Resource Consent

RESOURCE MANAGEMENT ACT 1991

Consent No.	WGN250145	
Consent ID(s)	[40111] Discharge Permit – Discharge to Land	
	[40112] Discharge Permit – Earthworks to Land/Water	
	[40113] Land Use Consent – Soil Disturbance	
	[40142] Discharge Permit – Discharge to Water	
	[40230] Water Permit – Surface Water Diversion	
Name	Kakariki Estate Limited	
Address	PO Box 30389, Lower Hutt 5040	
Decision made under	Sections 104D, 105, 107, and 108 of the Resource Management Act 1991 (RMA)	
Duration of consents	Granted: 8 August 2025	Expires: 8 August 2055
Lapse date	8 August 2030	
Purpose for which consents are granted	The construction and operation of a cleanfill area, including: • [40111] The discharge of up to 196,500 m^3 of cleanfill material to land; • [40112] [40113] Earthworks up to 9.37 hectares and associated discharges of sediment and flocculant to a surface waterbody or land where it may enter a surface waterbody; and • [40142] The discharge of water into water within a natural inland wetland for the purpose of constructing or operating a cleanfill area; • [40230] The diversion of flood water from the Wainuiomata River.	
Location	1044 Coast Road, Wainuiomata at or about map reference NZTM 1760229.5420885	
Legal description of land	Lot 5 DP 551868 held in Record of Title 594741	
Conditions	See below	

Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	

Consent conditions WGN250145

[40111] Discharge Permit – The discharge of up to 196,500 m^3 of cleanfill material to land

[40112] Discharge Permit and [40113] Land Use Consent – Earthworks up to 9.37 hectares and associated discharges of sediment and flocculant to a surface waterbody or land where it may enter a surface waterbody

[40142] Discharge Permit – The discharge of water into water within a natural inland wetland for the purpose of constructing or operating a cleanfill area

[40230] Water Permit – The diversion of flood water from the Wainuiomata River

INTERPRETATION

The following terms shall have the prescribed meaning where they are used in these conditions:

Cleanfill activities means:

a) Earthworks;

b) Deposition, placing, moving, contouring, or compacting cleanfill material;

c) Stockpiling of earth or cleanfill material;

d) Rehabilitation of a cleanfill area;

e) Installation or decommissioning of erosion and sediment control measures;

f) Installation or decommissioning of haul roads used to provide vehicle access to areas where cleanfill material will be deposited or placed.

Cleanfill area means the areas (identified as Northern Fill Zone and Southern Fill Zone) shown as "proposed fill area" in the cleanfill drawings.

Cleanfill drawings mean the Final Earthworks Layout and Scheme Plan drawings prepared by Cuttriss Consultants Limited, identified as Drawing Number 30246 SCH Sheets 1 to 3, contained in Appendix C to the application documents received on 21 December 2024.

Cleanfill material means material that is imported to the site that is virgin excavated natural material such as clay, soil, and rock that are free of:

a) Combustible, putrescible, degradable or leachable components;

b) Hazardous substances;

c) Products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;

d) Materials that may present a risk to human health; and

e) Liquid waste.

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.
Earthworks means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, of Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (October 2023), 'earthworks' has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

ESC Guide for Land Disturbing Activities in the Wellington Region means Revision 1 (February 2021) of the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*.

Heavy rainfall event means a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the *Wainuiomata River at Wainui Reservoir* or *Lake Kohangatera* rainfall monitoring sites.

Manager means the Manager, Environmental Regulation, Wellington Regional Council.

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number (WGN250145) and the name and phone number of a contact person responsible for the works.

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.

Stage or **cleanfill stage** means an individual stage of cleanfill activities as described in the staging drawings.

Staging drawings mean the Erosion and Sediment Control Plan drawings prepared by Cuttriss Consultants Limited (Drawing number 30246 ESCP, Sheets 1 to 8, Revision B) received by the Wellington Regional Council on 22 July 2025 (in the updated response to the section 92 RFI), or any subsequent amendment to these drawings certified under Condition 59.

SQEP means a suitably qualified and experienced person (or persons) who can provide sufficient evidence to the Manager to demonstrate their suitability and competence in the relevant field of expertise for a particular task or action directed by a condition.

Virgin excavated natural material or **VENM** means natural material, such as clay, gravel, sand, soil or rock fines; that:

a) 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

b) does not contain any sulfidic ores or soils or any other waste.

Warranted Officer means any person authorised by the Wellington Regional Council under section 38 of the Resource Management Act 1991.

GENERAL CONDITIONS

1. The location, design, implementation and operation of the works shall be in general accordance with the resource consent application and the associated plans and documents lodged with the Wellington Regional Council, including:

    a) The application documents received on 21 December 2024;

    b) Additional information received on 29 April 2025 (response to section 92 RFI);

    c) Additional information received on 8 July 2025 (updated response to section 92 RFI);

    d) Additional information received on 22 July 2025 (updated ESCP and Sediment Retention Pond calculations).

    Where there is a contradiction or inconsistency between the application documents and further information provided by the applicant, the most recent information will prevail. In addition, where there is a contradiction or inconsistency between information provided by the applicant and the conditions of the consent, the conditions will prevail.

    Note: Any change to the location, design, implementation or operation of the works may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, are:

    a) Provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and

    b) Kept on site at all times and presented to any Warranted Officer upon request.

    Note: It is recommended that contractors are briefed on the requirements of the conditions of this consent prior to works commencing.

CLEANFILL CONDITIONS

Class 5 Cleanfill general condition

3. The cleanfill shall be constructed, operated, monitored, and closed in general accordance with the provisions for Class 5 Clean Fills set out in the Waste Management Institute of New

Zealand (WasteMINZ) Technical Guidelines for Disposal to Land, Revision 3.1, September 2023.

4. Cleanfill material shall only be deposited in the cleanfill areas identified in the cleanfill drawings.

Waste acceptance criteria

5. Cleanfill material shall meet the waste acceptance criteria. The waste acceptance criteria are:

   a) Virgin excavated natural material (VENM); and

   b) Maximum incidental inert manufactured materials (for example, concrete, brick, tiles) to be no more than 5% by volume per load; and

   c) Maximum incidental or attached biodegradable materials (for example, vegetation) to be no more than 2% by volume per load; and

   d) The maximum chemical contaminant limits set out in Table 1.

   Note: incidental items or materials are those present in small quantities that cannot be practically separated from the materials intended for disposal.

Table 1: Maximum chemical contaminant limits

Contaminant of concern	Unit	Maximum allowable total
Inorganic elements		
Arsenic	mg/kg	Background concentration for the cleanfill area
Boron	mg/kg	Background concentration for the cleanfill area
Cadmium	mg/kg	Background concentration for the cleanfill area
Chromium	mg/kg	Background concentration for the cleanfill area
Copper	mg/kg	Background concentration for the cleanfill area
Lead	mg/kg	Background concentration for the cleanfill area
Mercury	mg/kg	Background concentration for the cleanfill area
Nickel	mg/kg	Background concentration for the cleanfill area
Zinc	mg/kg	Background concentration for the cleanfill area
Organic elements		
TPH C7 – C9	mg/kg	110
TPH C10 – C14	mg/kg	58
Benzene	mg/kg	0.0054
Ethylbenzene	mg/kg	1.1
Toluene	mg/kg	1.0
Total Xylene	mg/kg	0.61
Benzo(a)pyrene	mg/kg	Interim = 2
Total DDT	mg/kg	0.7

6. The maximum allowable total for the contaminants of concern (inorganic elements) in Table 1 shall be the background concentration of those contaminants in the existing land

within each cleanfill area. This shall be determined by soil testing undertaken in an accredited laboratory and confirmed by a SQEP (contaminated land).

At least 20 working days prior to the commencement of cleanfill activities, the consent holder shall submit to the Manager a report prepared by a SQEP (contaminated land) that contains the results of the testing undertaken under this condition, and the background concentrations for the contaminants of concern (inorganic elements) in Table 1.

7. Any cleanfill material that:

   a) does not meet the waste acceptance criteria in Condition 5; or

   b) is from a property identified in the Wellington Regional Council Selected Land Use Register (SLUR) for the Wellington Region; or

   c) is from a property where there is reasonable cause to believe that an activity listed in the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred, unless a detailed site investigation has been undertaken by a SQEP confirming that the source of the material is not contaminated and testing of the material undertaken by a SQEP (contaminated land) in an accredited laboratory confirms that the material meets the waste acceptance criteria in Condition 5;

   shall not be deposited in the cleanfill areas authorised by this consent.

Waste acceptance procedures and record keeping

8. Every load of cleanfill material to be deposited must be visually inspected prior to deposition to ensure compliance with the waste acceptance criteria in Condition 5.

9. Any load that does not meet the waste acceptance criteria in Condition 5 must be rejected and disposed of at a landfill authorised to take waste of that kind.

   The consent holder shall notify the Manager within 5 working days after a load has been rejected under this condition.

10. One sample of material from every 500m^3 of imported cleanfill material shall be tested by a SQEP (contaminated land) at an accredited laboratory for the presence of the contaminants of concern identified in Condition 5. The consent holder must immediately notify the Manager in the event that the results of the testing exceed the maximum allowable total for any contaminant of concern in Condition 5.

11. Once per year, a sample of material shall be taken from the active stage where cleanfill material is being deposited. This sample shall be tested by a SQEP (contaminated land) at an accredited laboratory for the presence of the contaminants of concern identified in Condition 5. The consent holder must notify the Manager in the event that the results of the testing exceed the maximum allowable total for any contaminant of concern in Condition 5.

12. The consent holder shall maintain a record of the following information for each load of material deposited for the duration of the consent:

    a) The name of the company delivering the material;

b) The date and time that the material was delivered;

c) Vehicle and driver identification;

d) The physical address of the land that the material was sourced from;

e) A description of the material as determined by the visual inspection undertaken under Condition 8;

f) The volume of the material;

g) Where material may be deposited under the exception in Condition 7.c), a copy of the detailed site investigation and testing of the material referred to in that condition;

h) The approximate location on site where the material will be deposited.

The records required by this condition shall be provided to the Manager on request.

Cleanfill form, extent, and height

13. The form, extent, height, and finished ground levels of each cleanfill area shall not exceed the form, extent, height, and finished ground levels identified in the cleanfill drawings.

Identification of cleanfill areas and setbacks

14. At least 10 working days prior to the commencement of cleanfill activities in any stage, the consent holder shall mark out the following on site under the supervision of a licensed surveyor:

    a) The area identified in the staging drawings as the "proposed fill area" for that stage. This shall be marked out with clearly identifiable marking.

    b) A 10-metre setback from any wetland or bed of a river or other watercourse identified in the staging drawings located on the property within 100 metres of that stage. This area shall be marked using fencing or another form of visually distinguishable barrier that clearly identifies this area as being excluded from cleanfill activities.

15. At least 5 working days prior to the commencement of cleanfill activities in any stage, the consent holder shall provide written notice to the Manager, including a statement from a licensed surveyor, that the requirements of Condition 14 have been met.

16. Any markings required under Condition 14 shall be maintained until cleanfill activities in that stage have ceased.

Exclusion of cleanfill activities from setbacks

17. With the exception of the installation, maintenance, or decommissioning of discharge points for sediment retention ponds, undertaking any in-stream monitoring, or undertaking works in accordance with the certified Ecological Landscape Plan (ELP), cleanfill activities

must not occur within 10 metres of any wetland or bed of a river or other watercourse identified in the staging drawings.

Rehabilitation

18. The consent holder shall complete the rehabilitation of each stage within 6 months of completing the deposition of cleanfill material within that stage. Rehabilitation shall achieve a free-draining and stable landform, and shall include but not necessarily be limited to:

    a) Spreading a minimum depth of 300 mm of topsoil over the cleanfill area;

    b) Topsoil shall not be compacted during spreading, rather topsoil shall be tilled or ripped to improve drainage;

    c) Topsoil shall be stabilised with grass or other form of vegetative stabilisation as soon as is practical after spreading;

    d) As a minimum, final cover shall be in accordance with the provisions for Class 5 Clean Fills set out in Section 5.9 of the Waste Management Institute of New Zealand (WasteMINZ) Technical Guidelines for Disposal to Land, Revision 3.1, September 2023;

    e) At completion of rehabilitation, all mobile machinery and plant shall be removed from the cleanfill area or stage.

19. Areas that have been rehabilitated shall be monitored and maintained as rehabilitated for the duration of the consent and for a period of no less than 12 months.

20. The deposition of cleanfill material authorised by this consent shall cease at least 18 months prior to the date that this consent expires or is surrendered, to allow time for rehabilitation under Conditions 18 and 19 to occur.

Ecological landscaping works

21. The consent holder must submit an Ecological Landscape Plan (ELP) to the Manager for certification at least 20 working days prior to the proposed date of commencement of cleanfill activities. The ELP shall be prepared by a SQEP (ecologist) and shall include details of planting and fencing to be undertaken within a 10-metre setback from any wetland or bed of a river or other watercourse identified in the staging drawings located on the property.

    The ELP shall be in general accordance with the Wellington Regional Council guide *Mind the stream: A guide to looking after urban and rural streams in the Wellington Region* (May 2022).

