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SECTION 53 COMMENTS EARTHWORKS AND ESC RESPONSE

Project	Waikanae North Development
Application reference	FTAA-2603-1194
Site	169-171 Peka Peka Road, Waikanae, Kapiti Coast
Document	Response to comments received under section 53, Fast-track Approvals Act 2024 Earthworks and Erosion and Sediment Control
Prepared by	Joseph Harris, Landlink Ltd Ray O'Callaghan, O'Callaghan Design Limited
Date	10 August 2026
Status	Final

1. Purpose and scope

This report responds to the comments received under section 53 of the Fast-track Approvals Act 2024 on the Waikanae North Development substantive application (FTAA-2603-1194) that fall within the earthworks and erosion & sediment control discipline. It forms part of a set comprising a covering note addressing planning, legal and conditions matters, individual topic area reports, and a tabulated response covering every comment received.

For each topic this report sets out the comment as made, where relevant a response drawn from the application as lodged and also contains new additional information responding to the comments received where appropriate.

Comments are grouped by topic. Individual comment numbers and commenters are tagged against each topic so that complete coverage can be verified against the Section 53 Comments Register.

2. Author(s) and Code of Conduct

This response has been prepared by Joseph Harris and Ray O'Callaghan.

Although this document has not been written as a statement of expert evidence, we confirm that at all times we have complied with the Environment Court's Code of Conduct for Expert Witnesses contained in its Practice Note 2023.

3. Comments allocated to this discipline

Topic	Comment reference(s)	Commenter(s)
E1 Scale and extent of earthworks	11.2, 16.2	11 Kevin & Karen Baker; 16 Glynn & Jennifer Cowley
E2 Peat removal, dune fill and platform formation	13.2, 5.3	13 Kensington Farm Park Ltd; 5 Nicholas Brown
E3 Construction dust, noise and protection of neighbouring property	1.7, 12.4, 16.2, 17.7	1 Sally & John Killick; 12 Bryan & Debbie Edwards; 16 Glynn & Jennifer Cowley; 17 Dean & Miriam Lewin
E4 Erosion and sediment control over the life of the development	15.3	15 Wellington Conservation Board
E5 Request for a dune-protection condition and use of imported fill	11.2	11 Kevin & Karen Baker
E6 Earthworks feasibility information	21.36	21 Kapiti Coast District Council
E7 Erosion and sediment control conditions and stage-specific plans	24.8, 15.3, 31.3	24 Greater Wellington Regional Council; 15 Wellington Conservation Board; 31 Nga Hapu o Otaki

Total: 7 topics covering 11 individual comment issues.

3. Topic responses

E1 Scale and extent of earthworks

Comments: 11.2, 16.2 | Commenters: 11 Kevin & Karen Baker; 16 Glynn & Jennifer Cowley

Comment. Mr and Mrs Baker submit that earthworks cover approximately 90% of the non-wetland site (93 hectares, 67% of the overall site), destroying lower and mid dunes and retaining only dune ridgelines, contrary to the intent of the Rural Dunes Precinct and to protection of the Special Amenity Landscape, and that dune destruction is undertaken to source on-site fill and maximise lot yield. Mr and Mrs Cowley make the same point regarding the extent of earthworks spanning approximately 90% of the site area, exclusive of wetlands.

Response. The application does not understate the extent of earthworks. Earthworks depth varies considerably across the site, and the physical extent of earthworks, in percentage terms, is not uncommon for a land development project. There is a Special Amenity Landscape Area within the site and the design of the earthworks proposal has taken account of the key features of the dune formation, as detailed in the supporting landscape assessment provided with the application.

The footprint of the earthworks is shown on drawing 2911-ALL-EW-201 (Appendix 06B Earthworks Overview and Crossing Structures Part 1). The earthworks are driven principally by:

- the need to create a surface that is suitable for road grades and house platforms;

- removing and replacing peat to create stable building platforms in the low-lying eastern part of the site;
- the need to achieve levels above modelled flood levels to provide necessary protection from flooding; and
- achieving a balanced cut to fill ratio because it is inefficient, hugely expensive and generates a much higher carbon footprint if large quantities of material have to be imported into the site or exported from the site.

