

**IN THE ENVIRONMENT COURT
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA**

Decision [2026] NZEnvC 135

IN THE MATTER

of an appeal under s 120 of the Resource
Management Act 1991

BETWEEN

C GEALE, D GEALE, N GLAOG,
A JOHNSON, D JOHNSON,
J MITCHELL, K MITCHELL,
C SPENCE, M SPENCE and
F WILSON

(ENV-2026-WLG-000002)

Appellants

AND

HUTT CITY COUNCIL

Respondent

AND

KĀKĀRIKI ESTATE LIMITED

Applicant

Court: Judge L J Semple sitting alone under s 279 of the Act

Hearing: On the papers

Last case event: 11 June 2026

Date of Decision: 12 June 2026

Date of Issue: 12 June 2026

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that the appeal is allowed to the extent of the

GEALE v HUTT CITY COUNCIL



amendments to the conditions of consent attached as Appendix 1. The appeal is otherwise dismissed.

B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal filed by a number of people against Hutt City Council's decision on resource consent RM240334, granted to Kākāriki Estate Ltd to establish and operate a cleanfill at 1044 Coast Road, Wainuiomata.¹

[2] At the first instance hearing, the Council granted the resource consent subject to conditions addressing, among other things, landscaping and operating hours of the cleanfill.

[3] The parties to the appeal have engaged to resolve this appeal. They have agreed to amendments to conditions addressing definitions, landscaping and operating hours to better address the adverse effects arising from the cleanfill. The amended set of conditions are attached to this consent order as Appendix 1, with changes made to the interpretation section, and conditions 13 and 22.

[4] The Court has now read and considered the notice of appeal and consent memorandum of the parties dated 11 June 2026 which proposes to resolve the appeal.

Other matters

[5] Claire Jackson, Ken Jackson, Shana Hoffman and Wainuiomata Primary School Board of Trustees lodged notices of an intention to become parties under

¹ Originally, there were 12 appellants: Christopher Foley, Penney Foley, Carol Geale, David Geale, Nathan Glaog, Amy Johnson, Darren Johnson, Jackie Mitchell, Ken Mitchell, Carl Spence, Michelle Spence and Fiona Wilson. However, Christopher and Penney Foley withdrew from the proceedings on 16 April 2026.

s 274 of the Act. On 21 May 2026 the Court determined they could not be parties to these proceedings.²

Orders

[6] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the appeal have executed the consent memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



L.J. Semple

Environment Judge



² *Geale v Hutt City Council* [2026] NZEnvC 117.

APPENDIX 1 – AMENDED CONDITIONS OF RESOURCE CONSENT RM240334

Interpretation

AEE means Assessment of Environmental Effects

Council or **HCC** means Hutt City Council

Domestic activities means activities associated with the rural residential use of the site, including the establishment, maintenance, and use of dwellings and accessory buildings, landscaping, vehicle access, and the use of domestic-scale vehicles and equipment.

For the avoidance of doubt, activities associated with the transport of material associated with the authorised cleanfill activity shall not be classified as domestic activities.

Dust Nuisance has the same meaning as the District Plan definition which is "a dust nuisance shall occur if there is visible evidence of suspended solids in the air beyond the site boundary and/or there is visible evidence of suspended solids from a dust source settling on the ground, building or structure of a neighbouring site, or water."

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.

Farming activities means the use of land for primary production, including pastoral farming, arable farming, grazing, and the breeding and keeping of livestock, and includes ancillary activities such as stock movement, feed management, fencing, farm tracks, land management (including drainage and on-site flood management works), the use of farm machinery, and the import and export of stock and feed.

For the avoidance of doubt, activities associated with the transport of material associated with the authorised cleanfill activity shall not be classified as farming activities.

GWRC means the Greater Wellington Regional Council.

Management Plan for the purpose of these conditions means: the Landscape Plan referred to in conditions 8-13; the Noise and Vibration Management Plan referred to in conditions 27-30; the Erosion and Sediment Control Plan referred to in conditions 36-38; the Dust Management Plan referred to in conditions 39-41; and the Final Earthworks Plan referred to in conditions 42-44.