    Note: the ELP may include or be part of other landscape management plans required as a condition of consent with the Hutt City Council. However, certification provided by Wellington Regional Council under this condition only applies to the ELP required by the conditions of this consent and does not constitute certification of planting or landscaping that may be required by the conditions of other consents.

22. The works shall be undertaken in accordance with the certified ELP.

23. Planting and fencing works described in the certified ELP may be carried out during any planting season (late autumn to early spring) after the commencement of this consent but must be completed no later than the planting season after the deposition of cleanfill material authorised by this consent has ceased.

24. Within 3 months of any works described in the certified ELP being completed, and no later than 12 months after the deposition of cleanfill material authorised by this consent has ceased, the consent holder shall provide written notice to the Manager that includes certification from a SQEP (ecologist) that the works are in accordance with the certified ELP.

25. The consent holder shall maintain the works undertaken in accordance with the certified ELP for a period of 12 months from the date that notice has been provided to the Manager that those works have been completed under Condition 24.

EARTHWORKS CONDITIONS

Erosion and Sediment Control Plan (ESCP)

26. The consent holder must submit an Erosion and Sediment Control Plan (ESCP) to the Manager for certification at least 20 working days prior to the proposed date of commencement of cleanfill activities. The purpose of the ESCP is to show what measures, procedures and methodologies will be put in place to manage the actual and potential erosion and sediment discharge related risks and effects of the cleanfill activities.

    The ESCP must be:

    a) Prepared by a SQEP;

    b) In general accordance with:

        i) The updated Erosion and Sediment Control Plan, Revision A, February 2025, received by the Wellington Regional Council on 29 April 2025;

        ii) The updated Sediment Retention Pond sizing calculations received by the Wellington Regional Council on 22 July 2025;

        iii) The staging drawings;

    c) In accordance with the ESC Guide for Land Disturbing Activities in the Wellington Region.

    The ESCP must include the following information, plans and details as a minimum:

    d) Responsibilities and contact details of all parties responsible for the construction, inspection or maintenance of erosion and sediment controls;

    e) The locations of any rivers, streams, wetlands, waterbodies and stormwater drainage;

    f) Staging in general accordance with the staging drawings;

g) Areas and cross-sections of cut and fill;

h) The extent of soil disturbance and vegetation removal;

i) Any areas that will remain undisturbed, including riparian vegetation to be retained;

j) Locations of all temporary stockpiles, permanent spoil deposition areas, access roads and stabilised construction entrances;

k) Nature of progressive stabilisation and site rehabilitation proposed;

l) All erosion and sediment control measures, including diversion channels, and staging details for those measures;

m) The catchment boundaries and areas of all sediment control devices;

n) The specific locations of all points of discharge to the receiving environment, including to the stormwater network;

o) Details of contingency measures in the event of heavy rainfall;

p) Details of the erosion and sediment control measures for haul roads, including a programme of monitoring and maintenance for those measures;

q) Details describing the regular auditing, inspection, and maintenance of erosion and sediment control measures;

r) Details of the methodology for undertaking any monitoring required by conditions of this consent, including location for upstream and downstream (at zone of reasonable mixing) water quality monitoring, and installing and maintaining monitoring equipment; and

s) Any other relevant site or information required to demonstrate compliance with the ESC Guide for Land Disturbing Activities in the Wellington Region or consent conditions.

Note: It is recommended that the ESCP is prepared with input from the contractor undertaking the works.

27. Works authorised by this consent shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager.

28. The consent holder shall undertake all works and install, operate, monitor and maintain all erosion and sediment controls in accordance with the certified ESCP.

ESCP review

29. The consent holder shall complete a review of the certified ESCP once per year within one month of the anniversary of the commencement of this consent. The purpose of the review is to identify whether the measures set out in the ESCP continue to be effective at managing

the actual and potential erosion and sediment discharge related risks and effects of the cleanfill activities, and continues to be in accordance with ESC Guide for Land Disturbing Activities in the Wellington Region.

Where one or more events under Condition 49 have occurred in the previous year, the review shall include identification of whether any changes to the ESCP may be necessary to minimise the likelihood or consequence of those events occurring in the future.

The review shall be submitted to the Manager on completion.

Where changes to the ESCP are proposed because of the review, these shall be submitted as an amendment to the ESCP under Condition 59.

Flocculation

30. The consent holder must submit a Flocculation Management Plan (FMP) to the Manager for certification at least 20 working days prior to the proposed date of commencement of the works authorised by this consent.

    The purpose of the FMP is to demonstrate how chemical treatment (flocculation) will be used, monitored and managed appropriately.

    The FMP must be prepared by a SQEP in consultation with the contractor undertaking the works and party who will be responsible for the operation and maintenance of the system. The FMP must be in accordance with the ESC Guide for Land Disturbing Activities in the Wellington Region.

    The FMP must include as a minimum:

    a) Specific design details of the chemical treatment dosing system, based on a rainfall activated methodology for decanting earth bunds (DEBs) and sediment retention ponds (SRPs);

    b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);

    c) Details of optimum dosage, including assumptions;

    d) Results of initial chemical treatment trials;

    e) A spill contingency plan; and

    f) Details of the person or bodies that are responsible for the operation and maintenance of the chemical treatment system and the organisational structure that will support this system.

31. Works authorised by this consent shall not commence until the consent holder has received notice in writing that the FMP has been certified by the Manager.

32. The optimum dosage for chemical treatment of DEBs or SRPs shall be determined by bench testing undertaken by a SQEP in accordance with Appendix F1.0 of the ESC Guide for Land Disturbing Activities in the Wellington Region.

Bench testing shall be undertaken:

a) Prior to the commencement of each stage of cleanfill activities, using a representative sample of soil from the location of the planned source of cleanfill material for that stage;

b) At least once every 12 months thereafter, using a representative sample of soil from the cleanfill stage that is active at that time;

c) Within 5 working days after the occurrence of an event described in Condition 49.a).

33. The results of bench testing undertaken under Condition 32.a) for the first stage of cleanfill activities shall be incorporated into the FMP submitted for certification under Condition 30.

Within 5 working days after any subsequent bench testing is undertaken under Condition 32, the results of the bench testing and any amendments to the optimum dosage shall be submitted as an amendment to the FMP for certification by the Manager.

34. Where flocculation is required as a result of bench testing, the consent holder shall undertake flocculation in accordance with the certified FMP.

Earthworks parameters

35. The earthworks authorised by this consent shall not exceed any of the parameters set out in Table 2.

Table 2: Earthworks parameters

Maximum total area of earthworks	9.37 hectares
Maximum total volume of fill placed	196,500 m^3
Maximum slope of any earthworks	1:2
Maximum area of earthworks in any stage	The lesser of 1.42 hectares plus the topsoil stockpile area, or the calculated capacity of the sediment retention pond for that stage

Staging and progressive stabilisation

36. Earthworks shall be undertaken in accordance with the stages identified in the staging drawings.

37. Earthworks shall only occur in one stage at any one time.

38. Prior to the commencement of earthworks in any stage, the erosion and sediment control measures for that stage shall be installed in accordance with the certified ESCP.

39. Earthworks within each stage shall be progressively stabilised by:

a) Implementing stabilisation immediately over areas of land where earthworks have been completed within each stage to the new finished ground levels identified in the cleanfill drawings; or

b) Implementing stabilisation over areas of land within each stage where earthworks have ceased for a period of more than 1 month.

40. Earthworks must not commence in any subsequent stage until the earthworks in the preceding stage have been completed and the preceding stage has been completely stabilised. Written notice must be provided to the Manager prior to the commencement of any earthworks in a subsequent stage. The written notice must include evidence that the preceding stage is stabilised and include a statement from an SQEP that the preceding stage is stabilised.

41. The consent holder shall maintain the land within any cleanfill area in a completed stage to avoid the occurrence of erosion in that area. Any erosion of land within a cleanfill area in a completed stage shall be contained, remedied, and stabilised immediately after the occurrence of any erosion.

42. Upon completion or ceasing the works authorised by this consent, the entire site shall be stabilised.

Earthworks during winter

43. All areas where earthworks have been undertaken shall be stabilised prior to 1 June each year and be maintained in a stabilised state until at least 30 September of that year. The stabilised surface shall be maintained in accordance with the ESCP.

44. No earthworks authorised by this consent, other than those necessary for the maintenance of erosion and sediment controls or the remediation of erosion or scour in a cleanfill area, shall take place during the period of 1 June to 30 September inclusive each year.

Erosion and sediment control as-builts

45. At least 2 working days prior to the commencement of earthworks within each stage, the consent holder shall provide the Manager with 'as-built' plans and details, which have been prepared and signed by a SQEP, confirming that the erosion and sediment controls for that stage have been constructed in accordance with the ESCP.

Note: For sediment retention ponds, as-built check sheets are available on the Wellington Regional Council's website at the following link: gw.govt.nz/earthworks.

For other ESC measures, as-built information for the purpose of this condition may include:

- *A signed copy of the certified ESCP with a statement that the ESC measure has been constructed in accordance with the certified ESCP. This statement may include the relevant construction quality check sheet for the ESC measure from Appendix C1.0 of the ESC Guidelines for Land Disturbing Activities in the Wellington Region; and*
- *Photographs of each control measure as constructed.*

Decommissioning

46. The consent holder must not remove or decommission any erosion or sediment control measure until the contributing catchment for the erosion or sediment control measure is completely stabilised. Written notice must be provided to the Manager prior to the removal

or decommissioning of each erosion or sediment control measure. Written notice must include evidence of stabilisation and be signed off by SQEP confirming that the contributing catchment for the erosion or sediment control measure is completely stabilised.

Audits of erosion and sediment control measures

47. During works authorised by this consent, and until the site has been permanently stabilised, the consent holder shall have the site and erosion and sediment control measures audited by a SQEP.

The audits must identify whether all erosion and sediment controls have been installed, operated and maintained in accordance with the ESCP and ESC Guide for Land Disturbing Activities the Wellington Region, and identify any steps or measures required to ensure compliance is achieved.

The audits required by this condition must be undertaken:

a) on a minimum of a weekly basis (unless a reduced frequency is approved in writing by the Manager); and

b) as soon as practicable and within 24 hours after a heavy rainfall event.

Each audit must be recorded in writing and submitted to the Manager in accordance with the reporting conditions, or at the Manager's request.

Note: Any site audits carried out by Wellington Regional Council or its contractors do not constitute the audits required by this condition.

Sediment treatment device monitoring

48. The consent holder shall sample and record the parameters set out in Table 3 below as soon as practicable in the following instances as a minimum:

a) following a heavy rainfall event;

b) following the commencement of the discharge from any sediment retention pond (SRP), and daily for duration of the discharge.

The sampling and recording must be undertaken in accordance with the methodology included in the ESCP.

Table 3: sampling parameters for SRPs

Parameter	At the SRP		Within the unnamed tributaries of the Wainuiomata River	
	Inflow	Outflow	Downstream monitoring point (identified in the staging drawings)	Upstream monitoring point (identified in the staging drawings)
pH	Required	Required	Required	Required
Turbidity (NTU)	Required	Required	Required	Required

Note: The consent holder is only required to undertake outflow monitoring if the device is discharging.

The consent holder must submit all monitoring data and information collected to the Manager within 5 working days of the date the sampling is undertaken, unless an alternative timeframe is approved by the Manager.

The monitoring required by this condition may only cease once the catchment has been completely stabilised, and sediment control measures decommissioned in accordance with Condition 46, unless otherwise approved by the Manager.

Monitoring response

49. When any of the following events occur:

a) the monitoring required under Condition 48 confirms that:

i) at the outflow of the device, the NTU value is 170 NTU or greater; or

ii) for any flocculated device the pH at the outflow of the device is at or below 5.5 or above 8.5; or

b) there is a failure or malfunction of any erosion and sediment control measure, or any other unauthorised discharge of contaminants, that has resulted in a discharge either directly or via land to a surface water body;

the consent holder shall:

c) Immediately notify the Manager of the event;

d) Immediately investigate the cause of the event and implement changes required to prevent a reoccurrence;

e) Take photographs of the discharge point, and upstream and downstream of the discharge point;

f) Re-establish erosion and sediment control measures as soon as practicable in accordance with the ESCP;

g) Within 5 working days of any of the events in a) or b) occurring, provide a written report to the Manager including the following information:

i) Date and time of the event;

ii) Weather conditions prior to and during the event;

iii) Photographs required in accordance with (e)

iv) Investigations undertaken;

v) Cause of the event;

vi) Response actions taken;

vii) Lessons learnt and actions taken to prevent a recurrence.

50. Where an event described in Condition 49 has occurred, unless otherwise agreed in writing by the Manager, the consent holder shall have the receiving waterbody inspected by a SQEP (freshwater ecologist) within 3 working days of the consent holder becoming aware of the event. Within 5 working days of the SQEP undertaking the inspection, unless an alternative timeframe is approved by the Manager, the consent holder shall provide a report prepared by the SQEP to the Manager which includes the following details as a minimum:

a) Actual and potential environmental effects;

b) Cause analysis including source and failure identification;

c) Recommendations (e.g. preventative measures, remediation, additional monitoring (impact duration quantification).

