

**BEFORE THE INDEPENDENT HEARINGS PANEL FOR HUTT CITY
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Hutt City Council Proposed
District Plan

**STATEMENT OF REBUTTAL EVIDENCE OF CATHERINE NICHOL
ON BEHALF OF HUTT CITY COUNCIL**

Earthworks

Planner

6 October 2026

1.0 INTRODUCTION

- 1.1 My name is Catherine Nichol, and I am a Planner at Boffa Miskell Limited.
- 1.2 This rebuttal evidence relates to the topic of **earthworks**.
- 1.3 I have reviewed the evidence and tabled statements of:
 - 1.3.1 Kaaren Rosser for Enviro NZ (323) (Planning);
 - 1.3.2 Philip Heffernan for Winstone Aggregates (444) (Planning).
- 1.4 As noted in paragraph (11) of the s42A report, Boffa Miskell provides policy advice and assistance to Transpower New Zealand Ltd on RMA matters. Where evidence of submitters on the Earthworks chapter is in relation to a provision that has been submitted on by Transpower, Mr Nathan Geard has reviewed that aspect of the evidence and, where required, provided rebuttal evidence.
- 1.5 This rebuttal evidence responds only to the pre-circulated written evidence and statements received from submitters prior to the hearing. Other submitters may present oral evidence or further details at the hearing, which may raise additional matters that could influence or alter the recommendations made in this rebuttal evidence. Except as expressly identified in this statement, all findings and recommendations contained in my original section 42A report remain unchanged.

2.0 QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 2.1 My qualifications and experience are set out in paragraphs 5 - 10 of my Section 42A Report. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

3.0 RESPONSES TO EXPERT EVIDENCE

- 3.1 This section responds to submitter evidence in relation to the provisions in the Earthworks topic.

Enviro NZ

EW-S1 Area of earthworks

- 3.2 I have reviewed the planning evidence of Kaaren Rosser filed on behalf of Enviro NZ Services Limited regarding the earthworks standard EW-S1, applying within the Commercial and Industrial Zones.
- 3.3 Ms Rosser seeks an increase to the permitted earthworks threshold from 500m² to 1000m² per site in any 12-month period. In support of this relief, Ms Rosser states that the majority of commercially and industrially zoned land is located on relatively flat terrain, that erosion and sediment controls are commonly applied to earthworks activities, and that other potential effects (such as natural hazards and contaminated land) are addressed through separate District Plan provisions and the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES-CS).
- 3.4 While I acknowledge Ms Rosser's evidence, I remain of the view that the notified threshold is the most appropriate approach. Ms Rosser has not provided sufficient evidence to demonstrate that increasing the threshold to 1000m² would achieve the same level of environmental management as the notified 500m² threshold.
- 3.5 Although many industrial and commercial sites are located on relatively flat land, earthworks effects are not limited to slope stability. Earthworks can generate a range of adverse effects including sediment discharge, dust, erosion, disturbance of contaminated material, changes to site drainage patterns, and impacts on adjoining properties and infrastructure. The scale of these effects generally increases with the extent of land disturbance.

- 3.6 I also note that the existence of other regulatory controls does not, in itself, justify increasing the permitted activity threshold. The purpose of the District Plan earthworks provisions is to manage the land-use effects of earthworks within the district planning framework including effects on adjoining sites and the surrounding area. Separate controls relating to natural hazards, contaminated land, or regional erosion and sediment management perform different functions and do not provide a basis for concluding that a larger area of disturbance can be permitted without assessment.
- 3.7 While an increased threshold may reduce consenting requirements for some development and redevelopment projects, I consider that the submitter has not demonstrated that the benefits of this approach outweigh the reduced oversight of larger-scale earthworks activities. Nor has evidence been provided to establish why 1000m² represents an appropriate threshold, as opposed to the notified 500m² limit.
- 3.8 Accordingly, I continue to support the recommendation in the Section 42A Report that Submission Point 323.40 be rejected and that the notified earthworks threshold be retained.

Catherine Nichol

Planner

Boffa Miskell Limited (on behalf of Hutt City Council)

6 October 2026