Manager means the Resource Consents and Compliance Manager, Hutt City Council.

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.

Note

This consent should be read in conjunction with GWRC consent reference WGN250145 including requirements relating to cleanfill waste acceptance and testing, erosion and sediment control.

Conditions

In accordance with section 108 of the Resource Management Act, resource consent has been **granted** subject to the following conditions:

General

- 1 The proposal shall be carried out substantially in accordance with the information and approved plans submitted with the application and held on file at Council (except where modified by conditions of consent) being:
 - a. AEE dated 15/11/2024;
 - b. AEE addendum dated 26.08.2025;

- c. Earthworks Layout Plan 30246 SCH sheets 1 – 3 Rev dated 02/25 prepared by Cuttriss;
- d. Erosion and Sediment Control Plan Stages sheets 1 – 8 Rev A dated 5/25;
- e. DesignGroup Stapleton Elliott planting plans L2 – L5;
- f. Entry Sightlines 30246 SK03 dated 11/13; and
- g. Acoustic Services Report prepared by NDY ref: rp231101w0003 Rev. 3 dated 10th May 2025

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.

- 2 The consent holder shall advise Council enforcement@huttcity.govt.nz at least two working days before any work and business operation starts on site. The consent holder shall also supply the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.

Notes:

- *When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at the current rate per hour.*
- *Notification of work commencing is separate to arranging building inspections.*

- 3 The duration of the cleanfill activity shall not exceed 30 years unless the consent has been surrendered or cancelled at an earlier date.

Cleanfill

- 4 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.

Management Plan Certification

- 5 If upon receiving a management plan for certification, HCC's response is that it is not able to certify the management plan, HCC shall provide reasons and recommendations for changes to the management plan in writing. The consent holder shall consider any of the reasons and recommendations of HCC and resubmit an amended management plan to be certified.
- 6 Any certified management plan may be updated or revised to reflect any changes in design or management of effects – any changes to a management plan:
 - a. are to be submitted to HCC for certification as soon as practicable following identification of the need for an update or revision; and
 - b. may not be implemented until certified by HCC.

Cleanfill form, extent, and height

- 7 The consent holder shall, within 30 working days of the completion of each stage, provide to the Manager confirmation from a Licensed Surveyor that the Finished Platform Levels for the relevant stage are in accordance with the levels shown on the approved Earthworks Layout prepared by Cuttriss Drawing No. 30216 SCH Sheet 1 of 3 dated 10/10/2024.

Note:

The purpose of this condition is to ensure compliance with the finished platform levels as they relate to visual and flooding effects.

Landscaping

- 8 The consent holder shall not commence cleanfill activity until a Landscape Plan has been certified by HCC, confirming that the Landscape Plan satisfies the requirements of Conditions 22 and 23.
- 9 At least 20 working days prior to the commencement of cleanfilling activities, the consent holder shall submit a detailed Landscape Plan to the Manager for certification. The purpose of the landscaping in the Landscape Plan is to screen cleanfilling activities from view of the northern properties which contain residential houses and roadsides and enhance the ecological values of the adjacent watercourses and wetlands.

The Landscape Plan shall be in accordance with the approved Recommended Mitigation Planting Plans by DGSE dated May 2025 Ref: L2 - L5 except that the text under the heading "'Stage 2 Notes" on drawing L3 does not apply and is replaced by the following:

***Stage 2 Notes.**

Planting of Stage 2 Proposed Planting Areas 1, 2, 3, 4, 5, and 6 is to commence prior to breaking ground for Stage 1 of the cleanfill area; however, it is acceptable for planting activities to overlap with the cleanfill operations, provided all planting is completed within a maximum of two optimal planting seasons in consecutive years.

All designated planting areas for Stage 2 will be undertaken within the optimal planting season (March to October).

- 10 The Landscape Plan submitted under Condition 9 shall be prepared by a SQEP and include the following information to demonstrate that landscaping will provide effective screening from view of the main living room and outdoor living areas of the occupants of 904D Coast Road and from passing motorists on Coast Road:
- a. the species of vegetation and trees to be planted;
 - b. the number/density of plants per area;

- c. work programme with proposed timing;
- d. any maintenance requirements including weed and pest control measures;
- e. confirmation that the planting along the boundary with 904D Coast Road is a double row of Green Leyland Cypress, or an alternative as agreed in writing between the consent holder and the owner of 904D Coast Road.