Discharge quality

51. Any discharge to the Wainuiomata River or its tributaries shall not give rise to any of the following, more than 50 metres downstream of any discharge point:

a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

b) Any conspicuous change in colour or visual clarity;

c) A decrease in water clarity of more than:

i) 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes) identified the Wellington Regional Council Natural Resources Plan for the Wellington Region; or

ii) 30% in any other river;

d) Any emission of objectionable odour;

e) Rendering the freshwater is unsuitable for consumption by farm animals;

f) Any significant adverse effects on aquatic life.

Discovery of artefacts

52. If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, the consent holder must immediately cease all work and within 12 hours notify the persons and iwi authorities set out below in writing. If human remains are found, the New Zealand Police must also be notified immediately. The consent holder shall allow the above parties to inspect the site and, in consultation with them, identify what needs to occur before work can resume.

Notification must be given to:

a) The Manager;

b) Heritage New Zealand Pouhere Taonga;

c) Port Nicholson Block Settlement Trust;

d) Te Rūnanga o Toa Rangatira Incorporated.

No works may resume on site until the consent holder has provided to the Manager written notification that consultation with the parties identified above has been undertaken.

This condition does not apply to cleanfill material imported to the site.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

CONDITIONS FOR DIVERSION OF FLOOD FLOWS

Diversion as-builts

53. At the completion of each cleanfill area, the consent holder shall submit as-built drawings of the cleanfill area to the Manager showing the original ground levels that existed before the commencement of cleanfill activities, and the finished ground levels of the completed cleanfill area. These drawings shall be prepared by, or under the supervision of, a licensed surveyor and demonstrate that the cleanfill area meets Condition 13.

Remediation after a flood event

54. For the duration of the consent, any erosion or scour of a cleanfill area that occurs as a result of the flooding of the Wainuiomata River or its tributaries shall be remediated and stabilised as soon as is practicable after flooding has ceased.

In the event that erosion or scour of a cleanfill area occurs, the consent holder shall notify the Manager:

a) As soon as practicable after the erosion or scour has occurred; and

b) Within 5 working days after the erosion or scour has been remediated and stabilised.

REPORTING AND ADMINISTRATIVE CONDITIONS

Pre-commencement site meeting

55. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing and invite, with a minimum of 5 working days' notice, the Manager.

The pre-construction meeting must not occur before the following management plans have been certified by, or notices have been provided to, the Manager:

a) The report on maximum chemical contaminant limits required by Condition 6;

b) The notice of cleanfill areas and setbacks required by Condition 15;

c) The ELP required by Condition 21;

d) The ESCP required by Condition 26;

e) The FMP required by Condition 30.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Recommencement meeting after works have ceased for a certain period

56. Where the deposition of cleanfill material has ceased for a period of more than 12 months, prior to the recommencement of the deposition of cleanfill material the consent holder shall arrange for a site meeting to be conducted in accordance with Condition 55.

Reporting

57. The consent holder shall submit an annual report to the Manager by 30 June each year for the duration of the consent.

58. The annual report shall include the following information for the period covered by the report:

a) The records of each load of cleanfill material deposited in the cleanfill area under Condition 12;

b) Information on any loads that were rejected under Condition 9;

c) The results of random sampling undertaken under Condition 10;

d) The results of annual sampling undertaken under Condition 11;

e) A plan or plans prepared by, or under the supervision of, a licenced surveyor that show:

i) The extent of the active area of the cleanfill, being the areas where cleanfill material has been deposited in that period, and the areas that have not yet been remediated under Condition 18;

ii) The areas where the deposition of cleanfill material has ceased and that have been remediated and stabilised under Condition 18;

iii) The cumulative extent of the development of the cleanfill in relation to the authorised extent of the cleanfill set out in the cleanfill drawings;

f) A summary of the audits of erosion and sediment control measures undertaken under Condition 47;

g) A summary of the results of any bench testing undertaken under Condition 32;

h) A summary of any sediment treatment device monitoring required under Condition 48;

i) A record of any incidents that have resulted in a monitoring response under Condition 49;

j) A record of any instances where remediation of erosion or scour has been required under Condition 54;

k) A record of any complaints received under Condition 60.

Amendments to Management Plans

59. The consent holder may request amendments to a management plan (ELP, ESCP, or FMP) by submitting the amended management plan to the Manager for the certification. Any amendments must be in accordance with the conditions of this consent. The amendments sought shall not be implemented until the consent holder has received notice in writing that amendments have been certified by the Manager. All works shall be carried out in accordance with the certified amendments.

Complaints

60. At all times from the commencement of works authorised by this consent until the works are complete and the site is stabilised, the consent holder shall maintain a record of any complaints received alleging adverse effects from, or related to, the exercise of this consent. The record shall include:

a) the name and address of the complainant;

b) the nature of the complaint;

c) location, date and time of the complaint and of the alleged event;

d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality;

e) the outcome of the consent holder's investigation into the complaint;

f) measures taken to respond to the complaint; and

g) any other activities occurring in the area at the time of the complaint.

The consent holder shall also keep a record of any remedial actions undertaken. This record shall be maintained on site and shall be made available to the Manager, upon request. The

consent holder shall notify the Manager of any such complaints as soon as practicable and within 24 hours after the complaint is received by the consent holder.

GENERAL NOTES

A. Where conditions require the submission of information to the Manager, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN250145 and the name and phone number of a contact person responsible for the information submitted.

B. A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991, is payable to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.

C. The Wellington Regional Council is entitled to recover from the consent holder the costs of any s128 RMA review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

D. The granting of this resource consent does not provide the consent holder with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent can be exercised.

E. Additional resource consents from your local city or district council may be required. You are advised to contact your local city or district council prior to commencing works.

F. Section 332 of the Resource Management Act allows any Enforcement Officer to enter the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

CONSENT REVIEW

Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

A. To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent

B. To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage

C. To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works

D. To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

CONSENT DURATION

Pursuant to section 123 of the Act, consent WGN250145 [40111] [40112] [40113] [40142] [40230] shall expire on 8 August 2055.

Reasons for decision

1. Background and proposal

Kakariki Estate Limited (the applicant) has applied to Wellington Regional Council (GWRC) for land use consents, water permits, and discharge permits to construct and operate a cleanfill at 1044 Coast Road, Wainuiomata.

The proposal is to:

- Construct and operate a Class 5 cleanfill in two areas on the site (Figure 1), comprising:
  - A total area of 9.37 ha;
  - A total volume of 196,500 m^3; and
  - A maximum depth of 3.5 m above existing ground level.
- Install erosion and sediment control measures and maintain them for the duration of the operation of the cleanfill;
- Construction of a heavy-duty vehicle crossing at the entrance to the cleanfill site off Coast Road;
- Undertake fencing and riparian planting of streams and wetlands;
- Divert the flow of flood water from the Wainuiomata River because of the alteration of ground levels as part of the cleanfill.

The applicant has stated that the purpose of the cleanfill area is to provide for the disposal of cleanfill associated with the development of housing in Wainuiomata and the Hutt City district.

1.1 Other resource consents

The applicant has separately applied to the Hutt City Council for resource consents to authorise the cleanfill under the provisions of the City of Lower Hutt District Plan (reference number RM240334).

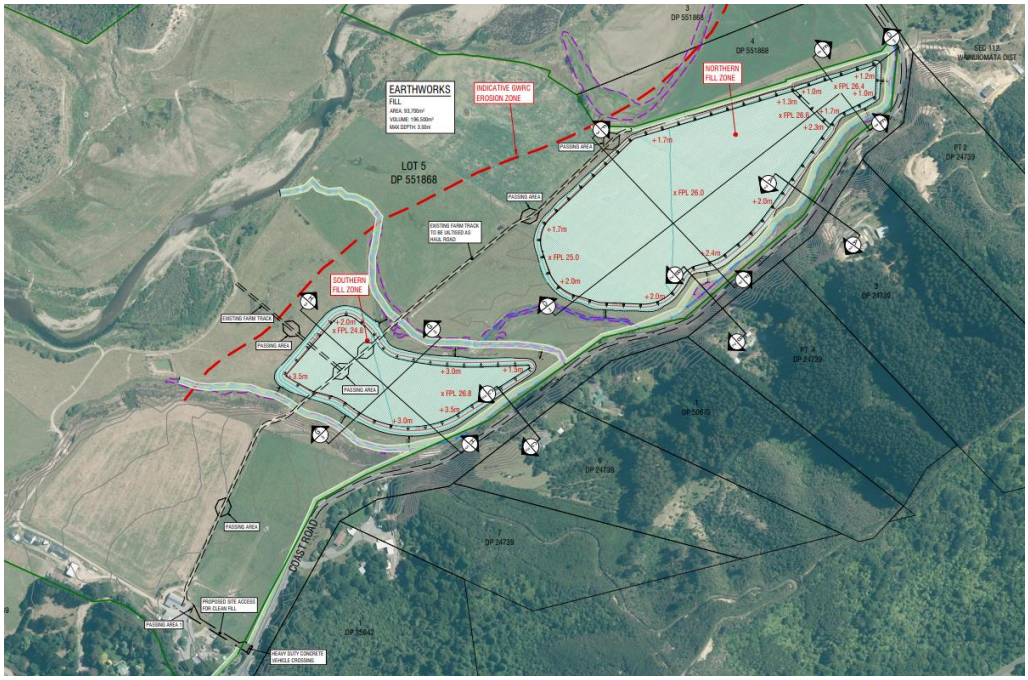

Figure 1: scheme plan of the proposed cleanfill. Source: Drawing 30246 SCH Sheet 1, in Appendix C of the applicant's AEE.

1.2 Construction of the proposed cleanfill

The cleanfill is proposed to be constructed in stages, with the southern cleanfill area comprising three stages, and the northern cleanfill area comprising five stages. Each stage will be no more than 1.42 ha in area.

Erosion and sediment control measures are proposed to be established around both the northern cleanfill area and the southern cleanfill area, to control the discharge of sediment associated with the cleanfill into the surrounding environment. This includes two sediment retention ponds (SRPs) (one for each cleanfill area), both of which will discharge treated water to existing adjacent wetland/stream complexes.

For each stage, existing topsoil will be removed and temporarily stockpiled. Upon completion of each stage, the stockpiled topsoil will be placed, spread, compacted, and hydroseeded to stabilise the stage.

Existing farm access tracks will be used as haul roads for the cleanfill, although additional haul roads will be constructed within each stage to allow for transportation of cleanfill within the stage area. Prior to the commencement of the cleanfill operation, a new heavy-duty vehicle crossing will be constructed at the Coast Road entrance to the site.

The applicant has also proposed to undertake fencing and riparian planting of wetlands and streams adjacent to the cleanfill areas. This may occur during or at the completion of cleanfill activities.

1.3 Operation of the proposed cleanfill

The cleanfill areas are proposed to be operated as a Class 5 Cleanfill. The *Technical Guidelines for Disposal to Land*[1] describe a Class 5 Cleanfill as being a land fill that accepts only virgin excavated natural material (VENM). The *Technical Guidelines* define VENM as:

> *Natural material, such as clay, gravel, sand, soil or rock fines; that:*
>
> *a) 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*
>
> *b) does not contain any sulfidic ores or soils or any other waste.*

The *Technical Guidelines for Disposal to Land* state that, for a Class 5 Cleanfill[2]:

- The principal control on contaminant discharges to the environment are the waste acceptance criteria (WAC);
- Monitoring of both accepted material and sediment runoff is required, along with operational controls.

The applicant has stated that the cleanfill areas are only intended for use by or on behalf of contractors working for Friday Homes (a housing and land developer) and that the cleanfill areas are not intended to be used by other commercial operators. The principal source of cleanfill material will be housing development in Wainuiomata.

The applicant proposes that the cleanfill areas will be operated, monitored and maintained in accordance with the methods set out in the *Technical Guidelines for Disposal to Land*. The measures associated with this are discussed further at section 5.1 of this report.

1.4 Timing of the works

The applicant proposes to operate the cleanfill over a 30-year period.

1.5 Location and site description

1044 Coast Road is a 170 ha property located in rural Wainuiomata, approximately 12 km inland from the south coast (Figure 2). The Wainuiomata River traverses the site from the north-east to the south-west. The property on the north-western side of the river is generally hill country, part of which is in pasture, and the remainder of which is vegetated with a mix of exotic weeds and native regenerating bush. The property on the south-eastern side of the river is generally flat and comprised of pasture divided into paddocks and connected by existing

[1] Waste Management Institute New Zealand (WasteMINZ). (September 2023). *Technical Guidelines for Disposal to Land, Revision 3.1*.
[2] Ibid, p.12.

farm tracks (Figure 3). A dwelling and farm sheds are located at the southern end of the property, adjacent to Coast Road. The property is currently used for pastoral farming (currently containing around 500 head of cattle).

The site where the proposed cleanfill areas are located is predominantly flat pasture but also includes a network of wetlands and intermittent streams that flow to the Wainuiomata River. Figure 4 shows the intermittent stream that runs through the site between the proposed cleanfill areas. The intermittent stream and wetlands located along the south-eastern boundary (adjacent to Coast Road) is partially fenced (Figure 5).

The proposed cleanfill areas are accessed by existing farm access tracks that traverse the site. These tracks are formed with metal aggregate and cross the existing streams by way of culverts in two locations (see Figure 6 and Figure 7).

