

**From:** [Information Requests](#)  
**To:** s7(2)(a)  
**Subject:** RE: [EXTERNAL] Re: LGOIMA request for information - LGOIMA2022-0254 -  
**Date:** Wednesday, 5 March 2025 1:26:00 pm  
**Attachments:** [image001.png](#)  
[RM220258 - response to LGOIMA - March 2025.pdf](#)

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Kia ora John,  
Please see attached our response to your request dated 05 February 2025.

Thank you,  
Lakna

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**From:** Information Requests  
**Sent:** Wednesday, 5 February 2025 3:29 pm  
**To:** s7(2)(a)  
**Subject:** RE: [EXTERNAL] Re: LGOIMA request for information - LGOIMA2022-0254 -

Tēnā koe John

REQUEST FOR INFORMATION - LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987:  
ACKNOWLEDGEMENT OF REQUEST

I am writing to acknowledge receipt of your official information request dated 5 February 2025 for information regarding complaints.

We will endeavour to respond to your request as soon as possible and in any event no later than 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe. If the information is no longer required please let us know, it would be much appreciated.

Please note that our response to your information request, including your name, may be published on Hutt City Council's website.

Nāku noa, nā

Philip

**Philip Rossiter**

Senior Advisor | Official Information and Privacy

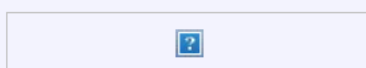
Hutt City Council, 30 Laings Road, Hutt Central, Lower Hutt 5010

**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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**From:** Jotform <[noreply@jotform.com](mailto:noreply@jotform.com)>  
**Sent:** Wednesday, 5 February 2025 3:14 pm  
**To:** WebServices <[web@huttcity.govt.nz](mailto:web@huttcity.govt.nz)>; Information Requests <[informationrequests@huttcity.govt.nz](mailto:informationrequests@huttcity.govt.nz)>  
**Subject:** [EXTERNAL] Re: LGOIMA request for information - LGOIMA2022-0254 -



## LGOIMA request for information

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Submission Timestamp 5 Feb, 2025 at 15:13:02

Request ID LGOIMA2022-0254

Name John Harrison

Contact Number s7(2)(a)

Preferred method of response: Email

Email s7(2)(a)

Can you please supply details of all complaints lodged for alleged actions outside the requirements or conditions of the resource consent issued on 21/12/2022 for application RM220258 for bulk earthworks and the establishment of temporary site office facilities at 30 Benmore Crescent, Manor Park, Lower Hutt. These could, but not exclusively, include noise, traffic, dust, vibration etc. Can you please supply answers to each instance in the following format:

Date:

Reason for complaint:

HCC person managing / resolving the complaint:

HCC decision on whether complaint was valid:

Reason for that decision:

Penalty or outcomes for the developers / contractors etc:

I'd appreciate your help - please feel free to contact me if you need any further information

regards

John

Is your request urgent? No

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You can [view all your submissions](#) easily.

Date of complaint	Complaint	Actions and response
20 February 2023	<ul style="list-style-type: none"> <li>• Unauthorised earthworks</li> <li>• Noise</li> <li>• Dust</li> <li>• Traffic</li> <li>• Vermin</li> </ul>	<p>22 February: HCC Monitoring and Enforcement officer went on site. They did not detect any breaches of the resource consent or District Plan.</p> <p>HCC officer responded to the complainant on 23 February, including recommendations for providing evidence for future complaints (such as photos of dust, or photos of vehicles tracking mud etc).</p> <p>Complainant replied on 28 February to elaborate on their concerns. HCC officer responded on 7 March.</p>
6 March	<ul style="list-style-type: none"> <li>• Dust</li> <li>• Asbestos removal</li> <li>• Vermin</li> <li>• Trucks</li> <li>• Councils inadequate noise monitoring techniques</li> </ul>	<p>8 March: HCC Head of Planning responded with information addressing all of these concerns. This included details about the site investigation that was done by a contaminated land expert which identified the asbestos levels on site to be below human health thresholds.</p>
1 May	<ul style="list-style-type: none"> <li>• Working outside operating hours (on a Sunday)</li> <li>• Noise</li> <li>• Dust</li> <li>• Trucks failing to give way</li> <li>• Vibrations</li> <li>• Visual effects from stock piles</li> <li>• Putrid smell</li> <li>• Contractors filling their tanks from the fire hydrants</li> </ul>	<p>5 May: HCC Environmental Health officer responded advising that the noise and vibration effects caused by construction works and other proposed activities at the site were assessed by qualified acoustic consultants from Tonkin &amp; Taylor. The officer confirmed the noise levels anticipated by the experts would comply with the noise standards permitted by the District Plan.</p> <p>Complaint about the putrid smell was referred to Greater Wellington Regional Council, who are responsible for dealing with objectionable or offensive odors under the Resource Management Act 1991.</p>