11 Landscaping is to be carried out in stages in accordance with the certified Landscape Plan, and the following timing:

- a. Prior to breaking ground for the 'Stage 1 Fill' area shown on approved plan 'Stage 1 - Recommended Mitigation Planting Plan L2 (May 2025)', planting shall commence on the following areas:
 - i. Proposed Planting Areas 1, 2, and 3 as defined on approved plan 'Stage 1 - Recommended Mitigation Planting Plan L2 (May 2025)'; and
 - ii. Proposed Planting Areas 1, 2, 3, 4, 5, and 6 as defined on approved plan 'Stage 2 - Recommended Mitigation Planting Plan L3 (May 2025)';
- b. the planting to be commenced under Condition 11.a. may overlap with the initial stages of cleanfill operations provided all of the planting is completed within a maximum of two optimal planting seasons (March to October) in consecutive years.
- c. Proposed Planting Areas 1, 2 and 3 on approved plan 'Stage 3-8 - Recommended Mitigation Planting Plan L4 (May 2025)' shall be planted prior to the completion of the final stage of cleanfilling.

- 12 Completion Statements shall be submitted to the Manager to confirm compliance with Condition 11 as follows:
- a. within 20 working days following the completion of the Stage 1 and Stage 2 mitigation planting, a completion statement shall be provided by a SQEP Landscape Architect confirming that Conditions 11.a and 11.b have been satisfied; and
 - b. within 20 working days of the completion of the Stage 3-8 wetland planting a completion statement shall be provided by a SQEP ecologist confirming that Condition 11.c has been satisfied.

Note:

The efficacy of the completed planting in achieving the purpose of the landscaping in the Landscape Plan set out in Condition 9 is subject to Review Condition 48.

- 13 All Stage 1 and Stage 2 mitigation planting required by the certified Landscape Plan is to be maintained at the consent holder's cost for a minimum period of ~~2 years~~ 5 years from the date the Manager receives the completion statement required by Condition 12.a. Any dead or dying plants are to be replaced during the maintenance period, and where a particular species dies *en masse*, it is to be substituted after consultation with a SQEP ecologist or Landscape Architect.

- 14 All batter transitions from the cleanfill platforms are to be rounded-off and shaped to generally tie in with the resultant landform of the adjacent topography.

Note:

The purpose of this condition is to avoid the appearance of sharp edges of the cleanfill and provide a more natural appearance.

Rehabilitation

- 15 The consent holder shall progressively rehabilitate the site as each stage is completed. Within 6 months of a stage being

finished, rehabilitation of that area shall be completed. The rehabilitation shall include but is not limited to:

- a. reinstatement of topsoil in a state compatible with that existing prior to the cleanfilling activities, which as a minimum would include pasture, but may also include alternatives for cropping, orcharding or similar;
- b. final cover in accordance with section 5.9 of the WasteMINZ Technical Guidelines for Disposal to Land Revision 3.1 dated September 2023 as applicable to a class 5 landfill (cleanfill);
- c. spreading a minimum depth of 300mm topsoil over the site where topsoil is not to be compacted during the spreading – rather, topsoil is to be tilled or ripped to improve drainage;
- d. the development of a free-draining and stable landform;
- e. re-grassing and re-planting of all exposed areas as soon as practicable to prevent erosion losses;
- f. monitoring and maintaining rehabilitated areas to ensure they are functioning appropriately post-closure; and
- g. at completion of the rehabilitation, removal of all mobile machinery and plant from the site (or stage).

- 16 Written certification shall be submitted to the Manager within 6 months of the completion of rehabilitation works for each stage from a SQEP confirming compliance with Condition 15.

Vehicle Crossing, passing bays and signage

- 17 Prior to commencement of cleanfill activities, an extra heavy duty vehicle crossing shall be constructed as shown on the approved plans to Coast Road, and the concrete extended to a minimum of

20m from the road edge within the site boundary with sufficient width to enable 2 trucks to pass.