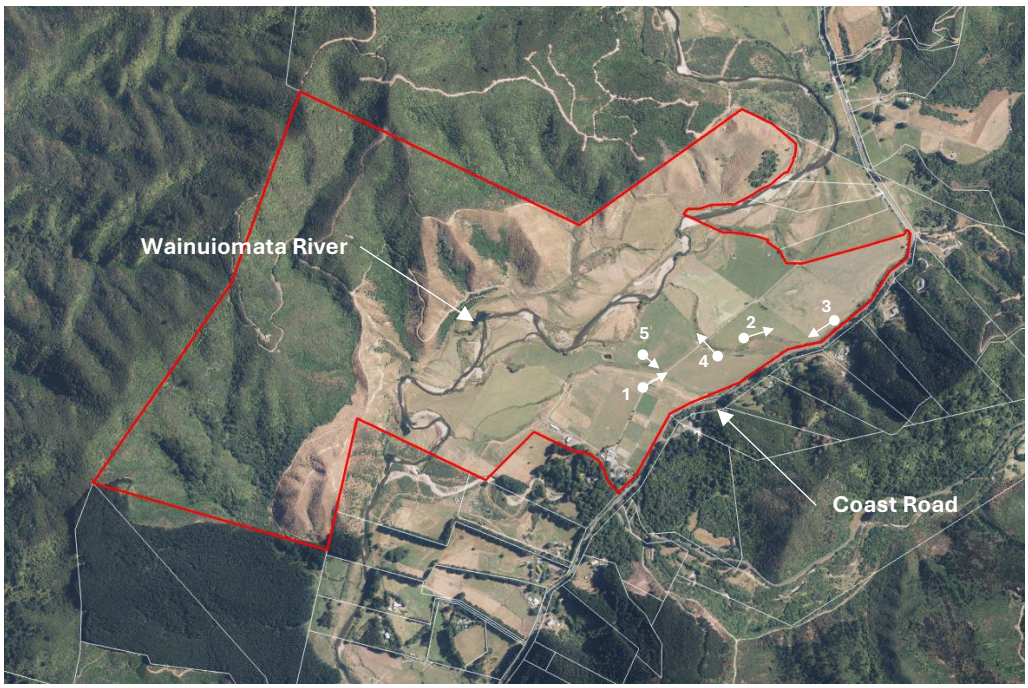

Figure 2: aerial image showing 1044 Coast Road (outlined in red). Photograph locations and directions are shown numbered.

Figure 3: Photo 1. View looking north-east towards where the cleanfill areas are proposed to be located. Photo taken on 22 January 2025.

Figure 4: Photo 2. View looking north-east at the wetland and intermittent stream that passes between the two proposed cleanfill areas. Photo taken on 22 January 2025.

Figure 5: Photo 3: Intermittent stream and wetlands located adjacent to the south-eastern boundary of the property. Photo taken on 22 January 2025.

Figure 6: Photo 4. Culvert crossing where the existing farm access track crosses the northern intermittent stream. Photo taken on 22 January 2025.

Figure 7: Photo 5. Culvert crossing where the existing farm access track crosses the northern intermittent stream. Photo taken on 22 January 2025.

Figure 8: wetlands and intermittent streams adjacent to the proposed cleanfill areas. Delineated wetlands are shown green, with 10 m buffers shown blue. Source: Source: Appendix E of the applicant's AEE (Ecological Effects Assessment), p. 18.

1.5.1 Natural Resources Plan schedules and notations

The proposal is located within Whaitua Te Whanganui-a-Tara. The following table describes the areas that are scheduled within the Natural

Resources Plan (NRP), either at the site or within the receiving environment.

NRP Schedule	Comments
At the site	
Schedule F1 (Rivers with significant indigenous ecosystems)	Wainuiomata River and tributaries (including those adjacent to the proposed cleanfill areas) are identified as: • a threatened or at risk fish habitat; • a migratory fish habitat.
Schedule H1 (Primary contact recreation)	The Wainuiomata River adjacent to the proposed cleanfill areas is identified as a primary contact recreation site.
Schedule I (Trout fishery and spawning)	The Wainuiomata River adjacent to the proposed cleanfill areas is identified as both a trout fishery river and as trout spawning water.
Within the broader receiving environment	
Schedule B (Ngā Taonga Nui a Kiwa)	Te Moana o Raukawa (Cook Strait) is located approximately 9 km downstream from the site.
Schedule C (Sites with significant mana whenua values)	Wainuiomata river mouth and foreshore is located approximately 5.5km downstream from the site.
Schedule D (Statutory acknowledgements)	Remutaka Forest Park is a statutory acknowledgement area to the Port Nicholson Block Settlement Trust (Taranaki Whānui). This is located adjacent to the proposed site entry on the eastern side of Coast Road. Te Moana o Raukawa is a statutory acknowledgement to the Port Nicholson Block Settlement Trust (Taranaki Whānui) and Ngāti Toa Rangatira, located approximately 9 km downstream from the site.
Schedule F1b (Inanga spawning habitat)	The Wainuiomata River approximately 6.5 km downstream from the site is identified as an inanga spawning habitat.
Schedule F2 (Significant habitats for indigenous birds)	Baring Head, approximately 9 km downstream from the site, is identified as a significant habitat for indigenous birds.
Schedule F3 (Identified natural wetlands)	The Curtis Swamp is located approximately 3 km downstream from the site.

NRP Schedule	Comments
Schedule F4 (Sites with significant indigenous biodiversity values in the coastal marine area)	The Wainuiomata Estuary is located approximately 9 km downstream from the site.
Schedule K (Significant surf breaks)	The Wainuiomata River, approximately 9 km downstream from the site, is identified as a regionally significant surf break.

The following notations in Proposed Plan Change 1 to the Natural Resource Plan (NRP-PC1) apply at the site or on the property:

NRP-PC1 Notation	Comments
Freshwater Management Unit (FMU)	Te Whanganui-a-Tara
Part-FMU	Wainuiomata rural streams
Unplanned greenfield development areas	The entire property is located within an unplanned greenfield development area.
High erosion risk land (pasture)	Parts of the property to the north-west of the Wainuiomata River are identified as high erosion risk land (pasture).
Highest erosion risk land (woody vegetation)	Parts of the property to the north-west of the Wainuiomata River are identified as highest erosion risk land (woody vegetation).

2. Reasons for resource consent / activity status

2.1 Natural Resources Plan (NRP)

The Natural Resources Plan (NRP) was made operative on 28 July 2023, and those provisions are relevant to this activity. Proposed Plan Change 1 of the Natural Resources Plan (NRP-PC1) was publicly notified by the Council on 30 October 2023. All rules in the NRP-PC1 have immediate legal effect under section 86B(3) of the RMA. As the application was lodged after 30 October 2023, the NRP-PC1 is relevant to determining the resource consents required, activity status, the notification decision and the substantive assessment of the proposal under section 104 of the RMA.

RMA section	NRP or NRP-PC1	Rule	Activity Status	Comments
Cleanfill material – discharges to air				
s15	NRP	R27	Permitted	The applicant has stated that the cleanfill operation will be managed so that it does not cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets, or ash beyond the boundary of the property. As air discharges will be undertaken as a permitted activity under R27, this consent does not authorise air discharges beyond the property boundary, nor does it include conditions to manage air discharges as a permitted activity.
Cleanfill material – discharges to land and water				
s15	NRP	R80	Permitted	The proposed discharge of cleanfill material is not a permitted activity under rule R80, because it breaches the following conditions: • Condition (a), because the cleanfill material is located within 20 m of a surface waterbody; and • Condition (e), because the cleanfill material deposited at the property will exceed 400m^3 per 12-month period.
		R93	Non-complying	The discharge of cleanfill material onto or into land where contaminants may enter water in a site identified in Schedule F1 is a non-complying activity under rule R93.

RMA section	NRP or NRP-PC1	Rule	Activity Status	Comments
Diversion of flood water				
s14	NRP	R151	Discretionary	The proposed deposition of cleanfill material is a discretionary activity under rule R151 because it will divert flood water from the Wainuiomata River in a 1% annual exceedance probability (1% AEP) flood event.
Earthworks				
s9, s15	NRP-PC1	WH.R23	Permitted	The rules for earthworks will apply to the cleanfill operation because the definition of earthworks under PC1 includes the discharge of cleanfill material to a cleanfill area. The proposed activity is not a permitted activity under rule WH.R23 because it breaches the following conditions: • Condition (c), because the area of earthworks will exceed 3,000m^2 per property in any 12-month period; and • Condition (c)(iv), because there is likely to be a discharge of sediment and/or flocculant into a surface waterbody.
		WH.R24	Restricted discretionary	The proposed activity is a restricted discretionary activity under rule WH.R24, as the applicant has stated that it will meet the discharge requirements under condition (a), and that earthworks will not occur between 1 June and 30 September in any year, as set out under condition (b).

2.2 National Environmental Standards

The following national environmental standards are relevant to the activity status of this proposal:

- National Environmental Standards for Freshwater 2020

2.2.1 National Environmental Standards for Freshwater (NES-F)

The National Environmental Standards for Freshwater came into effect on 2 September 2020. The purpose of the NES-F is to protect natural inland wetlands and protect urban and rural streams. All regulations in the NES-F prevail over regional plans in accordance with section 43B of the RMA, unless the activity has a more stringent rule in an operative regional plan. The NES-F is relevant to determining the resource consents required and their activity status.

Regulation	Activity Status	Comments
45B(5)	Discretionary	Water from erosion and sediment controls associated with the operation of the cleanfill areas is proposed to discharge into natural inland wetlands. The discharge of water into a natural inland wetland for the purpose of constructing or operating a cleanfill area is a discretionary activity under regulation 45B(5).

For the avoidance of doubt, I consider that regulation 45B(3) does not apply, as the proposed earthworks are outside a 10m, but within a 100m, setback from natural inland wetlands are not likely to result in the partial or complete drainage of the wetlands.

2.3 Overall activity status

The activity is considered a non-complying activity under the NRP, a restricted discretionary activity under the proposed NRP-PC1, and a discretionary activity under the NES-F. Overall, the activity must be assessed as a **non-complying activity**.

3. Notification decision

A decision was made on 8 August 2025 to process the application on a non-notified basis as there are no reasons why the application is required to be publicly notified under section 95A or notified to any other person under section 95B. Further information on the notification decision, including an assessment of potentially affected persons, is provided in document #250145-1341016906-467.

4. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust	A summary of the proposal and access to the application documents were provided to the Port Nicholson Block Settlement Trust in accordance with the agreement between GWRC and iwi authorities regarding consultation on consent applications. At the time of finalising this report, no comment had been provided by the Trust.
Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa Rangatira	A summary of the proposal and access to the application documents were provided to Te Rūnanga o Toa Rangatira in accordance with the agreement between GWRC and iwi authorities regarding consultation on consent applications. Comments from Te Rūnanga o Toa Rangatira are discussed in Section 5 of this report.

5. Environmental effects

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

The application was assessed on behalf of Greater Wellington by the following technical experts:

- Gregor McLean, Erosion and Sediment Control Expert, Southern Skies Limited
- James Blyth, Hydrology/Hydrogeology Expert, Collaborations Limited
- Chloe Price, Ecologist, Morphum Environmental Limited
- Russlan Riyaz, Senior Engineer – Knowledge and Insights, Water Resilience, Greater Wellington

5.1 Effects of the discharge of cleanfill material to land

A cleanfill involves the deposition of cleanfill material to land. “Cleanfill material” is defined in the NRP as material that when buried will have no adverse effect on people or the environment, including virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free from hazardous substances. The principal environmental objective for cleanfills is that there is no contamination of the site beyond background contamination levels, and that there is no generation of leachate from deposited material.

The relevant guidance for establishing, operating, and decommissioning cleanfills in New Zealand is the Waste Management Institute of New Zealand (WasteMINZ) *Technical Guidelines for Disposal to Land* (Revision

3.1, September 2023). These guidelines replace the previous *Guide to the Management of Cleanfills* published by the Ministry for the Environment in 2002. The WasteMINZ Technical Guidelines describe "Class 5 Clean Fills" as follows (at page 12):

> *A Class 5 Clean Fill accepts only clean fill material as defined in these Guidelines. These comprise VENM [virgin excavated natural material], such as clay, soil and rock that are free of combustible, putrescible, degradable or leachable components. The principal control on contaminant discharges to the environment from Class 5 Clean Fills is the WAC [waste acceptance criteria].*
>
> *Clean filling can generally take place on the existing natural or altered land without engineered environmental protection or the development of significant site infrastructure. However, surface water controls may be required to manage sediment runoff.*
>
> *Monitoring of both accepted material and sediment runoff is required, along with operational controls.*

Aside from erosion and sediment controls (which are addressed in section 5.2 of this report), the principal method for the management of the actual or potential effects of the deposition or discharge of contaminants associated with a cleanfill are the "waste acceptance criteria" (WAC). The WasteMINZ Technical Guidelines prescribe the WAC for cleanfills as being:

- Virgin excavated natural material (VENM);
- Maximum incidental inert manufactured materials (e.g., concrete, brick, tiles) to be no more than 5% by volume per load;
- Maximum incidental or attached biodegradable materials (e.g., vegetation) to be no more than 2% by volume per load;
- Maximum chemical contaminant limits accepted by the regulatory authority to be the background concentration for VEMN within the intended catchment of the site.

