025 Coast Road.

The peer reviewer on behalf of HCC notes that the noise levels are non-compliant with the ODP at the notional boundaries of 904C, 904D, 935, 965, 977, 993 and 1025 Coast Road. The reviewer notes that while the activity is consistent with other activities in the rural zone that the intensity would be greater on the clean fill site with the activity clearly noticeable when compared to the ambient noise environment. Given these comments, which I accept, I consider there will

be at least minor adverse noise effects on person owning/occupying 904C, 904D, 935, 965, 977, 993 and 1025 Coast Road.

Transport

Besides the entrance to 1025 Coast Road none of the adjacent sites have entrances close to the proposed vehicle entrance. The proposal is compliant in regard to the number of vehicle crossings and there is no breach in relation to the proposed vehicle crossing's proximity to the entrance to Catchpool Valley. The proposal will result in a negligible increase in traffic with an additional four movements per hour on average.

For the reasons given in the section 95D assessment adverse transport related effects due to the activity and proposed site entrance are assessed as being less than minor.

Natural Hazards

As discussed in the s95D assessment the application included a report from River Edge Consulting that has been reviewed by the GWRC's Flood Advisory Team. GWRC's Flood Advisory Team has confirmed agreement with the conclusions reached in the River Edge Consulting Report.

The report stated that the displacement effects would be less than minor when assessing the maximum height increase of flood waters during a 1:100 flood event (with a 20% climate change allowance).

The report states there would be additional flooding of no more than 5mm in depth across the western half of 904A – D Coast Road which are already subject to floods depths of 0.5m to 1m. Because this area would already have significant flooding an additional 5mm is considered to be a less than minor effect and I concur with this assessment.

All adjacent sites to the south

These sites are all sufficiently screened and separated from the area of clean fill and accessway that there are considered to be no adverse effects that are minor or greater.

General effects on all persons

Any construction related effects generated when constructing the new vehicle crossing or any upgrade works to the existing internal road will be temporary and short in duration. Combined with the separation from adjacent sites these effects will be less than minor.

Cumulative effects were assessed in the s95D and the conclusion that cumulative effects are less than minor applies in regard to parties owning/occupying adjacent.

Limited notification is required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in Section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is required to the following persons:

- Owners and occupiers of 904C, 904D, 919, 925, 935, 965, 977, 993 and 1025 Coast Road, Wainuiomata

5.3 - NOTIFICATION DECISION

In accordance with the notification steps identified in Sections 5.1 and 5.2 above, this application shall proceed on a limited notified basis, unless written approvals are provided from the above persons.

Processing Planner:



Dan Kellow
Consultant Resource Consents Planner

Peer reviewer:



Alicia Todd
Consultant Resource Consents Planner

Delegated authority for approval:



Anna Martin