- 18 Prior to commencement of cleanfill activities in a particular fill area, passing bays are to be constructed that enable 2 trucks to pass, generally in the areas shown on the approved plans up to the point of that area.
- 19 Prior to commencement of cleanfill operations, the applicant shall engage a SQEP to undertake an audit of existing signage. The audit shall include the full length of Coast Road between Parenga Street and a point 100m south of the new heavy-duty vehicle crossing required by Condition 17. The audit shall:
 - a. identify where additional signage should be installed to warn Coast Road drivers of the presence of cyclists, road narrowing and trucks crossing on each approach to the proposed clean fill;
 - b. recommend appropriate locations for 'hidden driveway' signs (or similar) in the approaches to the access at 925 Coast Road, unless other signage or mitigation is recommended by the SQEP to address limited sight distances from that property access; and
 - c. be provided to the Manager at least 20 working days prior to the operations commencing.

The consent holder shall be required to meet the cost to Council of installing all additional signs identified by the audit.

Pre-start Meeting

- 20 Prior to the commencement of the cleanfill, the consent holder shall hold a pre-start meeting that:
 - a. is located on the subject site;

- b. is scheduled not less than 5 days before the anticipated commencement;
- c. includes Hutt City Council and Greater Wellington Regional Council officers; and
- d. includes representatives from the contractors who will undertake the works and any relevant suitably qualified professionals involved in the compliance, monitoring or site rehabilitation.

The meeting will discuss erosion and sediment control measures, the cleanfill methodology, and familiarity with the necessary conditions of any consent.

Operating Hours

- 21 Truck movements associated with the cleanfill are limited to a total of 18 loads per day (36 total truck movements), with no more than 3 loads per hour (6 vehicle movements per hour). This condition only applies to trucks depositing cleanfill material on-site. It does not apply to trucks associated with the existing farming, domestic activities, water tankers or any other truck associated with the day-to-day management of the site.
- 22 The operation of the cleanfill is restricted to operating between 7:30am and 5:30pm Monday to Friday, ~~and 7:30pm to 1pm Saturdays~~ and is not to operate on the following dates:
 - a. 20th December – 10th January inclusive;
 - b. 1st June to 30th September inclusive;
 - c. any long weekend (i.e. where a public holiday as defined under the Holidays Act 2003 falls on a Friday or Monday); or
 - d. any public holiday.

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

23 The haulage of cleanfill on Coast Road is restricted to between 7:30am and 5:30pm Monday to Thursday, and 7:30am and 3:30pm Friday and is not to operate on the following:

- a. school bus operating times on Coast Road during school term;
- b. 20th December – 10th January inclusive;
- c. 1st June to 30th September inclusive;

23.2 weekends, including any long weekend (i.e. where a public holiday as defined under the Holidays Act 2003 falls on a Friday or Monday); or

23.3 Any public holiday.

Note:

As of 17 December 2025, the school bus on Coast Road operates between 7:30am and 8:15am during the morning, and 3:15pm and 4pm in the afternoon.

Noise

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

25 The noise limit measured at or within the notional boundary of any dwelling on any adjacent site shall be 55 dB L_{Aeq} (15 mins). The cleanfill shall be operated in a manner such that this limit is complied with at all times.

The notional boundary is defined as a line of 20 metres from the façade of a dwelling or the legal boundary of the site where this is closer to the dwelling.