With respect to chemical contaminant limits referred to in the WAC, the WasteMINZ Technical Guidelines recommend that for inorganic contaminants, these are determined based on the background presence of those contaminants on site. With respect to organic compounds, the Guidelines recommend a series of prescribed limits.

Management of the effects of discharge of contaminants over the life of a cleanfill operation requires strict adherence to the WAC. To achieve this, the Guidelines recommend a range of operational procedures and reporting requirements for cleanfills. These include:

- Load inspections;
- Verification sampling for contaminants on a random and annual basis;
- Record keeping for each load, including the source of the load, observations made by the inspector, and recording of the location where the load has been deposited.

To support monitoring throughout the duration of the consent, regular record keeping on the loads of material deposited at the cleanfill and the progression of the development of the cleanfill is necessary. The applicant has proffered a condition of consent requiring the submission of an annual report that would cover matters including the volume of material that has been deposited at the cleanfill in the preceding year, surveying of the progression of the cleanfill, and the results of sampling of cleanfill material. To provide a holistic summary of cleanfill activities over the period, I also consider that the report should include a summary of instances where testing, trigger levels, or monitoring responses have been required under other conditions of the consent and have included these matters be provided for in the reporting condition. I have also considered whether an annual report is appropriate, or whether a report should be provided more frequently. On the basis that most matters covered by the annual report can be requested by the Manager at any time, I consider that annual submission of the report is an appropriate frequency.

After considering the matters set out in the WasteMINZ Technical Guidelines, alongside the conditions proffered by the applicant, I consider that a range of conditions are necessary to ensure that the actual or potential effects of the deposition or discharge of contaminants associated with cleanfill activities. I therefore recommend conditions that include:

- General conditions that require cleanfill activities to be undertaken in general accordance with the WasteMINZ Technical Guidelines, and in accordance with the parameters established by the applicant that set out the planned scale and scope of cleanfill activities;
- Conditions that require cleanfill material to adhere to the WAC, including a requirement for background contaminant levels to be established prior to commencement of cleanfill activities;
- Conditions that specify waste acceptance procedures, including load inspections, random and annual verification sampling;
- Requirements to keep records of material being deposited at the cleanfill;
- Requirements for annual reporting on cleanfill operations.

Subject to the proposed activity being undertaken in accordance with the consent conditions, I consider that the adverse effects on the environment of the discharge of cleanfill material to land will be less than minor.

5.2 Effects of erosion and sediment discharges

Cleanfills are, in large part, a long-duration earthworks activity. As such, a key actual or potential adverse effect of cleanfill activities is the discharge of sediment as a result of land disturbance. The earthworks that will occur as part of the establishment, operation, rehabilitation, and decommissioning of the cleanfill will include:

- Establishment and maintenance of erosion and sediment control measures;
- Removal and stockpiling of topsoil from cleanfill areas;
- Deposition, placement, moving, contouring, and compacting of cleanfill material;
- Cleanfill rehabilitation, including re-placement and spreading of topsoil and decommissioning of erosion and sediment control measures.

Earthworks are a form of land disturbance that have the potential to accelerate erosion and mobilise sediment within stormwater runoff. Where sediment-laden water enters surface waterbodies, this is likely to cause a local and temporary increase in turbidity, and an increase in suspended and deposited fine sediment downstream. The cumulative adverse effects of suspended and deposited fine sediment on the receiving environment include adverse effects on water quality, ecosystem health, habitats, the health and abundance of fauna, mana whenua values, and recreation and amenity values.

In this case, the receiving environment for sediment discharges associated with earthworks include streams and wetlands adjacent to the cleanfill areas and, downstream, the Wainuiomata River.

The applicant included a draft Erosion and Sediment Control Plan (ESCP) as part of their consent application. The purpose of an ESCP is to show what measures, procedures and methodologies will be put in place to manage the actual and potential erosion and sediment discharge related risks and effects of the cleanfill activities. The overall approach to erosion and sediment control proposed in the ESCP includes:

- Boundary controls around active parts of each cleanfill area, including clean and dirty water diversions, silt fences, haul roads, and stabilised entrances to avoid the uncontrolled discharge of sediment from earthworks areas;
- Direction of surface water flow within the active parts of each cleanfill towards a sediment retention pond (SRP) designed to treat surface water runoff prior to discharging into adjacent stream/wetland complexes;
- Staging the cleanfill operation into 8 consecutive stages to reduce the area of land that is disturbed at any one time.

The approach to erosion and sediment control has been reviewed by Mr McLean, and I have relied on Mr McLean's advice in forming my opinion on the appropriateness of erosion and sediment control measures for managing the adverse effects of earthworks. I have also relied on the matters set out in the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region* (Greater Wellington, 2021), referred to subsequently as the ESC Guide.

Following a review of the applicant's proposed approach to erosion and sediment control, the following matters were identified as being key issues for effective erosion and sediment control as part of the proposal:

- Staging;
- Sizing of SRPs;
- Flocculation;
- Sediment discharges from haul roads;
- Auditing, monitoring, and maintenance of erosion and sediment control (ESC) measures and review of the ESCP.

These matters are discussed in the following sections.

5.2.1 Staging

As set out in section E1.2 of the ESC Guide, by exposing only those areas that are needed for active earth-working at any one time, the duration of exposure and risk of erosion and sediment discharge will be minimised.

The cleanfill is proposed to be constructed in stages, with the southern cleanfill area comprising three stages (Figure 9), and the northern cleanfill area comprising five stages (Figure 10). Each stage will be no more than 1.42 ha in area. Each cleanfill area will include an SRP that is sized based on the maximum size of any stage within each cleanfill area (see discussion in section 5.2.2).

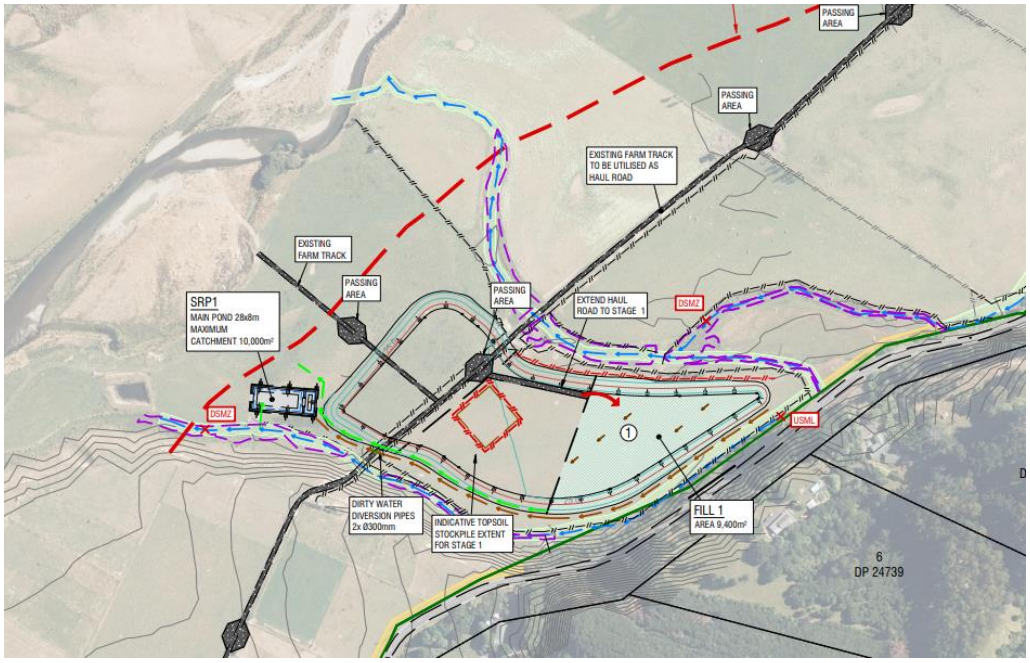

Figure 9: proposed staging for the southern cleanfill area, showing stage 1 out of 3. Source: Erosion and Sediment Control Plan drawings prepared by Cuttriss Consultants Limited (Drawing number 30246 ESCP, Sheets 1 to 8, Revision B) received by the Wellington Regional Council on 22 July 2025 (in the updated response to the section 92 RFI).

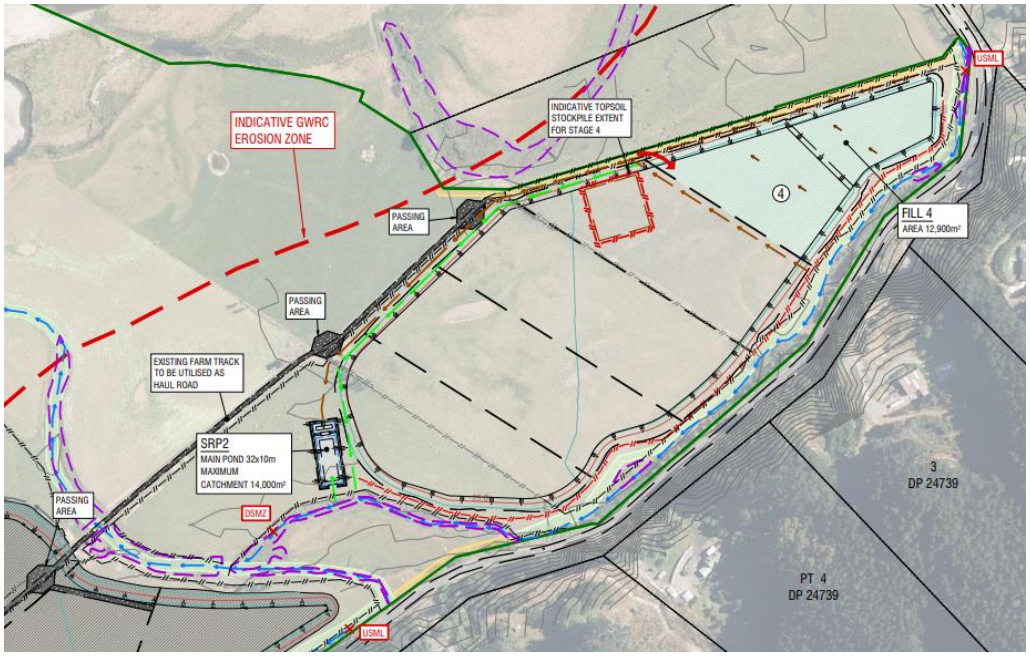

Figure 10: proposed staging for the northern cleanfill area, showing stage 4 out of 8. Source: Erosion and Sediment Control Plan drawings prepared by Cuttriss Consultants Limited (Drawing number 30246 ESCP, Sheets 1 to 8, Revision B) received by the Wellington Regional Council on 22 July 2025 (in the updated response to the section 92 RFI).

The staging proposed by the applicant includes the establishment (and subsequent decommissioning of) boundary control measures such as clean and dirty water diversions and silt fences to ensure that only surface water runoff from within each stage is directed to the SRP for each cleanfill area. It also includes topsoil stockpiling for each stage.

Works will be progressed so that works will occur in no more than one stage at any one time. Each stage of works will be stabilised prior to the commencement works in the subsequent stage. The applicant's proposed approach to staging is a key element of the overall approach to erosion and sediment control, as it both limits the area of land that is 'unstable' at any one time. It also determines the sizing of each SRP.

I also note that the applicant has stated that earthworks will not occur in winter (the period between 1 June and 30 September inclusive), and that works are most likely to occur during summer earthworks seasons. In any case, the applicant has not applied for consent to undertake earthworks during winter, and I have included conditions to this effect.

Based on the review of Mr McLean, I consider that the proposed staging is appropriate and in general accordance with the ESC Guide. I have therefore included conditions that require that the ESCP that is submitted for certification be in general accordance with the staging proposed by the applicant, and that the earthworks are undertaken in accordance with the certified ESCP.

5.2.2 Sizing of SRPs

As set out in section F1.1 of the ESC Guide, the size of an SRP is determined by contributing catchment area and slope length.

The initial review of the ESCP identified that the contributing catchment for each proposed stage of earthworks included areas of land within each cleanfill area that were not part of each individual stage of earthworks. This meant that the contributing catchment would be much larger than the earthworks area for each stage, and as a result, the SRPs for each cleanfill area would be undersized. Following this, the applicant amended the staging drawings to show the location of clean and dirty water diversion bunds for each stage, to limit the size of the contributing catchment to only the area where earthworks would be undertaken in that stage.

The initial review of the ESCP also identified that the sizing of each SRP had not considered the total slope length of each contributing catchment, and that slope length needed to be determined based on the distance from the top of the earthworks catchment to the SRP forebay. As a result, the worst-case scenario slope length for each SRP would be more than 200 metres. Where slope length is greater than 200 metres, the SRP volume must be calculated based on a minimum volume of 3% of the catchment area. In their response to my section 92 RFI on 22 July, the

applicant amended the size of each SRP to address this, by basing the size of each SRP on providing a minimum volume of 3% of the catchment area for the largest stage of earthworks within each cleanfill areas.

Following these matters being addressed by the applicant, Mr McLean advised that the calculated size of SRPs has been satisfactorily addressed. To provide for appropriate sizing of the SRPs, I have included as part of the conditions that the final size of SRPs be in general accordance with the SRP calculations provided by the applicant.

