

Draft Conditions – Comments from the Applicant – Dated 12 August 2025

H	Land Use (s9)	Landfill
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Resource Consent:

Grants to: CCKV Maitai Dev Co Limited Partnership

Commencement date:

Lapse Date: 10 years after commencement date

Expiry date: No expiry

Location: 7 Ralphine Way, Maitai Valley, Nelson

The activity:

Land use consent (Section 9 RMA) to establish and operate a landfill operation as a part of disposing of surplus material from the site works. This includes consent under the NES-CS for the disposal of contaminated material via an encapsulation cell within the landfill area.

Note: To be read in conjunction with (.....)

Subject to the following conditions:

General conditions

1. The activity, of establishing and operating a landfill as part of disposing of surplus material from the site works including disposal of contaminated material (encapsulation cell) shall be carried out in accordance with the application for resource consent, including any further information provided by the Consent Holder, and in accordance with the following conditions of consent. Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

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Specific Conditions of Consent

2. Only fill material from the development of the Maitahi Village Subdivision shall be placed in the landfill area.
3. The Consent Holder shall advise the Nelson City Council's (Council's) Monitoring Officer in writing, at least 5 working days prior to works commencing on site, so that monitoring of the conditions of this consent can be undertaken. Please email regulatory@ncc.govt.nz and advise the consent number

Māori Cultural Values and Monitoring

4. Prior to the commencement of any works authorised by this consent, all contractors and subcontractors engaged in the implementation of this consent shall participate in a cultural induction delivered by Ngāti Koata or their nominated representatives.

The purpose of the induction is to ensure that all personnel are aware of and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works.

A record of induction attendance shall be maintained by the Consent Holder and made available to the Council's Monitoring Officer and Te Taihū Iwi representatives upon request.

- 5 During all excavation activity, the Consent Holder shall ensure that a mandated cultural observer (iwi monitor) is available to oversee works. Iwi monitors shall determine, at their discretion, where direct monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless otherwise advised by the iwi monitors.
- 6 Unless covered by an existing Archaeological Authority, in the event of any discovery of archaeological material:
 - (a) the Consent Holder shall immediately:
 - i. Cease earthworks and mark off the affected area;
 - ii. Advise the Council Monitoring Officer of the discovery; and
 - iii. Advise Heritage New Zealand Pouhere Taonga of the discovery;
 - (b) If the archaeological material is determined to be kōiwi tangata (human bones) or taonga (treasured artefacts) by Heritage New Zealand Pouhere Taonga, the Consent Holder shall immediately advise the office of Te Rūnanga o Ngāti Kuia Trust, Ngāti Apa ki te Rā Tō Trust, Te Rūnanga a Rangitāne o Wairau, Ngāti Koata Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira, Ngāti Tama ki te Waipounamu Trust, and Te Ātiawa o te Waka-ā-Māui Trust (office contact information can be obtained from the Nelson City Council and the New Zealand Police) of the discovery; and
 - (c) Work may recommence if Heritage New Zealand Pouhere Taonga (following consultation with rūnanga if the site is of Māori origin) provides a statement in writing to Council's Monitoring Officer that appropriate action has been undertaken in relation to the discovery.
- 7 The Consent Holder shall work in partnership with Ngāti Koata Trust and other relevant iwi Pou Taiao to define appropriate indicators, monitoring locations, and reporting formats to integrate mātauranga Māori indicators of cultural health into the receiving environment monitoring methods.
- 8 The Consent Holder shall engage a suitably qualified cultural practitioner to carry out Cultural Health Index monitoring at 6 months, 12 months and 24 months from the first application of flocculant. Should any cultural effects arise from this monitoring that can be directly attributed to the discharge of flocculants, the applicant shall resolve and remediate the issues with the appropriate iwi authority.
- 9 All iwi engagement, monitoring and remediation works shall be carried out at the Consent Holder's expense.

