

2 February 2023

Wayne Bentley

57(2)(a)

Tēnā koe Wayne

Request for Information pursuant to the Local Government Official Information and Meetings Act 1987 (LGOIMA)

Thank you for your correspondence of 15 December 2022, in which you have requested official information about clean fill operations in Coast Road, Wainuiomata. Specifically, you have requested the following information:

“Information on clean fill dumping Coast Road Wainuiomata and the bylaws allowing to do so.

Information on any Resource consents past, present or being processed or awaiting approval allowing for such activity. Especially 1044 Coast Road

HCC road management plan to make coast road safe for all users due to increase of heavy vehicles, condition of road and the extreme wear with having a minimum 10 - 20 heavy vehicles per day happening at this time.”

The definition of earthworks in the Hutt City Council’s District Plan explicitly includes clean fill operations. Clean fill is also covered by the Solid Waste Management and Minimisation Bylaw 2021. Hutt City Council’s District Plan and the Solid Waste Management and Minimisation Bylaw 2021 are available on the Council’s website:

www.huttcity.govt.nz/council/district-plan

https://hccpublicdocs.azurewebsites.net/api/download/5486d44d9b3b43fcaddadfa0abeb1e29/_CM9-WE/aec8c8f4798adc4d87949a2c34c235ab9f

Resource consent proposals for clean fills in the Council’s General Rural zone have typically been treated as Discretionary Activities under Rule 8B 2.3 (a) once all the various non-compliances are assessed. Turf farming, Topsoil removal and exploration and mining of minerals are Discretionary Activities under 8B 2.3 (b) - (d).

8B 1.1.4 ‘Issue’ states *Topsoil removal and turf farming are appropriate activities in the rural area. These activities must be managed appropriately to ensure the long-term sustainability of the intrinsic values of the land. These activities can also adversely affect visual amenities.*

8B 1.1.7 states *A joint study by Wellington Regional Planning Authority and Wellington Regional Water Board in 1978 titled “Planning for Mineral Resources in the Wellington Region”, indicates that there are very limited opportunities for mineral extraction within the*

boundaries of Lower Hutt. For this reason, it is more appropriate to assess individual applications for prospecting, exploration and extraction as Discretionary Activities. There is also likely to be the need for consideration of any application by the Greater Wellington Regional Council.

The District Plan contemplates prospecting, exploration and mining of minerals as Discretionary Activities and earthworks as Restricted Discretionary Activities, as opposed to Non-Complying. A resource consent application could be obtained but the objectives and policies also require the maintenance and enhancement of the open character and visual amenity values to be considered, and the retention of the intrinsic values of the land.

To understand the effects of a proposal, a Landscape and Visual Assessment (LVA) prepared by a suitably experienced expert would be required. Similarly, a Traffic Impact Assessment (TIA) and Noise Assessment (NA) would be required. Mitigation of effects would need to be built into the resource consent proposal and then expert assessments prepared by the applicant. An expert peer review of the LVA, TIA and NA would then be undertaken by HCC to enable considered comment.

In terms of how much exposed earth may be acceptable from any proposal, given the District Plan Discretionary activity status of turf farming, some exposure would be acceptable.

Positive effects of the proposal are also considered, as well as historical and cultural effects.

Depending on its scale and visibility, an application for cleanfill operations may need to be notified. Whether notification would be limited or full would heavily depend on the specialist assessments and review of those assessments. Greater Wellington Regional Council may also need to be involved in an application.

You have asked about resource consent applications received or issued by Hutt City Council for Coast Road. These would be included in the lists on the Council's website, at:

www.huttcity.govt.nz/property-and-building/property/consents-issued

No resource consent applications have been lodged for works at 1044 Coast Road.

Hutt City Council does not have a road management plan for Coast Road, Wainuiomata. However, as part of any resource consent application, the applicant would need to accurately estimate the number of truck movements that may occur per day/hour. The Coast Road is narrow in many places so it may be that the number of truck movements would need to be carefully managed by the applicant and restrictions put on the total numbers and timing of movements. In addition, truck movements will impact upon the rural character through noise and this effect would be considered/assessed for any resource application.

Where the information you have requested is published on the Council's website, your request for it is refused under section 17(d) of the LGOIMA, on the grounds that the information requested is publicly available.

Where Hutt City Council does not hold the information you requested, your request for it has been refused under section 17(g) of the LGOIMA, on the grounds that the information is not held by the Council and we have no reason to believe it is held by another authority.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this letter may be published on the Council's website.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Susan Sales'.

Susan Sales
Senior Advisor, Official Information and Privacy