5.2.3 Flocculation

The purpose of flocculation is to provide for the efficient and effective operation of sediment retention devices. Section F2.0 of the ESC Guide states that flocculation of sediment retention ponds should typically always be provided. Mr McLean has also advised me that flocculation is likely to be required in order to provide for the effective operation of the SRPs in these circumstances.

As set out in Appendix F1.0 of the ESC Guide, the appropriate dosage of flocculant is determined through a process of bench testing. Determining the appropriate dosage in relation to a cleanfill is different to ordinary earthworks sites, because the material being deposited in the cleanfill is likely to come from a range of sources. This needs to be recognised in the bench testing methodology, by providing for bench testing using a representative sample of the source material, and regular testing thereafter to ensure that the dosage continues to be appropriate.

On the advice of Mr McLean, I have included conditions that:

- Require the preparation of Flocculation Management Plan (FMP) to set out the details for the chemical treatment dosing system that will be used and how this will be monitored and maintained (including contingencies for spillage);
- Require flocculation to be undertaken in accordance with the FMP; and
- Require bench testing to determine the dosage at the following points:
  - At the beginning of each stage, using a representative sample from the planned source of cleanfill material;
  - At least once every 12 months, based on a representative sample of the material within the stage of the cleanfill that is currently active; and
  - Within 5 working days of a discharge from the SRP that exceeds 170 NTU or is outside a pH range of 5.5-8.5, as such exceedances may indicate that the dosage rate is no longer appropriate.

I consider that this approach will provide for the determination of appropriate levels of flocculation for the SRPs in accordance with the ESC Guide, in a manner that accounts for the potentially variable nature of soils being imported to the cleanfill.

5.2.4 Sediment discharges from haul roads

A further potential source of sediment discharges will be the haul roads that are used to transport cleanfill material from the entrance to the site, to the entrance of the active stage in each cleanfill area (at this point I note that the discharge of sediment that may occur during transportation of cleanfill material from its source to this site is not authorised by this consent). The haul roads proposed by the applicant are existing metal farm tracks, which I observed to be in good condition when I visited the site.

The applicant has indicated that the haul roads will be drained by existing swales either side of the haul road, and that during the course of cleanfill activities, filter socks will be placed at regular intervals within the swales to act as check dams to capture any sediment runoff.

The applicant has investigated the possibility of incorporating the haul roads into the area controlled by the SRPs, however this would only ever be possible for the parts of the haul roads that are located adjacent to each cleanfill area. In relation to the northern cleanfill area, this approach would add complexity to the flow-path for dirty water discharges to the SRP. In lieu of this, the applicant has provided clear indication on the staging drawings of the location of a controlled, stabilised entrance for each earthworks stage. This provides a form of mitigation that is likely to reduce the amount of uncontrolled sediment tracking from each active earthworks stage on to the haul road.

Mr McLean has advised me that, because the haul roads will be located outside of areas of land that are treated by the SRPs, the regular and ongoing maintenance of the haul roads and the erosion and sediment control measures associated with them will be necessary to avoid sediment discharges from the haul roads. I have therefore included within the condition requiring an ESCP to be submitted for certification a specific requirement that the ESCP describes the erosion and sediment control measures for haul roads and sets out a programme of regular monitoring and maintenance for those measures.

5.2.5 Auditing, monitoring, and maintenance of ESC measures and review of the ESCP

Auditing, monitoring, and maintenance of erosion and sediment control measures is necessary in order to provide certainty that those measures are providing for the effective management of sediment-laden runoff from active works areas, and avoiding sediment discharges into the wider environment, on an ongoing basis.

Through their draft ESCP (provided on 29 April 2025 in response to my section 92 RFI), the applicant has proposed a range of auditing and monitoring measures, including:

- Daily auditing of ESC measures by the contractor, and weekly auditing by a SQEP.
- Monitoring of turbidity and pH at the inflow, outflow, upstream, and downstream of each SRP. This would be undertaken after heavy rainfall events and when the SRP is discharging. Upstream and downstream monitoring locations are show in the ESCP staging drawings.
- Requirements for the maintenance of the range of ESC measures proposed by the applicant, including specified triggers for maintenance for each different type of ESC measure.

These measures are consistent with good management practice for earthworks, and I have included conditions that provide for these matters.

In circumstances where monitoring of turbidity or pH identifies that specified thresholds are exceeded, or where there is a failure of an erosion or sediment control measure that has resulted in a discharge, I have included a condition that requires the consent holder to notify GWRC of the incident, record and investigate the causes of the incident, and implement measures to rectify the incident and prevent its reoccurrence. Identifying and addressing the causes of exceedances or failures in ESC measures ensures that they continue to provide effective erosion and sediment control for the duration of the consent.

Because of the long duration of this consent, I also consider that the ESCP needs to be reviewed on a regular basis, to ensure that it continues to achieve its purpose of providing for the effective management of actual and potential erosion and sediment discharge related risks (I note that the applicant has suggested in section 8 of the draft ESCP that review of the ESCP would occur "as construction of the earthworks progresses"). I have therefore included a condition that requires the consent holder to review the ESCP on an annual basis. Where there have been any exceedance or failures of ESC measures in the previous year, these must be taken into account, and the review must identify whether any changes to the ESCP are necessary to address these matters. I consider that a regular review of the ESCP is necessary to enable it to continue to provide for good management practice throughout the duration of the consent.

5.2.6 Summary of erosion and sediment control

The applicant has proposed, through a draft erosion and sediment control plan, a range of measures to avoid, remedy, or mitigate the actual or potential effects of erosion and sediment discharges on the receiving environment, in particular adjacent streams and wetlands. I have

discussed what I consider to be the key erosion and sediment control management methods in the sections above.

Considering the measures proffered by the applicant, and advice provided to me by Mr McLean, I have included a range of consent conditions that I consider will provide for the appropriate management actual or potential effects of erosion and sediment discharges, including:

- Conditions that require a final ESCP to be submitted for certification prior to works commencing. The ESCP must be in accordance with the ESC Guide and in general accordance with the draft ESCP provided by the applicant, and the consent holder must undertake works in accordance with the certified ESCP.
- A condition that requires the ESCP to be reviewed on an annual basis.
- A condition that requires a flocculation management plan to be submitted for certification, and conditions that require a regime of bench testing to determine the appropriate dosage of flocculant on a regular basis.
- Conditions that provide certainty around staging, progressive stabilisation, and that no earthworks will occur during winter.
- Conditions that require (as part of the ESCP) ongoing maintenance of ESC measures.
- Conditions that require regular auditing of ESC measures, monitoring of SRPs, and require a monitoring response in circumstances where there has been an exceedance of monitoring thresholds or where an ESC measure has failed.

Subject to the proposed activity being undertaken in accordance with the consent conditions, I consider that the adverse effects on the environment of erosion and sediment discharges as a result of earthworks will be less than minor.

5.3 Effects on stream and wetland ecology

The applicant has included an Ecological Effects Assessment (Ecological Effects Assessment, RMA Ecology, November 2024, included in Appendix D to the applicant's AEE). The Ecological Effects Assessment (EEA) delineates the natural inland wetlands and streams on site (Figure 8) and assesses the effects of the proposal on those natural inland wetlands and streams.

With respect to natural inland wetlands and streams, the EEA identifies that the potential effects of the proposal include:

- Direct impacts of earthworks within, or within 10 m of, a stream or natural inland wetland;
- Inputs of sediment during construction;
- Complete or partial drainage or excess increases in water levels as a result of changes in surface or ground water flow;

- Discharges of water from SRPs causing changes to water level regimes.

The latter two points are addressed in the next section of this report.

With respect to earthworks within, or within 10 m of, a stream or natural inland wetland, the applicant has designed the proposed cleanfill areas to avoid the areas that are within, or within 10 m of, any stream or natural inland wetland. As a result, there will be no loss of stream or natural inland wetland extent as a result of the proposed works. There will also be no direct effects of earthworks within, or within a 10 m setback from these areas. To ensure this continues to be the case during the course of the works, I have included conditions similar to those proffered by the applicant that require the consent holder to clearly identify and demarcate the 10 m setback from streams and natural inland wetlands on site within the vicinity of the active cleanfill stage. Works are to be excluded from these areas.

Aside from hydrology (which is discussed in the next section) the primary potential adverse effect on streams and natural inland wetlands will be the discharge of sediment to those water bodies. These effects will be avoided, remedied, or mitigated by the range of conditions associated with erosion and sediment control, which I have discussed in the previous section of the report.

Ms Price has reviewed the EEA and has advised me that the delineation of streams and natural inland wetlands provided by the applicant is appropriate. Ms Price has also advised me that the conclusion on effects management in relation to sediment discharges reached in the EEA that the level of adverse effect on stream and wetland ecology after mitigation (being staging and implementation of erosion and sediment control measures) will be negligible, is sound. However, Ms Price emphasised that this conclusion is only sound subject to the ongoing effectiveness of erosion and sediment control measures. I accept Ms Price's advice and have included conditions to address this matter as described in the previous section of the report.

I also note that the applicant has proffered conditions that require fencing and planting of the area within 10 m of streams and natural inland wetlands on site adjacent to the proposed cleanfill areas. This may occur at any time, but no later than the planting season after the deposition of cleanfill material has ceased. I consider this will result in a positive effect on stream and natural inland wetland ecology, but only after the fencing and planting has been established.

Based on Ms Price's advice, and subject to the consent conditions, I consider that actual or potential adverse effects on the ecology of adjacent rivers, streams, and natural inland wetlands will be less than minor (and there will be positive effects after fencing and planting has been implemented).

5.4 Effects on stream and wetland hydrology

The placement of cleanfill material adjacent to rivers, streams, and natural inland wetlands has the potential to alter surface water flows and groundwater recharge through infiltration. This can result in adverse effects on the hydrological conditions of those surface water bodies.

Mr Blyth has reviewed the application and advised the following:

> *While there is no physical monitoring data presented for these wetlands, the ecological and hydrological AEE's presented by RMA Ecology and PDP support the conceptual hydrological framework for the majority of these sites being riverine wetlands located primarily in depressions. As catchments are primarily unmodified… surface water inputs should remain similar. Depending on the level of compaction, there may be some change in shallow groundwater levels that could promote increased surface water runoff. However, the addition of cleanfill in a 2-3m mound over time may eventually result in a mounding of shallow groundwater under the cleanfill areas, that could increase groundwater head and subsequent recharge to downgradient areas of wetlands.*

Mr Blyth has also considered the impacts of the SRPs on stream and wetland hydrology, and has advised that:

> *Given the majority of the wetlands are along natural tributaries which remain unchanged (i.e. no large catchment modifications), I considered the SRP's modification of hydrology (i.e. concentration of stormwater flows through the ponds then out into selected wetlands) to have less than minor effects.*

Mr Blyth also observed that the proposed staging of works to reduce the catchment size also serves to minimise modifications to the catchment, and reduced concentrations of catchment flows to and discharges from the SRPs. Staging of works therefore contributes to minimising adverse effects on stream and wetland hydrological conditions.

Based on Mr Blyth's advice, and subject to the consent conditions, I consider that actual or potential adverse effects on the hydrological conditions of adjacent rivers, streams, and natural inland wetlands will be less than minor (and may in fact be positive over time).

5.5 Effects on flood hazards

The applicant has included a Flood Modelling Assessment with their AEE (see *1044 Coast Rd, Wainuiomata – Flood Modelling* by River Edge Consulting Limited, dated 8 July 2022, in Appendix A of the applicant's AEE). The Flood Modelling Assessment identifies that the cleanfill activities will occur, in part, within the modelled 1% annual exceedance probability (AEP) flood event (plus climate change) for the Wainuiomata River (Figure 11). This principally applies to the northern cleanfill area, although there is a small extent of the modelled flood event that overlaps with the southern cleanfill area.

The applicant has modelled the effects that establishing the cleanfill would have on flood levels during the 1% AEP flood event (Figure 12). On the property, while there is generally a reduction in flood levels downstream of the northern cleanfill area, there is an increase in flood levels to the west on the northern cleanfill area of up to 100mm. Outside the property boundary, flood levels are modelled to increase by up to 10mm on the properties to the north (at 904 Coast Road).