Landfill Design and Construction Methodology

10. Prior to any works commencing on site, the Consent Holder shall submit a Design and Construction Methodology (DCM) from the Contractor and reviewed and approved by a suitably qualified and experienced Geo-professional to Council's Monitoring Officer. The DCM shall include, but not be limited to, the following items:
 - i. Design and construction details.
 - ii. Fill details (area, material, volumes, height);
 - iii. Location, design and construction details of any sediment retention pond in the landfill area;
 - iv. Details of any vegetation clearance within the landfill area; and
 - v. Details of the encapsulation cell prepared by a suitably qualified and experienced geo-professional that includes location of the cell within the landfill, capacity of the cell, containment materials as described in Conditions 12-13 of this consent;
 - vi. how the encapsulation cell meets the general criteria listed in the RAP - Table 6 - Soil disposal criteria;

- vii. how the encapsulation cell meets the general criteria listed in Section 6.4 of the RAP v.4 and listed in Condition 12.
11. All earthworks shall be designed by a suitably qualified and experienced Geo-Professional where relevant to achieve a low level of geotechnical instability risk. During construction, a suitably qualified and experienced Geo-professional shall undertake regular inspections to ensure the design is suitable for the prevailing ground conditions, and to provide further geotechnical recommendations in the event of unforeseen ground conditions.

Encapsulation Cell Waste Acceptance Criteria and Design

12. The encapsulation cell shall be designed and constructed to provide complete environmental protection, including the use of a low permeability liner system, an engineered cap, and any other containment measures necessary to isolate contaminated soil from the surrounding environment.
- i. All soil to be placed in the encapsulation cell shall meet the following Waste Acceptance Criteria (WAC):
 - For arsenic: the Wasteminz Class 3 WAC (as set out in Table 6 of the most recent Wasteminz Technical Guidelines for Disposal to Land).
 - For dieldrin: the Low POP content threshold of < 50 mg/kg, as defined by the Environmental Protection Authority (EPA, 2023).
 - ii. Any soil that exceeds the Class 3 WAC for arsenic shall not be placed in the encapsulation cell and must instead be disposed of to a facility authorised to accept such waste.
 - iii. Prior to the construction of the encapsulation cell, the Consent Holder shall submit a final Encapsulation Cell Design Report, prepared by a Chartered Professional Engineer to the Council's Monitoring Officer for review and certification by suitably qualified and experienced practitioner (SQEP) at the Consent Holders expense. The report shall confirm compliance with the design and acceptance criteria above and include the Ongoing Site Management Plan (OSMP-Landfill) for the encapsulation cell required under Condition 14.
13. The encapsulation cell shall be designed by a Chartered Professional Engineer with experience in landfill or containment cell design. The final Encapsulation Cell Design Report shall demonstrate that the cell design and construction meets, at a minimum, the following requirements:
- i. Location and Depth:
 - The base of the cell shall be located no closer than 1000 mm above the highest known seasonal groundwater level;
 - The cell shall be located at least 25 metres from any surface water body, including the Kākā Stream, its tributaries, and any overland flow paths.
 - ii. Base and Sidewall Liner:
 - A minimum 500 mm engineered clay liner shall be constructed on the base and up the sides of the cell using low permeability clay or barrier with equivalent permeability. Final geometry and design details for the encapsulation cell will depend on volumes of soil requiring disposal encountered during subdivision construction.
 - The clay liner shall be compacted to achieve a permeability of no more than 1×10^{-9} m/s.
 - iii. Waste Placement and Separation Layers:
 - All contaminated soil to be encapsulated shall be placed in compacted layers to minimise voids;
 - A geotextile fabric (e.g. Bidim or equivalent) shall be installed over the compacted soil to separate it from the capping system;

- A minimum 1,000 micron HDPE liner (or equivalent impermeable barrier) shall be installed over the geotextile fabric, with a minimum 300 mm overlap at all lateral joins, heat-welded or otherwise sealed to prevent leachate migration.
- iv. Capping System:
- A minimum 500 mm compacted clay cap shall be placed over the HDPE liner, followed by a minimum 200 mm topsoil layer to promote vegetation; Final geometry and design details for encapsulation cell will depend on volumes of soil requiring disposal encountered during subdivision construction.
 - All capping materials shall be tested to confirm suitability (e.g. for pH, contaminants, and structure) prior to placement;
 - A layer of orange safety mesh or similar shall be installed 200 mm above the HDPE liner as an excavation warning barrier.
- v. Vegetation and Surface Finish:
- Where vegetation is proposed, only shallow-rooted native plant species (e.g. tussocks or grasses) shall be used to avoid root penetration through the cap;
 - Planting shall be carried out in accordance with a certified planting plan developed in consultation with a restoration ecologist.