These factors drive the earthworks design rather than lot yield alone. Earthworks are staged across phases, with phases 1A and 1B described in detail. The prominent dune ridges are retained.

E2 Peat removal, dune fill and platform formation

Comments: 13.2, 5.3 | Commenters: 13 Kensington Farm Park Ltd; 5 Nicholas Brown

Comment. Kensington Farm Park Ltd submits that the land is primarily peat and sand requiring major, invasive works to create building platforms, changing the nature of the land, with dominant sand dunes used to replace peat. Mr Brown raises the loss of water storage from peat removal.

Response. Approximately 475,000 cubic metres of peat, typically at a depth of between 0.5 and 1 metre, is to be removed from the low-lying eastern part of the site and replaced with structural fill sourced from within the site, including dune sand excavated as part of the cut to fill earthworks. This is a geotechnical necessity: peat is not a suitable founding material for residential building platforms or roads. Peat management and reuse is controlled by condition (Appendix 33, Condition 36), fill material is restricted to natural material (Condition 45) and must be placed and compacted to avoid erosion and instability (Condition 46). Dewatering during peat excavation is managed under a Dewatering Management Plan (Conditions 137-140). The construction methodology is staged, using small cells excavated, dewatered and backfilled within the day, over several years.

The hydrological impacts of peat removal and sand replacement are considered in the supplied hydrology response.

E3 Construction dust, noise and protection of neighbouring property

Comments: 1.7, 12.4, 16.2, 17.7 | Commenters: 1 Sally & John Killick; 12 Bryan & Debbie Edwards; 16 Glynn & Jennifer Cowley; 17 Dean & Miriam Lewin

Comment. The Killicks seek minimisation of dust, sand and noise adjacent to their boundary and new rear fencing and screening. Mr and Mrs Edwards, an adjacent neighbour to the northern part of the site, by the entry into the site, ask whether a house-washing service will be provided for dust-affected properties and what mitigation or compensation is proposed. Mr and Mrs Cowley submit that earthworks must have a negative effect on surrounding properties during construction. Dean and Miriam Lewin also raise effects relating to dust and noise.

Response. Construction effects are an acknowledged aspect of a proposal of this nature. They are also readily understood effects with proven management techniques that can be implemented through comprehensive management, secured by consent conditions.

Dust is managed under section 8 of the proposed CEMP, which requires that reasonable and practical measures be taken to avoid dust generation, including suppression of exposed areas and stockpiles by water trucks or other methods, cessation of works in high winds if dust cannot be controlled, deployment of measures before dust crosses site boundaries, and weekly environmental inspections. Those measures are secured by condition: dust emissions must not create an objectionable effect beyond the site boundary

(Appendix 33, Condition 43) and the certified CEMP dust mitigation measures must be implemented (Condition 44). Progressive stabilisation of disturbed areas is required (Condition 34), with winter works controls (Conditions 40-42). The above controls and construction methodology are designed to avoid nuisance from dust on neighbouring properties and house washing is not expected to be required. **The requests for fencing and screening are addressed through the Landscape and Urban Design responses.**

Construction noise effects have been considered as part of the supporting noise assessment that made a limited number of recommendations that are secured by conditions of consent.

E4 Erosion and sediment control over the life of the development

Comments: 15.3 | Commenters: 15 Wellington Conservation Board

Comment. The Wellington Conservation Board stresses that erosion and sediment control must be allowed for throughout the development's life and beyond, which it regards as critical given the impact of sediment on wetlands.

Response. A final Erosion and Sediment Control Plan is required to be submitted and certified (Appendix 33, Condition 15), with specified minimum content (Condition 16), and monitoring before, during and after earthworks (Conditions 18-20). Flocculant use is controlled (Conditions 32-33), progressive stabilisation is required (Condition 34), erosion and sediment control measures remain the consent holder's responsibility (Condition 35), and independent audit on a specified frequency is required (Condition 36). Monitoring parameters must be recorded (Condition 37) and data submitted to the Manager (Condition 38). Greater Wellington's peer reviewer has flagged that adaptive management provisions should appear in both the ESCP and the CEMP. Comments received on conditions from GWRC are presently being reviewed that may result in further refinement of these conditions.