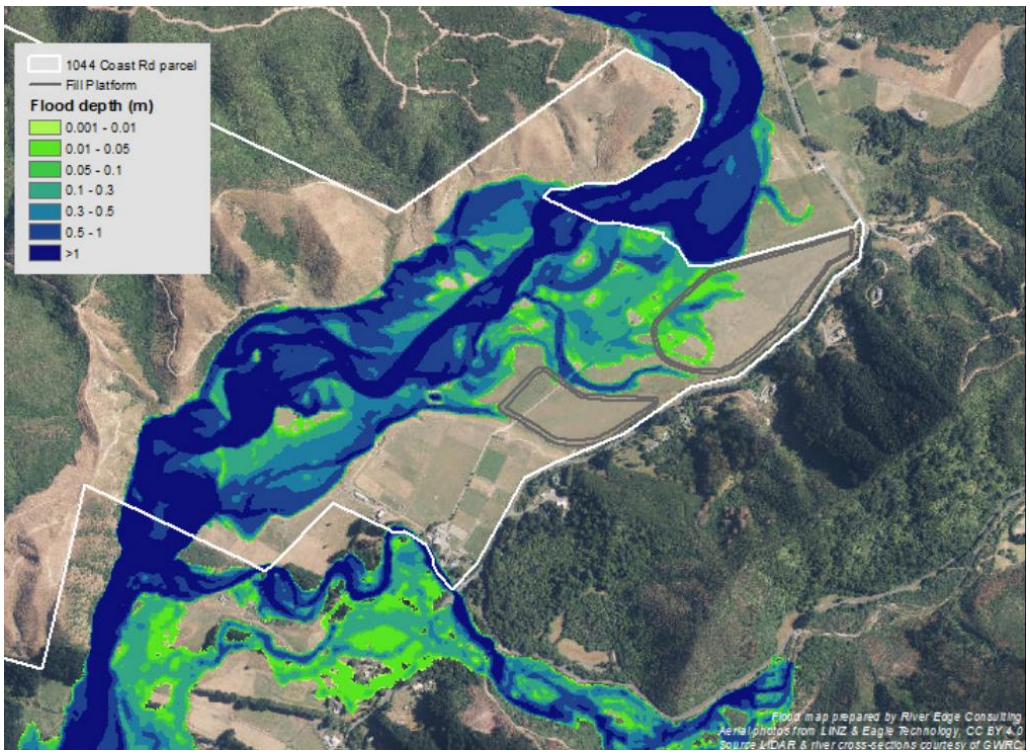

Figure 11: modelled 1% AEP flood depth. Source: Figure 2, *1044 Coast Rd, Wainuiomata – Flood Modelling* by River Edge Consulting Limited, in Appendix A of the applicant's AEE.

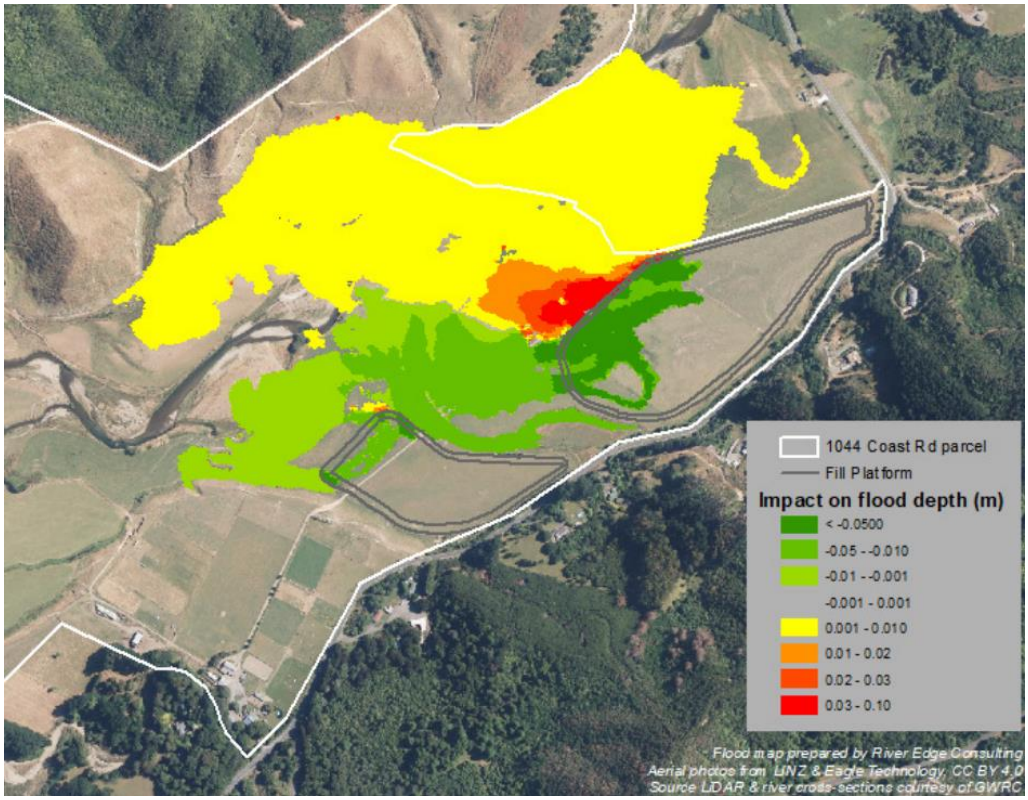

Figure 12: modelled impact of proposed fill platforms on 1% AEP flood depth. Source: Figure 9, *1044 Coast Rd, Wainuiomata – Flood Modelling* by River Edge Consulting Limited, in Appendix A of the applicant's AEE.

Mr Riyaz has reviewed the aspects of the application that relate to the diversion of flood waters. Based on the further information provided by the applicant in response to my section 92 RFI, Mr Riyaz has advised me that he agrees with the applicant's assessment of flood effects. Mr Riyaz has recommended that a condition be imposed that require the consent holder to verify the final form of the diversion through as-built drawings. The purpose of this condition is to verify that the diversion does not extend beyond the extent for which consent has been granted and for which the effects have been assessed. In addition to this Mr Riyaz has recommended that where erosion or scouring of land within the cleanfill area occurs, this is promptly remediated. I have provided for both matters through the consent conditions.

With regard to the adverse effects of the diversion of flood waters would have on properties outside of the applicant's property, the applicant's Flood Modelling Assessment states that, in relation to the 1% AEP flood event "outside the property, the predicted impacts are negligible (less than 1 – 2 mm)" (Flood Modelling Assessment, p.3). I observe that outside of the applicant's property, the only properties that are affected by a change in modelled flood levels are the properties at 904 Coast Road to the north (Figure 12). Based on the review of Mr Riyaz, I accept the applicant's assessment of flood effects. I consider that an increase in flood levels beyond the boundary of the property during a 1% AEP flood event of 1 to 2 mm is a less than minor adverse effect.

Subject to the proposed activity being undertaken in accordance with the consent conditions, I consider that the adverse effects on the environment as a result of the diversion of flood waters will be less than minor.

5.6 Effects on mana whenua values

There are no Schedule B (Ngā Taonga Nui a Kiwa) or Schedule C (Sites with significant mana whenua values) areas located on or adjacent to the site. The site is located adjacent to Remutaka Forest Park, which is subject to a statutory acknowledgement to the Port Nicholson Block Settlement Trust.

The application was provided to the Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa Rangatira in accordance with the agreement between GWRC and iwi authorities regarding consultation on consent applications.

Te Rūnanga o Toa Rangatira sought information on the expert reviews undertaken by GWRC on ecology and hydrology effects. On 20 February 2025, I had a meeting with a representative of Te Rūnanga o Toa Rangatira to discuss the application. I explained the range of conditions that were being considered to manage the actual or potential adverse effects of cleanfill activities on the environment, including waste acceptance criteria, erosion and sediment control, and monitoring and reporting conditions. No particular concerns were raised at this meeting, although Te Rūnanga o Toa Rangatira emphasised the importance of managing activities to avoid the adverse effects of discharges on the Wainuiomata River. I have kept this in mind when drafting and making recommendations on appropriate consent conditions.

Te Rūnanga o Toa Rangatira sought an update on the consideration of the consent once the applicant had responded to the section 92 RFI, which I provided. In response, Te Rūnanga noted that, in reliance on the matters raised by GWRC's technical experts being appropriately addressed, and that potential adverse effects were determined to be less than minor or no more than minor, that they had no further comments.

At the time of writing this report, I had not received feedback from the Port Nicholson Block Settlement Trust. As noted above, the Remutaka Forest Park, located adjacent to the site, is subject to a statutory acknowledgement to the Trust. However, on the basis that the Remutaka Forest Park is located up-gradient from the proposed cleanfill areas, I do not consider that the Remutaka Forest Park will be adversely affected by the proposed cleanfill activities.

On the basis that the adverse effects of the proposed cleanfill activities on the Wainuiomata River and its tributaries will be appropriately managed through the consent conditions, I consider that any potential adverse effects on identified mana whenua values will be less than minor.

5.7 Summary of effects

Given the assessment above, I consider that the adverse effects of the activity on the environment will be less than minor when undertaken in accordance with the consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 outlines the purposes and principles of the RMA. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the RMA.

6.2 Matters to be considered – Sections 104-108AA

Sections 104-108AA of the RMA provide a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.
104(1)(b)(i)	National Environmental Standard for Freshwater (NES-F)	As set out in section 2.2.1 of this report, the activity requires resource consent under regulation 45B(5) of the NES-F. Under this regulation, resource consent must not be granted unless the consent authority is satisfied that the matters set out in regulation 45B(6)(a)-(c) are met. In relation to regulation 45B(6)(a), I am satisfied, based on the information contained in the application, that the cleanfill area will provide significant regional benefits, as it will facilitate the construction of 350 residential units in the Wainuiomata area.

RMA section	Matter to consider	Comment
		In relation to regulation 45B(6)(b), I am satisfied that for the reasons stated in the application, there would be no other practicable alternative location for the cleanfill area in the region. In this regard, I have considered that the proposed cleanfill area is for the purpose of depositing cleanfill material from the development of housing in Wainuiomata by the applicant's housing development company, that the applicant owns the land where the cleanfill area is proposed, that the topography of the land means that cleanfill activities on the land are practicable, and the land is in close proximity to the area where the development will occur. Based on the information contained in the application, there is no other land that has all these qualities. In relation to regulation 45B(6)(c), I am satisfied, based on the information contained in the application, that the effects management hierarchy has been applied. In this regard, I observe that: • By setting back cleanfill areas 10 m from any natural inland wetlands, the adverse effects of cleanfill activities have been avoided where practicable; • The proposed erosion and sediment control measures will minimise the adverse effects of discharges from cleanfill activities on natural inland wetlands; • Where the adverse effects of discharges are not minimised, consent conditions require that those effects are remediated; and • Residual adverse effects are not more than minor.

RMA section	Matter to consider	Comment
		On the basis that the matters set out in regulation 45B(6)(a)-(c) are met, resource consent can be granted under regulation 45B.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020 (NPS-FM)	This national policy statement applies to all freshwater and relates to the management of freshwater and the protection of natural wetland and river values and habitats. In accordance with section 104(2F) of the RMA, I have not had regard to clauses 1.3(5) or 2.1 of the NPS-FM. Relevant policies are discussed below.
	Policy 2	The application was sent to the Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira to provide the opportunity to identify any concerns they may have with the proposal and to assist with determining if they are an affected party. This provides the opportunity for mana whenua input at the resource consent decision making level. Consideration of this resource consent application has been undertaken in a manner that is consistent with this policy.
	Policy 3	The activity is proposed to be managed in an integrated way that means the adverse effects, including those from the use and development of land, on the receiving environment are no more than minor. The proposal is therefore consistent with this policy.
	Policy 5	I consider this policy is met as the consent conditions required that the discharges are managed appropriately and so the health and well-being of the Wainuiomata River will be maintained.

RMA section	Matter to consider	Comment
	Policy 6	There are natural inland wetlands located within 100m of the proposed activity. However, subject to the proposed activity being undertaken in accordance with the consent conditions, I consider that the values of the wetlands will be protected and there will be no loss of extent. I also observe that the applicant has proffered the fencing and riparian planting of natural inland wetlands on site, which I consider will promote their restoration. I therefore consider that the proposed activity is consistent with this policy.
	Policies 9 and 10	I consider these policies will be met as the measures proposed by the applicant to avoid, remedy or mitigate adverse effects, together with the consent conditions, means that the habitats of indigenous freshwater species and trout will be protected.
104(1)(b)(iii)	National Policy Statement on Urban Development 2020 (NPS-UD)	I consider that the proposed activity will support the achievement of Objective 1 of the NPS-UD and is consistent with Policy 1 of the NPS-UD, as it will facilitate the development of housing within Wainuiomata, which will contribute to a well-functioning urban environment.
104(1)(b)(iii)	National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)	I consider the proposed activity is consistent with the NPS-IB. Subject to the consent conditions, the proposed activity will maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity. This is consistent with the objective of the NPS-IB.
104(1)(b)(v)	**Regional Policy Statement (including Change 1)**	
	Objectives 12, 13, 16, 19, 24, 25, 26, 28, 29, Integrated Management Objective A, CC.6,	I consider that, with the conditions of consent, the proposed activity will be consistent with the objectives of the RPS (including Change 1).

RMA section	Matter to consider	Comment
	Policies 40, 40A, 40B, 41, 47, 48, 49, 51, IM.1, CC.14A, FWXXB	I consider that, with the conditions of consent, the proposed activity will be consistent with the policies of the RPS (including Change 1).
104(1)(b)(vi)	**Natural Resources Plan**	
	Objectives O1, O2, O3, O4 Policy P1	These provisions seek the integrated management of natural and physical resources, ki uta ki tai (from mountains to the sea). I consider that the proposed activity, subject to the consent conditions, will contribute to the integrated management of natural and physical resources and is consistent with the principles of integrated catchment management set out in Policy P1.
	Objective O12 Policies P18, P20	These provisions seek that the relationships between Māori and their culture and traditions with their ancestral resources are recognised and provided for, and that the mauri of freshwater is recognised as being important to Māori and is sustained and enhanced. I consider that the proposed activity, subject to the consent conditions, will have less than minor adverse effects on water quality, and on this basis, I consider that the proposed activity is not contrary to these provisions.
	Objective O13 Policy P21	These provisions seek the active participation of mana whenua in decision-making in relation to natural and physical resources. The application was sent to the Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira to provide the opportunity to identify any concerns they may have with the proposal and to assist with determining if they are an affected party. This provides the opportunity for mana whenua input at the resource consent decision making level.