Encapsulation Cell Ongoing **Site** Management Plan

14. The Consent Holder shall prepare and implement an OSMP-Landfill for the encapsulation cell, to ensure the ongoing protection of human health and the environment. The OSMP-Landfill shall be submitted to Council's Monitoring Officer and certified by suitably qualified and experienced practitioner (SQEP) at the Consent Holders expense, prior to the placement of any material into the encapsulation cell.

The OSMP-Landfill shall be prepared by a SQEP and shall include, but not be limited to, the following:

- i. Ownership and Responsibility:
- Identification of the cells' specific location by way of a registered professional survey.
 - Identification, including contact details, of the party responsible for ongoing monitoring, maintenance, and reporting and procedure for updating Council's Monitoring Officer should this contact information change.
 - A mechanism to ensure responsibilities are maintained in perpetuity (e.g. consent notice, land covenant, or other legal instrument registered on the title).
- ii. Inspection and Monitoring Regime:
- Schedule of inspections (at least annually) to assess the condition of the encapsulation cell cover, surface drainage, any erosion or subsidence, and vegetative cover.
 - Groundwater level monitoring, with specified monitoring location(s).
 - Landfill leachate monitoring via an observation well installed by a SQEP.
 - Contingency measures if monitoring identifies leachate migration, cap failure, or other risk to people and/or the environment.
- iii. Maintenance Requirements:

- Procedures for maintaining the integrity of the capping system, drainage infrastructure, and access controls.
 - Remedial action procedures in the event of damage or failure of any containment components.
- iv. Record-Keeping and Reporting:
- A log of all inspections, maintenance, and monitoring results, to be retained for the life of the cell.
 - Reporting to Council's Monitoring Officer no less than once every two years, or immediately if any failure or exceedance is detected.
- v. Site Access and Security:
- Measures to restrict unauthorised access to the encapsulation cell area and maintain security of the site.

Site Specific Erosion and Sediment Control Plans (SSESCPs)

15. The SSESCPs shall be generated to include the landfill area as identified in Appendix C – Site Specific Erosion and Sediment Control Plans in the Southern Skies Environmental Erosion and Sediment Control Assessment Report Maitahi Village. The areas that have identified requirements for SSESCPs are shown in the table below:

Reference number	Title	Revision	Date
ESCP-000-00	Erosion and Sediment Control Plan – Staging Index	A	15.06.24
SSESCP-001	Site Specific Erosion and Sediment Control Plan – Stage 1	A	20.05.24
SSESCP-002	Site Specific Erosion and Sediment Control Plan – Stage 2	A	23.05.24
SSESCP-003	Site Specific Erosion and Sediment Control Plan – Stage 3	A	17.06.24
SSESCP-004	Site Specific Erosion and Sediment Control Plan – Stage 4	A	09.07.24
SSESCP-SW-01	Site Specific Erosion and Sediment Control Plan – Kaka Stream Diversion	A	26.05.24

16. No less than 10 working days prior to the commencement of any site development works, in any of the areas covered by a SSESCP, the Consent Holder shall provide the SSESCP to Council's Monitoring Officer for approval.
17. Each SSESCP shall be prepared using the following principles:
- i) Emphasis will be given to the importance of erosion control at all sites to minimise the risk of sediment discharge. This will be achieved with structural (physical measures) and non-structural (methodologies and construction staging) erosion control measures.
 - ii) Sediment control will be utilised to treat sediment-laden runoff from all exposed earthworks areas.
 - iii) Earthworks and construction water management measures will be confirmed in the SSESCPs which will allow for flexibility and practicality of approach to erosion and sediment control and allow the ability to adapt appropriately to specific site conditions.
 - iv) Progressive and rapid stabilisation, both temporary and permanent, of disturbed areas using mulch, aggregate and geotextiles will be on-going during the earthworks phase. Temporary stabilisation will apply particularly with respect to stockpiles, ground improvement locations where topsoil is removed, concentrated flow paths and batter establishment. Stabilisation is to be designed for both erosion control and dust minimisation.