2 May	<ul style="list-style-type: none"> <li>Working after hours</li> <li>Dust</li> <li>Vibrations</li> </ul>	2 May: HCC Monitoring and Enforcement officer responded to inform them that the consent holder had been contacted and reminded of the work hours. The consent holder was issued an infringement of \$300 for breaching a condition of consent regarding hours of operation.
3 May	<ul style="list-style-type: none"> <li>Concerns that HCC didn't inform the residents of the development prior to it commencing.</li> </ul>	<p>3 May: HCC Resource Consents planner responded and outlined the reasons why public consultation and notification was not required as part of the resource consent process.</p> <p>Note also that full details of the applications and consent information was made available on the Council website:  <a href="https://www.huttcity.govt.nz/property-and-building/resource-consents/types-of-work-that-need-a-resource-consent/30-benmore-crescent">https://www.huttcity.govt.nz/property-and-building/resource-consents/types-of-work-that-need-a-resource-consent/30-benmore-crescent</a></p>
5 May	<ul style="list-style-type: none"> <li>Request for copies of acoustic reports.</li> <li>Request for an officer to come and do noise and vibration measurements.</li> </ul>	<p>9 May: HCC Environmental Health officer responded and supplied the acoustic reports provided with the resource consent. The officer also confirmed a vibration survey has been arranged, and that Hutt City Council would do noise monitoring.</p> <p>The outcome of the noise monitoring is outlined below under 9 May complaint.</p>
9 May	<ul style="list-style-type: none"> <li>Noise</li> </ul>	9 May: HCC Environmental Health officer undertook noise monitoring while the consent holder was operating equipment, and the LAeq was measured less than 50 dBA which is lower than the permitted limit of LAeq 70 dBA.
15 May	<ul style="list-style-type: none"> <li>Noise</li> </ul>	15 May: HCC Monitoring and Enforcement officer responded to confirm if the complaint was about noise or vibration, and advised that an HCC Environmental Health officer would be taking on-site measurements on 16 May (see results below).
16 May	<ul style="list-style-type: none"> <li>Noise</li> </ul>	<p>16 May: HCC Environmental Health officer took on-site noise measurements. Two diggers and three dump trucks were working behind the boundary line of the construction site which is the closest boundary to 31 Mary Hughes Grove. The measurements taken at 31 Mary Hughes Grove were:</p> <ul style="list-style-type: none"> <li>The LAeq was measured at 52 dBA in the backyard;</li> <li>The construction noise was measured at LAeq 27 dBA inside a bedroom (adjacent to the rear deck);</li> </ul>