RMA section	Matter to consider	Comment
		As noted in section 5.6 of this report, I have considered feedback received through this process when considering this resource consent application.
	Policy P22	This provision requires that regard is given to any statutory acknowledgement when considering a resource consent application. The proposed activity is adjacent to the Remutaka Forest Park, which is subject to a statutory acknowledgement to the Port Nicholson Block Settlement Trust. As noted in section 5.6 of this report, I have had regard to this statutory acknowledgement when considering this resource consent application.
	Objective O15 Policy P26	These provisions seek that natural hazard risk is managed to an acceptable level, and that diversion of flood water in a floodplain avoids or mitigates increased hazard risk or residual hazard risk. As set out in section 5.5 of this report, this matter has been taken into account in considering this resource consent application. I consider that the proposed activity, subject to the consent conditions, is consistent with these provisions.
	Objectives O17, O18, O19, O21, O22 Policies P30, P31, P34	These provisions seek that the quality of water in surface water bodies (including rivers, streams, and natural wetlands) is maintained or improved. Section 5 of this report describes how the effects of the proposed activity (including hydrology, discharges, and water quality) will be managed, subject to the consent conditions, so that they are less than minor. I consider this is consistent with maintaining hydrological function and water quality. The extent of natural inland wetlands and streams will be maintained by the proposed activity. I also note that the applicant's

RMA section	Matter to consider	Comment
		proposed riparian planting and fencing of streams and natural inland wetlands will support the restoration of riparian habitats. I therefore consider that the proposed activity, subject to the consent conditions, is consistent with these provisions.
	Objective O28 Policy P42	These provisions seek that ecosystems and habitats with significant indigenous biodiversity values, including those identified in Schedule F1 and natural wetlands, are protected from the adverse effects of use and development. The tributaries of the Wainuiomata River at the site are identified in Schedule F1 of the NRP, and there are natural inland wetlands identified on site adjacent to the proposed activity. Section 5 of this report describes how the effects of the proposed activity (including hydrology, discharges, and water quality) in relation to these habitats will be managed, subject to the consent conditions, so that they are less than minor. I therefore consider that the proposed activity, subject to the consent conditions, is consistent with these provisions.
	Objectives O33, O37 Policy P107	These provisions seek that accelerated soil erosion and the amount of sediment-laden runoff is minimised, in particular by undertaking earthworks using good management practice. The measures for manging erosion and sediment during earthworks are described in section 5.2 of this report. I consider that these measures are consistent with good management practice for earthworks as set out in the Greater Wellington *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region* (Revision 1, February 2021). I therefore consider that the proposed

RMA section	Matter to consider	Comment
		activity, subject to the consent conditions, is consistent with these provisions.
	Objective O36 Policies P65, P66	These provisions seek that runoff or leaching of contaminants from discharges to land are minimised, and that any adverse effects of the discharge are appropriately managed. Sections 5.1 and 5.2 of this report set out the measures for the management of discharges to avoid, remedy, or mitigate the runoff of contaminants associated with the proposed activity. I consider that, subject to the conditions of consent, the proposed activity will be consistent with these provisions.
	Policies P78, P79, P80	These policies set out the quality requirements for point source discharges to rivers and the determination of the zone of reasonable mixing. I consider that the proposed point source discharges from SRPs, subject to the conditions of consent, will be consistent with these policies.
	Objective O41 Policies P100, P101	These provisions seek that the environment is protected from the adverse effects of discharges of hazardous substances, and the creation of contaminated land is avoided. Section 5.1 sets out the methods proposed to manage cleanfill activities to protect the environment from hazardous substances and avoid the creation of contaminated land. I consider that these methods, including the conditions of consent, are in general accordance with the Waste Management Institute of New Zealand (WasteMINZ) *Technical Guidelines for Disposal to Land*, Revision 3.1, September 2023. This document replaces the *Guide for the Management of Closing and Closed*

RMA section	Matter to consider	Comment
		Landfills in New Zealand, 2001 referred to in Policy P101. I therefore consider that the proposed activity, subject to the conditions of consent, is consistent with these provisions.
	Policy P109	This policy provides for the maintenance or restoration of riparian margins, including setbacks for activities from surface water bodies and encouraging the planting of appropriate riparian vegetation. I note that cleanfill activities and earthworks will be set back from surface water bodies, and the applicant has proffered the fencing and planting of riparian margins as part of their proposal. I therefore consider that the proposed activity, subject to the conditions of consent, is consistent with this policy.
	Policy P110	This policy seeks that the loss of extent and values of rivers and natural wetlands is avoided, except in certain circumstances. I note that there will be no loss of extent of rivers or natural wetlands as a result of the proposal. As set out in sections 5.3 and 5.4 of this report, potential adverse effects on the values of these surface water bodies will be appropriately managed so that the adverse effects are less than minor. I therefore consider that the proposed activity, subject to the conditions of consent, is not contrary to this policy.
104(1)(b)(vi)	**Natural Resources Plan – Proposed Plan Change 1**	
	Objective WH.O2 Policy WH.P1	These provisions seek that the health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers, and natural wetlands and their margins are on a trajectory to measurable improvement by 2040. Section 5 of this report sets out how discharges to land and surface

RMA section	Matter to consider	Comment
		waterbodies will be managed and concludes that the adverse effects of the proposed activity will be less than minor. I also note that the applicant has proffered fencing and planting of the riparian margins of streams and natural wetlands adjacent to the proposed activity. I therefore consider that the proposed activity, subject to the consent condition, will be generally consistent with these provisions.
	Objective WH.O6	This objective seeks that, amongst other matters, ground water flows and levels are maintained so that levels in surface water bodies are supported and that protects ecosystems in connected surface water bodies. Section 5.4 of this report sets out the effects that the proposed activity is likely to have on the hydrology of surface waterbodies and concludes that adverse effects will be less than minor (and may be positive). I therefore consider that the proposed activity, subject to the consent condition, will be generally consistent with this objective.
	Objective WH.O9 Policies WH.P2, WH.P4	These provisions set out the target attribute states for surface water bodies within the Whaitua. Of particular relevance to this activity is the deposited fine sediment parameter for the Wainuiomata rural streams part freshwater management unit. Table 8.4 identifies that the baseline attribute state for this parameter is C (fair), and the target attribute state is A (excellent). The policies set out the methods for achieving the target attribute states, including a reduction in sediment loads. Section 5.2 of the report sets out the measures (including consent conditions) for managing erosion and sediment discharges, and section 5.3

RMA section	Matter to consider	Comment
		of the report assesses the effects that this will have on surface water bodies on site. These sections conclude that, subject to the consent conditions, the adverse effects of sediment discharges on surface waterbodies will be less than minor. On this basis, I consider that the proposed activity is not contrary to these provisions.
	Policy WH.P5, WH.P6	These policies require that localised adverse effects of point source discharges are avoided or minimised beyond the zone of reasonable mixing. I have included conditions that provide for the management of adverse effects of discharges beyond the zone of reasonable mixing. On this basis, I consider the proposed activity, subject to the consent conditions, will be consistent with these policies.
	Policies WH.P29, WH.P30	These policies set out the measures for the management of earthworks, including (but not limited to) that they will be undertaken in accordance with good management practices, that the amount of land disturbed at any time will be limited, and that discharges will not exceed specified standards. The measures for manging erosion and sediment during earthworks are described in section 5.2 of this report. I consider that these measures are consistent with good management practice for earthworks as set out in the Greater Wellington *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region* (Revision 1, February 2021). I also note that the applicant has proposed staging of earthworks that will limit the amount of land disturbed at any one time. I therefore consider that the proposed activity, subject to the consent conditions, is consistent with these policies.

RMA section	Matter to consider	Comment
	Policy WH.P31	This policy requires that earthworks over 3,000m^2 not occur during the winter period (the period between 1 June and 30 September each year), and that earthworks are stabilised during this period. The applicant has not applied for resource consent to undertake earthworks during the winter period, and I have included conditions that prevent this occurrence. I therefore consider that the proposed activity, subject to the consent conditions, will be consistent with this policy.
104(1)(c)	Any other matter	The applicant has proposed to undertake fencing and riparian planting of streams and natural inland wetlands as part of the proposed activity. I note that this is not required to offset any more than minor residual adverse effects, but I recognise that this will achieve an additional positive effect in relation to water quality and indigenous biodiversity.
105(1)	Matters relevant to discharge permits	I have had regard to the matters in s105(1)(a) – (c) of the RMA when considering this application. In relation to 1(a), as set out in section 5 of this report, I have considered the nature of the discharge, and the sensitivity of the receiving environment. In relation to 1(b) and (c), I accept that the applicant has considered alternative discharge methods (including to land), and that the proposed method of discharge is the most appropriate method in the circumstances because it is more practicable and the adverse effects can be appropriately managed.

RMA section	Matter to consider	Comment
107	Restrictions on grant of certain discharge permits	The proposed discharges are not expected to result in any of the effects listed in s107(1) of the RMA after reasonable mixing. In the event that any of the effects listed in s107(1) do arise, the discharge will be temporary and so will meet the requirements of section 107(2).
108 – 108AA	Conditions on resource consents	All the conditions of consent meet s108 and s108AA of the RMA. I have assessed the conditions against the criteria in s108AA and consider that they: • have been agreed to by the applicant, and so meet s108AA(1)(a) • are directly connected to an adverse effect of the activity on the environment, a regional rule or an NES, and so meet s108AA(1)(b) • relate to an administrative matter of the resource consent, and so meet s108AA(1)(c)

6.3 Section 104D particular restrictions for non-complying activities

As the application is for a non-complying activity, pursuant to section 104D of the Act a 'gateway test' is required to be met before a decision on whether consent can be granted can be made. Section 104D prescribes that the consent authority may proceed to the substantive assessment (s104), and make a decision on whether to grant a resource consent application for a non-complying activity, only if it is satisfied that either:

(a) the adverse effects of the activity on the environment will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of the Natural Resources Plan and Proposed Plan Change 1.

The application can only be granted if it meets one of these tests.

In relation to these tests, I consider that:

- Subject to the conditions of consent, the adverse effects of the activity on the environment will be less than minor;

- The activity will not be contrary to the objectives and policies of the NRP and NRP-PC1.

On this basis, section 104D does not preclude granting consent because both section 104D(1)(a) and (b) are met.

6.4 Weighting of the NRP Proposed Plan Change 1

As the conclusion reached under the NRP assessment is consistent with that reached under the proposed NRP-PC1 there is no need to undertake a weighting exercise between the NRP and proposed NRP- PC1.

7. Main findings

In conclusion:

1. The proposed activity is consistent with the purpose and principles of the Resource Management Act 1991.

2. The proposed activity is consistent with or not contrary to the relevant objectives and policies of the National Policy Statement for Freshwater Management, National Policy Statement on Urban Development, National Policy Statement for Indigenous Biodiversity, the Regional Policy Statement (including Change 1) and the Natural Resources Plan (including proposed Plan Change 1).

3. In relation to s104D, the proposed activity is not contrary to the objectives and policies of the Natural Resources Plan or proposed Plan Change 1.

4. The actual or potential adverse effects of the proposed activity on the environment will be less than minor when undertaken in accordance with the consent conditions.

5. The proposal incorporates appropriate mitigation measures to manage the adverse effects of the proposal.

6. Conditions of the consents require that the adverse effects of the activity on the environment are appropriately avoided, remedied or mitigated.

8. Duration of consent

Under section 123 of RMA, I propose a consent duration 30 years. This is the same as the duration sought by the applicant. I consider this duration is appropriate for the following reasons:

- The consent conditions include specified limits of the area and volume of cleanfill activity authorised by the consent, so while the duration may be long, the scope of effects authorised by the consent is certain.
- The consent conditions include measures such as regular review of management plans (including the ESCP and FMP), which will enable adaptive management over the duration of the consent, including in response to changing environmental conditions, or circumstances where there are exceedances or failures of erosion or sediment control measures.
- The consent conditions include regular and ongoing monitoring and reporting requirements that will apply for the duration of the consent.

Decision recommended by:	Andrew Banks	Senior Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Joshua Knowles	Senior Resource Advisor, Environmental Regulation	
Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	21/12/24	**Application officially received:**	13/01/25
Application stopped (s91/92/95):	29/01/25	**Application started:**	22/07/25
Applicant to be notified of decision by:	08/08/25	**Applicant notified of decision on:**	08/08/25
Time taken to process application:	25 working days		

The applicant provided written agreement (250145-1341016906-469) on 30 July 2025 for an extension of timeframes under s37(1) to process the application. The extension is for 5 working days under section 37A(4) of the RMA.

The reason for the extension is:

- To allow time for the applicant to review draft consent conditions.

In making this decision, the Wellington Regional Council has given consideration to the following issues, as required by section 37A(1) of the RMA:

- The interests of any person who the Council considers may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the proposal; and
- The Council's duty under section 21 of the RMA to avoid unreasonable delay.

Decision approved by:	Richard Percy	Team Leader, Environmental Regulation