- v) Streamworks and works in the vicinity of streams will be undertaken in a manner that recognises the higher risk of this activity from a sediment generation and discharge perspective, and the sensitivity of the receiving environments. Works within active stream channels will be undertaken in a “dry” environment by working off-line or diverting upstream flows.
- vi) Comprehensive site monitoring and management will allow for continuous improvement in response to monitoring outcomes on an ongoing basis. Monitoring will include visual inspection of the construction water management devices and the downstream environment.

18. Each SSES CP shall contain as a minimum, the following information:

- i) the specific construction activity to be undertaken;
- ii) the area of earthworks, and/or the nature of the stream works at specific locations, and
- iii) identification of the downstream receiving environment;
- iv) the locations of all earthworks and/or stream works;
- v) methods for managing construction water effects for specific activities;
- vi) the duration of the earthworks and/or stream works;
- vii) the time of the year that the stream works are to be undertaken, and where applicable, the measures to be implemented to respond to any heightened weather risks at that time;
- viii) stabilisation methods and timing to reduce the open area at key locations to assist with a reduction in sediment generation;
- ix) chemical treatment (flocculation) at Sediment Retention Ponds and Decanting Earth Bunds; and
- x) the following details for dust management:
 - o Identification of potential dust sources on the site;
 - o Methods to suppress or control dust (e.g. use of water carts, chemical dust suppressants, stabilisation of exposed surfaces);
 - o Monitoring procedures, including daily site inspections and weather condition assessments;
 - o Response procedures for dust complaints or exceedances;
 - o Identification of a site representative responsible for implementing the DMP.

19. Any SSES CP may be amended at any time by the Consent Holder, however any amendments shall be submitted to Council’s Monitoring Officer for approval. If the amended SSES CP is approved, then it becomes the certified plan for the purposes of Condition 16. Any amendments to a SSES CP shall be:

- a. For the purposes of improving the measures outlined in the SSES CPs;
- b. Consistent with the conditions of this resource consent; and
- c. Prepared by a SQEP.

Iwi Engagement and Reporting - SSES CP

20. Prior to certification, the Consent Holder shall provide the SSES CP and the Q SMP-Landfill to Te Taihuhu Iwi Pou Taiao no less than 20 working days prior to the commencement of any site works authorised under this consent. The purpose of this provision is to support iwi review, promote

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cultural and environmental oversight, and allow for any feedback on plan content before implementation.

21. The Consent Holder shall maintain a record of all correspondence, including the dates the relevant SSESCP was provided, any feedback received, and recommended actions included within the SSESCP.
22. The Consent Holder shall maintain a record of correspondence, including the dates the plans were provided and any feedback received.
23. In addition, the Consent Holder shall establish and maintain regular communication with Te Tauihu Iwi Pou Taiao for the duration of works.
24. Project updates shall be provided in writing at intervals of no more than six (6) weeks apart, starting from the date of site establishment.
25. These updates shall include (but not be limited to) the status of works, any incidents, environmental monitoring outcomes, and responses to iwi concerns.
26. All such correspondence shall be copied to the Council's Monitoring Officer, and a full record shall be retained by the Consent Holder and made available on request by iwi.

Dust Management – General Requirements

27. The Consent Holder must undertake all earthworks in a manner that avoids, as far as practicable, the generation of visible dust beyond the boundary of the site. No visible dust must be discharged beyond the boundary that causes an offensive or objectionable effect.
28. The Consent Holder shall implement all dust control measures specified in the certified SSESCP throughout the duration of the earthworks.
29. The Consent Holder shall proactively monitor weather forecasts and implement additional dust suppression measures on days where dry and/or windy conditions are forecast, including:
 - a. Increasing the frequency or intensity of water application;
 - b. Temporarily suspending earthworks where effective dust suppression cannot be achieved.
30. The Consent Holder shall ensure that any exposed earth surfaces that are not actively worked for more than 14 consecutive days are stabilised by means such as hydroseeding, mulching, or geotextiles to prevent dust emissions.
31. The Consent Holder must maintain a complaints register for dust-related issues. The register must include:
 - a. The nature, date, and time of the complaint;
 - b. Weather conditions at the time of the complaint;
 - c. Actions taken in response. This register must be made available to Council's Monitoring Officer upon request.