		<ul style="list-style-type: none"> <li>During the noise monitoring the noise from two passing trains were measured Lmax 68 dBA and 77 dBA.</li> </ul> <p>The noise was within the permitted construction noise limits. This was relayed in an email to the resident on 18 May.</p>
19 May	<ul style="list-style-type: none"> <li>Noise x 2 complaints</li> <li>Rat infestation</li> </ul>	<p>25 May: HCC Environmental Health officer responded to both complainants with all noise and vibration information and monitoring results that had been compiled and completed to date.</p> <p>The officer also confirmed that the works would likely have displaced rats, but it would be difficult to prove they were coming from that site, as the construction works would not result in more food or harbourage in the area. The officer offered to set up bait stations in their back yard, and to monitor and replenish them.</p>
22 May	<ul style="list-style-type: none"> <li>Noise</li> </ul>	<p>22 May: HCC Environmental Health Officer commissioned Allied Security to visit the site to assess noise. No breach in noise standards were detected. The resident was advised of this on 23 May.</p>
2 June	<ul style="list-style-type: none"> <li>Dust</li> </ul>	<p>2 June: HCC Monitoring and Enforcement officer responded asking for permission to send the photos of the dust nuisance to the consent holder. Permission was granted by the notifier, and the information was passed to the consent holder to remedy.</p>
7 June	<ul style="list-style-type: none"> <li>Trenching and laying of pipes (thought to be unconsented works)</li> </ul>	<p>7 June: HCC Monitoring and Enforcement officer visited the site, and determined that the consent holder was replacing existing pipes. No breach of the consent or the District Plan was detected. Complainant was advised.</p>
15 June	<ul style="list-style-type: none"> <li>Trenching and road formation (thought to be unconsented works)</li> </ul>	<p>15 June: HCC Monitoring and Enforcement officer visited the site, and determined there was no breach of the rules of the plan. Complainant was advised.</p>
15 June	<ul style="list-style-type: none"> <li>Noise</li> <li>Vibration</li> </ul>	<p>16 June: HCC Environmental Health officer responded, relaying all noise and vibration information and monitoring results to date, as well as the relevant standards.</p>
21 July	<ul style="list-style-type: none"> <li>Noise</li> <li>Vibration</li> </ul>	<p>21 July: HCC Environmental Health officer responded relaying all noise and vibration information and monitoring results to date, as well as the relevant standards.</p>

	<ul style="list-style-type: none"> <li>Earthworks being undertaken during the winter shut down period</li> </ul>	HCC Monitoring and Enforcement officer contacted Greater Wellington Regional Council in relation to the winter works complaint, which relates to a condition of the GWRC resource consent. GWRC confirmed there was no breach.
8 September	<ul style="list-style-type: none"> <li>Air quality from dust</li> </ul>	8 September: HCC Council Monitoring and Enforcement officer contacted the consent holder about the dust nuisance. The consent holder then used water trucks to dampen the site. The officer responded to the notifier and informed them of the outcome.
16 September	<ul style="list-style-type: none"> <li>Vibration</li> <li>Noise</li> </ul>	<p>13 November: Manager Resource Consents and Compliance provided a detailed response including:</p> <ul style="list-style-type: none"> <li>- That the consent holder has engaged experts to develop a plan to minimise the effects on the surrounding sites.</li> <li>- This includes using lower impact machinery / roller within 30 metres from the boundary (60 metres from the closest residential boundary).</li> <li>- Council will commission additional noise testing to be carried out on site this week to check compliance with the conditions of the consent.</li> </ul>
22 September	<ul style="list-style-type: none"> <li>Vibrations</li> </ul>	25 September: HCC Monitoring and Enforcement officer responded and asked that they notify HCC should they feel the vibrations again, and that HCC would arrange for a vibrations expert to come and do on-site measurements.
5 October	<ul style="list-style-type: none"> <li>Vibrations and rattling windows causing damage</li> </ul>	8 October: HCC Monitoring and Enforcement officer responded and asked that they notify Hutt City should they feel the vibrations again, and they would arrange for a vibrations expert to come out on site to take measurements.
20 October	<ul style="list-style-type: none"> <li>Unconsented earthworks to build a road</li> <li>Visual concerns from the earthworks</li> <li>Distance of earthworks from the boundary</li> </ul>	9 November: following another site visit an HCC Monitoring and Enforcement officer confirmed that these matters have been assessed and identified as not being in breach of the consent or the District Plan.
3 November	<ul style="list-style-type: none"> <li>Dust</li> </ul>	6 November: HCC Monitoring and Enforcement Officer contacted the consent holder about the dust nuisance. The consent holder then used water trucks to dampen the site.