The ESC devices are required to be operated and maintained by the consent holder until full stabilization of the catchment draining to the devices. Once catchment stabilisation is achieved, there is no further source of sediment from that area into the downstream watercourse systems. The devices are then authorized (by GWRC) to be removed - as they are no longer required. The Greater Wellington Guidelines for Erosion and Sediment Control are reflective of this process.

Hence the Wellington Conservation Board's request that the devices remain throughout the development life is not necessary and is impractical. The objectives of ESC include the aim to achieve stabilisation in the shortest practical time to avoid reliance on the devices and certainty of no erosion and sediment issues arising is achieved once stabilisation is achieved. At that point it makes no sense to retain the devices.

E5 Request for a dune-protection condition and use of imported fill

Comments: 11.2 | Commenters: 11 Kevin & Karen Baker

Comment. Mr and Mrs Baker seek a condition protecting a greater proportion of the natural dunes and requiring imported fill instead of on-site dune material.

Response. A key design parameter has been to retain, as much as is reasonably practical, the prominent dune ridges and to limit their modification where feasible. Much of the earthworks within the western face of the dune area are required to form roads to the required geometry and gradients and to form house platforms suitable for house construction. It is not economic nor is it practical to base the earthworks design of this project on avoiding earthworks in this zone and importing the required fill material in the eastern zone of the site. A requirement to import approximately 665,000 cubic metres of fill would generate a very large number of additional heavy vehicle movements on the local roads that the same and other commenters identify as a

concern, with consequential effects on road safety, noise, dust and carbon emissions, and would not necessarily produce a better landscape outcome.

E6 Earthworks feasibility information

Comments: 21.36 | Commenters: 21 Kapiti Coast District Council

Comment. Kapiti Coast District Council identifies two residual development engineering matters that it considers require resolution in principle at the consenting stage, so as not to defer confirming critical design parameters to the detailed design approval stage. The first is the provision of earthworks feasibility information, including representative and constrained earthworks sections, the peat management basis, and conditions for detailed geotechnical assessment, engineered fill specification, independent peer review and staged completion reporting. The second matter relates to KCDC's desire to have a geotechnical trenching assessment addressing trench stability, bedding, backfilling etc. This second matter is responded to at G3 in the geotechnical response.

Response. The application records topsoil stripping of 139,000 cubic metres, cut of 1,210,000 cubic metres and fill of 1,145,000 cubic metres across approximately 93.4 hectares, with peat removal of approximately 475,000 cubic metres and replacement with structural fill sourced from within the site. Earthworks are staged by phase, with phases 1A and 1B described in detail. Conditions provide for earthworks compliance, site-specific geotechnical investigations, geotechnical completion reporting, design and construction requirements, slope stability and drainage, peat management and reuse, and construction monitoring and certification.

All earthworks fill activity for land development in New Zealand is controlled by NZS4431:2022. Earthworks are carried out in strict accordance with this NZ Standard, under the direct supervision of a certified/chartered professional geotechnical/earthworks engineer. The certifying engineer prepares a performance specification for the earthworks that deals with the nature of the soils, compaction requirements, testing requirements, separation of topsoil and peat, moisture control etc. Placed fill material is inspected and tested (daily in large fill lifts, every few days where lifts are less than 200mm) and in accordance with the specification prepared by the engineer.

At the completion of the work the engineer issues a Statement of Suitability certifying that the earthworks have been carried out in compliance with NZS4431:2022. This process is repeated each year with each new phase of earthworks activity on the site. This process is described in Section 5.7 of the Engineering & Infrastructure Report.

The concept construction methodology for peat removal is described in Section 3.2 of the Draft CEMP and Section 5.5 of the Engineering & Infrastructure Report. These sections of the reports describe in detail how peat will be managed on site.

Section 16.5 of the Geotechnical Report states that site-won sand from dunes is expected to be suitable for re-use as engineered fill, subject to confirmation through laboratory testing. That testing would be carried out in accordance with the requirements of NZS4431:2022 and where suitable this material can be incorporated into bulk earthworks following the preparation and approval of a project specific Earthworks Specification, with placement and compaction carried out under geotechnical supervision.