Erosion and Sediment Control Monitoring Plan

32. All earthworks on site shall be supervised and monitored by SQEPs in accordance with the Erosion and Sediment Control Monitoring Plan (ESCMP) provided in Appendix B – Erosion and Sediment Control Monitoring Plan of the Southern Skies Environmental Erosion and Sediment Control Assessment Report.

Monitoring of Erosion and Sediment Control Measures

33. In the event of failure of any erosion and sediment control measures and/or an event resulting in erosion and sedimentation, the Consent Holder shall notify Council's Monitoring Officer of the incident no later than 24 hours following the incident. The notification shall include, but not be limited to the following:
- Time and date of the incident
 - Details of the nature of the incident, including the cause, scale of the incident and any effects that the incident has imposed on the receiving environment.
 - Any measures taken to prevent further effects.

Chemical Treatment Management Plan (CTMP)

34. All chemical treatment and dosing of earthworked areas on site shall be designed, maintained, supervised and monitored by suitably qualified and experienced professionals in accordance with the Chemical Treatment Management Plan provided in Appendix A – Chemical Treatment Management Plan in the Southern Skies Environmental Erosion and Sediment Control Assessment Report Maitahi Village.

Stormwater Control and Sediment Retention Ponds

35. Sediment retention ponds shall be approved by a suitably qualified and experienced Geo-Professional in accordance with the ESCP and in accordance with either GD05 Auckland Erosion and Sediment Control Guide for Land Disturbance Activities or the Nelson Tasman Erosion and Sediment Control Guidelines 2019 otherwise referred to as 'best practice'.

Ecological Testing

36. Prior to any works commencing on site, the Consent Holder shall undertake eDNA testing in the reach of the Kākā Stream directly below the landfilling area to determine if any species of significance are present. The Consent Holder shall submit the testing results to Council's Monitoring Officer within 3 days of receiving the results.
37. Where testing results (as required under condition 16) indicate that there are species of significance in the immediate Kākā Stream reach, the Consent Holder shall amend the ESCP to provide additional measures to ensure that these species are appropriately protected, and any potential adverse effects on them will be mitigated.

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Riparian Buffer Management and Landscape Planting

38. A minimum 10-metre vegetated and undisturbed buffer shall be maintained between all active fill or earthwork areas and the banks of Kākā Stream at all times. No vegetation clearance, soil disturbance, machinery movement, refuelling or stockpiling of material shall occur within this buffer unless specifically approved in the ESCP and confirmed by a suitably qualified and experienced ecologist to result in no more than minor ecological effects.
39. Within three (3) months of the completion of earthworks, the Consent Holder shall submit a Native Planting Plan to Council's Monitoring Officer. The Plan shall be prepared by SQEP Ecologist and in consultation with the SQEP specialising in contaminated land and encapsulated cells. The Plan shall include, but not be limited to:
- A site plan showing proposed planting areas;
 - A schedule of indigenous species (appropriate to the ecological context and whenua) to be planted, including planting densities and layout;
 - Details of any weed and pest control measures during establishment;

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- d) Maintenance programme including weed control, infill planting and performance targets for plant survival and cover over a minimum 5-year period;
 - e) Monitoring schedule and adaptive management triggers to address failures in plant establishment or unanticipated ecological effects.
40. Planting and restoration shall be implemented in the first planting season following final landform completion unless otherwise agreed in writing by Council's Monitoring Officer.

Use of Machinery during construction

41. Machinery and equipment shall not be cleaned within 10 metres of any open watercourse.
42. All machinery on the work site shall be refuelled at least 20 metres away from any open watercourse. Refuelling and maintenance work shall be undertaken in such a manner as to prevent contamination of land and surface water. If spillage of any contaminants into any watercourse or onto land occurs, this shall be adequately cleaned up so that no residual potential for contamination of land and surface water runoff from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substances occurs, the Consent Holder shall immediately inform the Council's Monitoring Officer.