- 26 Noise levels shall be measured in accordance with NZS 6801:2008 Acoustics – 'Measurement of Environmental Sound' and be assessed in accordance with NZS6802:2008 'Acoustics – Environmental Sound'.
- 27 The consent holder shall not commence activity until a Noise and Vibration Management Plan (**NVMP**) has been certified by HCC, confirming that the NVMP satisfies the requirements of Condition 28.
- 28 No later than 20 working days prior to commencement of any stage of the activity, the consent holder shall submit a NVMP for certification by Council. The consent holder shall prepare a NVMP to identify how effects from operational noise and vibration will be managed to enable compliance with the limit specified in Condition 25. The NVPM shall address the recommended conditions under section 9 of the Acoustic Services Report prepared by NDY ref: rp231101w0003 Rev. 3 dated 10th May 2025, and identify the following:
- a. the vehicles and machinery to be used on site;
 - b. the measures and procedures to manage noise to comply with the 55 dB LAeq (15 mins) limit.
 - c. the Best Practicable Option and define procedures to manage and minimise noise and vibration effects associated with the cleanfill activities;
 - d. the duration, frequency and timing of works to manage disruption;
 - e. procedures for the receipt, recording and handling of any noise and vibration complaints received; and
 - f. if compliance with condition 25 requires the cleanfill boundaries to be moved further into the site, a plan shall be submitted as part of the NVMP to the Manager confirming the revised boundary.

Note:

From the information submitted prior to the granting of this consent, compliance with Condition 28(f) will require Stage 4 to be amended due to noise levels predicted to be received at 904D Coast Road.

- 29 The consent holder shall engage a SQEP to undertake noise monitoring in relation to Stages 1 and 4 of the cleanfill activity. For each stage, monitoring shall be conducted within 20 working days of commencement, or sooner if a complaint about noise is received by Council. The results of the monitoring shall be provided to the Manager within 10 working days of the monitoring being undertaken.
- 30 The certified NVMP above shall be implemented at all times that the cleanfill is in operation.

Berm Vegetation Maintenance

- 31 For the duration of cleanfilling activities the consent holder shall maintain vegetation along the berm between the fenceline and the physical road for 180m to the south from the vehicle crossing and from the Department of Conservation accommodation vehicle crossing to the bend within the legal road to a height of no more than 1m above ground level, as shown on Entry Sightlines Plan Drawing No. 30246 SK03 Rev. A dated 11/2025.

Tracking detritus

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

Complaints

33 The consent holder shall distribute written communication (letters) to all property owners and occupiers along Coast Road (from No.'s 115B and 122 in the north, south to 1044 Coast Road) no later than 20 working days prior to the commencement of works onsite. The letter shall identify the procedures for making inquiries for information and/or complaints/concerns regarding the works. This shall include at a minimum:

- a. the consent holder's name and key contact details;
- b. the main site manager, name and contact details;
- c. a 24-hour contact telephone number for the consent holder or appointed agent; and
- d. a clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about noise or dust nuisance or any other problem resulting from the exercise of this consent.

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

Note:

This condition was proffered by the applicant.

34 The consent holder shall maintain a complaints register until the final stage of cleanfill is completed. The complaints register shall include details of when a complaint was received, the steps taken by the consent holder to investigate the complaint, and any steps taken to address the issue raised. The complaints register shall be provided to Council annually, and available on request.

Note:

This condition was proffered by the applicant.

Unstabilised earth or cleanfill

- 35 A maximum of 2,500m² in area of unstabilised earth is permitted on-site at any time. Stabilised has the same meaning as under the GWRC Natural Resources Plan being the process of having made an area of disturbed soil resistant to erosion. This may be achieved by using methods including but not limited to indurated rock or through the application of base course or grassing a surface that is not otherwise resistant to erosion. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative ground cover has been established over the entire area.

Erosion and Sediment Control

- 36 The consent holder shall not commence activity until an Erosion and Sediment Control Plan (**ESCP**) has been certified by HCC, confirming that the ESCP satisfies the requirements of Condition 37.
- 37 The consent holder shall submit an 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 shall be:

- a. prepared by a SQEP;
- b. in general accordance with the Erosion and Sediment Control Plan, Revision B, 05/25 and the staging drawings; and
- c. in general accordance with the ESC Guide for Land Disturbing Activities in the Wellington Region.

The ESCP shall 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. details of contingency measures in the event of heavy rainfall;
- n. details of the erosion and sediment control measures for haul roads, including a programme of monitoring and maintenance for those measures;

- o. details describing the regular auditing, inspection, and maintenance of erosion and sediment control measures;
- p. 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.