In my view there is nothing about the proposed earthworks on this site that raises any conflict between the investigations to date, the proposed earthworks management methodology and the requirements of NZS4431:2022. Peat is required to be removed, but this will be carried out in accordance with an approved CEMP, over several phases of earthworks and the areas cleaned out of peat will be inspected prior to fill replacement as required by NZS4431:2022. Placement and compaction of the fill material in the excavated area

is normal earthworks activity controlled by the CEMP, the contract documents, the site-specific earthworks specification and the requirements of NZS4431:2022, as is the case for all fill areas in the Region.

The Development Engineer at KCDC considers that the scale of this project is such that the fill specification is required prior to issue of consent. The first time this has been mentioned is at the section 53 comments stage. I disagree with this view and consider that it is not necessary nor is it appropriate given the way earthworks fill is managed in New Zealand. As an experienced earthworks engineer, who has managed and supervised the construction of several million cubic metres of earthworks fill (including earthworks on many projects in the Kapiti area) and who has certified earthworks as complying with NZS4431 over a 37-year period, I cannot recall ever having to provide an earthworks specification at a consenting stage. I also consider it is, to some degree, inappropriate for the Council Engineer to have input into an earthworks specification because the specification is required to meet NZS4431:2022 and the industry-wide execution of earthworks is invariably structured around this requirement. I consider that the conditions controlling earthworks matters are appropriate for this project and represent best practice.

I agree with the KCDC Development Engineers' view that all earthworks matters, including the specification, Construction & Environmental Management Plan, methodology for peat removal, dewatering methodology and proposed staged certification needs to be supplied to Council as part of the EPA process, and this requirement is embedded in the proposed conditions.

The KCDC Development Engineer has raised concerns relating to the need for further information on matters such as a geotechnical assessment of trenching, bedding, backfill, temporary support, ground water, works near streams and wetlands etc. These matters are covered in G3 (response to geotechnical matters) and in addition, the thrust behind the comments is acknowledged and it is proposed that these issues are managed through the CEMP certification process. The proposed conditions ensure certification of the CEMP prior to works commencing for each stage of construction.

The applicant will review the wording of the current conditions to ensure that they capture the points discussed above.

E7 Erosion and sediment control conditions and stage-specific plans

Comments: 24.8, 15.3, 31.3 | Commenters: 24 Greater Wellington Regional Council; 15 Wellington Conservation Board; 31 Nga Hapu o Otaki

Comment. Greater Wellington notes the proposal involves approximately 1.2 million cubic metres of cut and 1.1 million cubic metres of fill over 93 hectares and considers robust consent conditions are needed. It seeks conditions ensuring that the management plan structure is clear and the purpose of each plan is defined, with the information required in each plan specified; that Stage Specific Erosion and Sediment Control Plans be prepared in accordance with Greater Wellington's 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region' and submitted for certification prior to earthworks commencing, with the required content listed in the condition; and that the site be progressively stabilised using techniques suitable for the soil types, time of year and climatic conditions. The Wellington Conservation Board separately stresses that erosion and sediment control must be allowed for throughout the development's life and beyond. Nga Hapu o Ōtaki seek the implementation of structure erosion and sediment control protocols.

Response. A final Erosion and Sediment Control Plan is required to be submitted and certified (Appendix 33, Condition 15) with specified minimum content (Condition 16), monitoring before, during and after earthworks (Conditions 18-20), flocculant controls (Conditions 32-33), progressive stabilisation (Condition 34), continuing responsibility for measures (Condition 35), independent audit (Condition 36), recording of monitoring parameters (Condition 37) and submission of data (Condition 38). The draft Condition 15 in the Application

includes the requirement that the ESCP shall be in general accordance with the ESC Guidelines for the Wellington Region. Greater Wellington's request is essentially for the conditions to be more prescriptive and it has proposed alternative wording for the conditions dealing with ESC issues. The applicant does not oppose that request in principle and will review the alternative wording of the relevant conditions put forward by GWRC and advise the panel as soon as is reasonably possible.

The proposed erosion and sediment control approach addresses the concerns raised by both Nga Hapu o Ōtaki and the Wellington Conservation Board.