		Resident was notified and also advised to contact GWRC for any dust complaints outside of working hours.
7 November	<ul style="list-style-type: none"> <li>Vibrations</li> </ul>	<p>7 November: HCC Monitoring and Enforcement officer responded advising that they would arrange for a site visit by a noise and vibrations expert.</p> <p>8 November: noise and vibration expert (contracted by Hutt City Council) went to take measurements from within the residents household, however the works were not occurring that day, and there was no breach of the District Plan for either the noise or vibrations.</p>
13 November	<ul style="list-style-type: none"> <li>Noise</li> <li>Vibration</li> </ul>	<p>13 November: HCC Environmental Health officer provided them information about the previous noise monitoring that had been undertaken, as well as the acoustic reports from the two experts.</p> <p>HCC Monitoring and Enforcement officer advised that Council officers are working on a plan for further monitoring.</p>
14 November	<ul style="list-style-type: none"> <li>Vibrations</li> </ul>	<p>14 November: HCC Monitoring and Enforcement officer and Resource Consents planner visit the residents site. They were unable to detect any vibrations, and therefore confirmed there was no breach.</p>
15 November	<ul style="list-style-type: none"> <li>Dust</li> </ul>	<p>15 November: HCC Monitoring and Enforcement officer went on site and did not see evidence of dust blowing around, or any breach of the consent. The consent holder was contacted to request that they water the site down, which was done.</p>
27 November	Pre-arranged site visit	<p>HCC Monitoring and Enforcement officers arranged for the noise and vibration experts to take noise and vibration measurements from several residents houses, while the consent holder was using the heavy equipment. It was arranged so the machinery was operating at the closest points to the boundary. The measurements provided by the experts determined that the noise and vibrations were within the permitted activity rules in the district plan.</p>

29 November	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	29 November: HCC Monitoring and Enforcement Officers went on site and detected a small vibration from within the dwelling lasting 2-3 seconds. The contractor was contacted about the vibration concern and agreed to stop rolling in that area.
1 February 2024	<ul style="list-style-type: none"> <li>Truck on site at 6am</li> </ul>	HCC Monitoring and Enforcement Officer contacted the contractor who confirmed a truck was on site and did drop material on the site. Infringement fine was issued.
15 February	<ul style="list-style-type: none"> <li>Dust</li> </ul>	15 February: HCC Monitoring and Enforcement Officer received a video from the complainant but there was no evidence of dust beyond the boundary of the work site.
15 February	<ul style="list-style-type: none"> <li>Dust</li> <li>Vibration</li> <li>Roller/digger being used close to the boundary</li> </ul>	<p>15 February: HCC Monitoring and Enforcement Officer spoke to contractor who said works will be stopped in area closest to complainant's house. The officer also spoke to the consent holder about dust concerns and the following actions were taken:</p> <ol style="list-style-type: none"> <li>1. Contractor would temporarily block the north access point to the compound. This will reduce the likelihood of dust from vehicles and plant from the area of site that is close to the immediately adjacent neighbouring properties.</li> <li>2. Continue with the water cart on the open cut / earthworks area.</li> <li>3. Add a second water cart to focus on the access / haul routes of the site.</li> <li>4. Continue with the sprinkler system for the concrete crusher plant.</li> </ol>
16 February	<ul style="list-style-type: none"> <li>Dust</li> </ul>	16 February: HCC Monitoring and Enforcement Officer and HCC Head of Planning visited site and walked the boundary between the site and complainants property. There were no visible evidence of dust blowing over the boundary; they also visited the complainants property and advised of their findings.
20 February	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	<p>Complaint received regarding mental health concerns if noise and vibration does not stop. HCC Monitoring and Enforcement Officer visited the property and spoke to the complainants. No vibration evident.</p> <p>The HCC officer also visited the construction site and asked contractor to stop work as a result of the complaint, which they did.</p>