38 The ESCP certified under Condition 37 above shall be implemented at all times that the cleanfill is in operation.

Notes:

- *It is recommended that the ESCP is prepared with input from the contractor undertaking the works.*
- *The Council will coordinate with the consent holder and GWRC regarding the reasonable alignment of the ESCP required by this consent and by GWRC decision WGN250145 and any subsequent review of, or revision to the ESCPs.*

Dust Management

39 The consent holder shall not commence activity until a Dust Management Plan (**DMP**) has been certified by HCC, confirming that the DMP satisfies the requirements of Condition 40.

40 No later than 20 working days before the commencement of any cleanfill or earthworks, the consent holder shall submit for certification a DMP prepared by a SQEP, demonstrating how dust will be controlled to avoid dust nuisance at or beyond the boundary of the site and compliance with G9 Dust Control within Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region rev. 1 dated February 2021 or as updated. As a minimum the DMP shall also include:

- a. specific measures to manage dust effects during periods of high winds and dry conditions;

- b. details of inspection, maintenance, monitoring and control of dust;
- c. confirmation of the water volume requirements for this site which includes the maximum 2500m² of unstabilised fill as well as haul roads;
- d. demonstration as to how the water volume requirements can practicably be achieved;
- e. confirmation that the necessary equipment (for example, a water cart) is available and will be maintained on site at all times;
- f. a description of alternative methods that will be implemented if water suppression is not effective;
- g. confirmation of dust control methods outside of working hours (including overnight) such as sprinklers or polymers and when these methods will be employed;
- h. confirmation of the dust control methods for the stockpiles and haul road;
- i. the maximum speed that vehicles will be limited to in order to avoid dust effects;
- j. details of the training that staff will be provided to manage dust effects including identification of conditions where deposition of clean fill will be suspended;
- k. a log of all staff training;
- l. details of a log to be kept of applications of water/polymer/Magnesium Chloride (location, volume, time applied) to enable cross-checking against any complaints; and

- m. identification of appropriate auditing requirements to ensure performance of dust controls.

- 41 The DMP certified under condition 40 shall be implemented at all times that the cleanfill is in operation.

Note:

For the avoidance of doubt, this consent does not authorise the generation of a dust nuisance as defined in the interpretation section above.

Final Earthworks Plan

- 42 The consent holder shall not commence activity until a Final Earthworks Plan (**FEP**) has been certified by HCC, confirming that the FEP satisfies the requirements of Condition 43.
- 43 A detailed FEP, for either individual stages or all stages, shall be submitted to the Manager for certification at least ten working days before the activity commences. The purpose of the FEP is to establish the measures that introduce variation to the grade and finish of the batter slopes resulting in a more natural edge finish. Batter peaks should be chamfered to avoid a sharp ridge where the batter slope meets the finished surface.
- 44 The FEP certified under Condition 43 shall be implemented at all times that the cleanfill is in operation.

Discovery of artefacts

- 45 If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, the consent holder shall 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 shall 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 shall be given to:

- a. the Manager;
- b. Heritage New Zealand Pouhere Taonga;
- c. Port Nicholson Block Settlement Trust; and
- 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.

Incidental Discovery Protocol – Native Lizards

- 46 All incidental native lizard sightings (including dead individuals) shall be reported to the Department of Conservation within 48 hours. Injured native lizards shall be transported immediately to a veterinarian (approved by the Department of Conservation) experienced in indigenous wildlife rehabilitation. The location and, where possible, photographs and cause of injury / death shall be reported to the Department of Conservation.
- 47 If any native lizards are incidentally detected within areas of active construction works, an exclusion zone with a 5-10m radius shall be established, with clear signage, and a SQEP herpetologist shall be contacted to further search the area. The handling of lizards shall only proceed in accordance with the Wildlife Act 1953.

Review

- 48 The 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, on a three monthly basis

(except dust related conditions which can be reviewed at any time a dust nuisance is confirmed by HCC) following the commencement of this consent, for any of the following reasons:

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

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. In relation to dust effects this may include the use of a real time Total Suspended Particulates monitor, on site weather stations etc. The review shall also allow for the audit, revision or replacement of any management plans certified through exercise of this consent.