Post construction – Geotechnical

43. Following the satisfactory completion of all earthworks, the suitably qualified and experienced Geo-Professional shall submit a completion report that provides a professional opinion that there is a low ongoing geotechnical risk associated with the completed works. This report shall also provide confirmation that the site has been appropriately stabilised.
44. Once the Geo-Professional has confirmed that the site has been stabilised, the erosion and sediment control measures shall be removed and any sediment within the controls shall be disposed of in a manner that prevents the sediment from discharging into a watercourse prior to the control being removed.
45. In the event that earthworks are to be suspended for a period of three months or more (e.g., due to staging), a suitably qualified and experienced geo-professional shall submit a report to the Council's Monitoring Officer that confirms that there is a low ongoing geotechnical risk associated with the earthworks while suspended, and the site has been appropriately stabilised to prevent erosion and instability until earthworks recommence.

Post Construction – Encapsulation Cell Completion Certification

46. Following the completion of the encapsulation cell construction, a SQEP in contaminated land and in consultation with the suitably qualified and experienced geo-professional engineer, shall prepare and submit a Completion Report. The OSMP-Landfill shall be submitted to Council's Monitoring Officer and certified by a SQEP at the Consent Holder's expense. The report shall include:
- i. A statement confirming that all works have been carried out in accordance with the certified Remediation Action Plan (RAP) and the certified Encapsulation Cell Design Report;
 - ii. Confirmation that all contaminated soils placed within the cell met the approved Waste Acceptance Criteria (WAC) under Condition 10.
 - iii. Documentation and photographs of construction stages, including liner installation, capping system, and any drainage or marker layers; and
 - iv. A professional opinion that the encapsulation cell presents a low ongoing risk to human health and the environment, subject to implementation of the certified OSMP-Landfill.

Post Construction – Encapsulation Cell Site Finalisation

47. Once the Completion Report has been received and accepted by the Council's Monitoring Officer, the Consent Holder shall:
- i. Implement any final capping or surface stabilisation measures as specified in the RAP or Completion Report;
 - ii. Ensure that no further disturbance of the encapsulation cell occurs, except in accordance with the certified OSMP-Landfill; and
 - iii. Install permanent physical markers or signage identifying the location and restricted nature of the encapsulation cell to the satisfaction of the Council's Monitoring Officer.

Review

48. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review the conditions of this and related consents annually commencing 12 months from the date this consent is granted, for any of the following purposes:
- (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - (b) To require the Consent Holder to adopt the best practicable option to reduce or remove any adverse effect upon the environment, arising from the generated effects of the activity.
 - (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

Advice Notes:

1. Where a condition requires notification to, or review/approval by, Nelson City Council, all relevant documents, plans, and communications shall be submitted to the Council's Monitoring Officer in the first instance.

The Monitoring Officer will coordinate any review/approval with the appropriate Nelson City Council staff, as follows (examples only):

- Team Leader Environmental Compliance – for documents such as Dust and Erosion and Sediment Control Plans (DESCPs), earthworks methodologies, and potentially noise and vibration plans.
- Team Leader Transport Operations – for transport and roading-related documentation, such as Construction Traffic Management Plans (CTMPs).
- Team Leader Integrated Catchments – for ecological restoration plans, lizard management plans, and related matters.
- Team Leader Water & Air – for wetland and stream restoration plans.

Where no Council review/approval is required by a condition but an action or document is to be provided (e.g. notice of commencement of works, geotechnical or SQEP engagement letters), these should also be sent directly to the Monitoring Officer.

2. This is not a discharge permit. In the event of any unanticipated dust, contamination erosion or sediment effects occurring beyond the identified areas of the contaminated site, all earthworks must cease until the breach has been remedied to the satisfaction of the Council's Monitoring Officer.
3. Council Officers, at their discretion and at the Consent Holder's expense, may seek (where not available in house) independent advice from suitably qualified professionals to support and provide advice as part of any review and/or approval.