27 February and 5 March		Two visits made to the site on 27/2/24 @1430 hrs and 5/3/24 @1115 hrs made by Hutt City Council Monitoring and Enforcement Officer and did not observe any dust clouds or equipment working on the eastern portion of the site.
6 March	<ul style="list-style-type: none"> <li>Dust and loud bang</li> </ul>	6 March: HCC Monitoring and Enforcement Officer emailed consent holder asking for an explanation for the "loud bang" as HCC were advised there would be no work on site for 12 weeks. HCC could not confirm what caused the loud noise.
8 May	<ul style="list-style-type: none"> <li>Vibration and loud bang</li> </ul>	HCC Monitoring and Enforcement Officer investigated and found source of loud bang was blasting at Belmont Quarry
25 July	<ul style="list-style-type: none"> <li>Noise Complaint</li> </ul>	HCC Environmental Health Officer investigated assessed noise at complainants property was audible but not excessive. No further action taken.
7 August	<ul style="list-style-type: none"> <li>Truck on site outside hours</li> </ul>	HCC Monitoring and Enforcement Officer investigated and found that the truck was not related to the consented works, ad was possibly related to illegal dumping on the site.
18 October	<ul style="list-style-type: none"> <li>Noise</li> <li>Dust</li> <li>Vibration</li> </ul>	Two HCC Monitoring and Enforcement Officers visited the site and observed there was no noise, dust or vibration breaches.
21 October	<ul style="list-style-type: none"> <li>Noise complaint</li> </ul>	HCC Environmental Health Officer investigated and found noise to be audible but not excessive.
21 October	<ul style="list-style-type: none"> <li>Working outside hours</li> </ul>	HCC Monitoring and Enforcement Officers investigated and the work taking place was within the permitted hours.
22 October	<ul style="list-style-type: none"> <li>Noise, crushing and banging</li> </ul>	HCC Monitoring and Enforcement Officer investigated - no evidence of any breach.
23 October	<ul style="list-style-type: none"> <li>Dust</li> </ul>	Two dust complaints - one video and one picture, but no clear breach of dust beyond boundary in evidence provided. HCC Monitoring and Enforcement Officer also and went to the site shortly after receiving complaint and found no evidence of dust beyond the boundary.

9 January <b>2025</b>	<ul style="list-style-type: none"> <li>Dust</li> </ul>	No evidence of dust beyond the boundary in pictures from complainant or when Hutt City Council Monitoring and Enforcement Officer visited the site. No action taken. Complainant updated on dust rule.
14 January	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	<p>Email complaint about vibration inside the house making resident sick. Two HCC Monitoring and Enforcement Officer visited the site and spoke to contractors on site and also spoke to complainants at their house.</p> <p>Discussion held with consent holder and agreed that noise and vibration equipment would be installed by consent holder (see further notes on this at end of the table).</p>
27 January	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	HCC Monitoring and Enforcement Officer visited complainants address, spoke to complainant. Also spoke to contractor that day. Contractor said roller was being used roughly 130m away.
1 February	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	HCC received two vibration complaints from Mary Huse Grove residents on Saturday afternoon (1/02/25). HCC Monitoring and Enforcement Officer contacted project manager on 3/03/25 requesting vibration data from Saturday afternoon. No breach was detected in the data provided.
3 February	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	<p>HCC received four separate vibration complaints. HCC requested noise and vibration data following complaints. No breach was identified in the data.</p> <p>HCC Monitoring and Enforcement Officer also spoke to contractor. Roller was not used for the rest of the day. Complainants updated.</p>
4 February	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	HCC received multiple complaints from the same complainant HCC representative spoke to complainant over the phone. Contractor and consent holder agreed not use roller again until 14 February.
5 February	<ul style="list-style-type: none"> <li>Vibration</li> </ul>	Multiple complaints received regarding vibration. HCC Monitoring and Enforcement Officer spoke to contractor. Contractor and consent holder agreed not use roller again until 14 February. All complainants updated either via phone call or email.

Additional notes on noise and vibration monitoring:

- Noise loggers installed at 31 and 39 Mary Huse Grove on 8 January 2025.
- Vibration equipment installed at 31 Mary Huse Grove on 27 January 2025.
- The British Standard BS 5228-2:2009 “Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration” identifies that vibration below 0.3 mm/s PPV is an acceptable level of vibration that is perceptible in normal residential environments but is not intolerable.
- All results show that the recorded vibration levels from the work being carried have not exceeded 0.3 mm/s PPV standard. The results do show exceedances above this standard, but that these relate to trains running along the adjacent rail line.

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987