




Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision

Consent No.	WGN220066	
Consent ID(s)	[37819] Discharge Permit – To discharge operational stormwater from development associated with earthworks exceeding 3000m ² .	
	[37820] Discharge Permit – To discharge treated sediment contaminated water from areas of earthworks, and from dewatering activities associated with a contaminated site, to land where it may enter water.	
	[37821] Land Use Consent – To extend and replace an existing inlet structure in the bed of an unnamed stream, including any associated reclamation of the stream bed.	
	[38023] Water Permit - To temporarily divert the water from the bed of an unnamed stream to facilitate construction activities.	
	[37822] Land Use Consent - To undertake earthworks exceeding 3000m ² , to undertake earthworks exceeding 1000m ³ on erosion prone land, and to remove vegetation within 5m of a water body.	
	[38021] Water Permit – To take water associated with dewatering from an earthworks site.	
Name	Shelly Bay Taikuru Limited	
Address	Level 12, 50 Manners Street, Te Aro	
Decision made under	Section 104B, 105, 107 and 108 of the Resource Management Act 1991	
Duration of consent	Granted: 22 December 2021	Expires:
		<u>Earthworks, Dewatering and Associated Discharges</u> [37820]: 08 December 2031 [37822]: 08 December 2031 [38021]: 08 December 2031 <u>Streamworks (Reclamation and Diversion)</u> [37821]: Unlimited [38023]: 22 December 2031 <u>Operational Discharge of Stormwater</u> [37819]: 08 December 2036

Purpose for which consent(s) is granted	<p>To carry out earthworks over an area of approximately 46,125m² in order to facilitate a residential/commercial development, including all associated discharges from earthworks and dewatering, to land where the discharge may enter water during construction.</p> <p>For the take of water associated with dewatering from contaminated land.</p> <p>To extend and replace an existing inlet structure in the bed of an unnamed stream, including any associated disturbance to the bed, discharge of sediment, and reclamation as a result of construction.</p>
Location	Shelly Bay Road, Shelly Bay at or about map reference between NZTM: 1752586.5426770 (South) and NZTM: 1752542.5427246 (North)
Legal description of land	Lots 1 – 8 DP 515825, Lot 100 DP 515825, Section 3 – 6 SO 339948, Section 10 SO 339948, Section 100 SO 528811, Lot 906 DP 548924, Lots 13 – 24 DP 548924 and Section 1 SO 419545
Conditions	See below

Decision recommended by:	Nick Pearson	Senior Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Michelle Conland	Resource Management Consultant, Environmental Regulation	
Decision approved by:	Anna McLellan	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	10/09/21	Application officially received:	16/09/21
Application stopped (s92):	01/10/21	Application started:	29/10/21
Applicant to be notified of decision by:	10/01/22	Applicant notified of decision on:	22/12/21
Time taken to process application:	46 working days (extended by s37)		


The applicant provided written agreement (WGN220066-223548341-76 and WGN220066-223548341-91) on 18 November and 13 December for an extension of timeframes under s37(1) to process the application. The extension is for 26 working days under sections s37A(5) of the Act.

The reason for the extension is:

- Allowing time for an independent commissioner to make the notification decision.
- Applicant to review conditions.

In making this decision Wellington Regional Council has given consideration to the following issues, as required by section 37A(1) of the Act:

- The interests of any person who the Council considers may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the proposal; an
- The Wellington Regional Council's duty under section 21 of the Act to avoid unreasonable delay.

Decision approved by:	Anna McLellan	Team Leader, Environmental Regulation	
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WGN220066 [37820] [37822] & [38021]

Earthworks, Dewatering and Associated Discharges

INTERPRETATION

Wherever used in the conditions above, the following terms shall have the prescribed meaning:

Earthworks means the disturbance of a land surface from the time soil is first disturbed on a site until the time the site is stabilised. Earthworks includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.

Earthworks do not include:

- a) cultivation of the soil for the establishment of crops or pasture, and
- b) the harvesting of crops, and
- c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and
- d) the construction, repair, upgrade or maintenance of:
 - pipelines, and
 - electricity lines and their support structures, including the National grid, and
 - telecommunication structures or lines, and
 - radio communication structures, and
 - firebreaks or fence lines, and
 - a bore or geotechnical investigation bore, and
- e) repair or maintenance of existing roads and tracks, and airfield runways, and
- f) maintenance of orchards and shelterbelts, and
- g) domestic gardening, and
- h) repair, sealing or resealing of a road, footpath, driveway, and
- i) any earthworks or soil disturbances covered by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, and
- j) discharge of cleanfill material to a cleanfill area.

ESC Guidelines for Wellington Region means the current revision of the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*, available on the Wellington Regional Council's website at the following link: <http://www.gw.govt.nz/assets/Resource-Consents/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>

Manager means the Manager, Environmental Regulation, Wellington Regional Council.

Stabilised means inherently resistant to erosion, or rendered resistant to erosion through the application of the proven methods of stabilisation, specified in Section E3 of the *ESC Guidelines for Wellington Region*, or alternative methods with the prior agreement of Wellington Regional Council. Where seeding, grassing or hydroseeding is used, the surface is considered stabilised once a minimum of 80% vegetative cover has been established over the entire surface.

General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 16 September 2021 and further information received on:
 - 23 September 2021 (Information relating to land ownership)
 - 19 October 2021 (Response to contaminated land section of s92 request)
 - 21 October 2021 (Response to cultural effects section of s92 request)
 - 28 October 2021 (Response to operational stormwater section of s92 request)
 - 16 December 2021 (Amendments to stormwater plans GW802 and GW803)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design, implementation and/or operation of the works may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991.

2. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, is:
 - provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and
 - kept on site at all times and presented to any Wellington Regional Council Compliance Officer upon request

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

Pre-construction site meeting

3. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of **5 working days'** notice, the Wellington Regional Council, relevant iwi partners (Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira), and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Iwi Engagement

4. The consent holder shall provide relevant iwi partners (Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira) with the results of any on site environmental monitoring data collected under conditions of this consent upon request from representatives of the aforementioned groups.

Erosion and Sediment Control Plan

5. The consent holder shall submit an Erosion and Sediment Control Plan (ESCP) to the Manager for certification. The ESCP shall be in general accordance with the both the *ESC Guidelines for Wellington Region* and the application documents, and:

- a) be prepared in consultation with the contractor undertaking the works, and a suitably qualified and experienced person; and
- b) submitted to the Manager at least **20 working days** prior to the proposed date of commencement of the works

Earthworks shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager. Earthworks shall be undertaken in accordance with the certified Erosion and Sediment Control Plan.

Contaminated Land

- 6. The consent holder shall undertake soil sampling in accordance with the Soil Analysis Plan (Appendix 14 of the application documents), after demolition and prior to earthworks, or at another time to the agreement of the Manager, Environmental Regulation, Wellington Regional Council.
- 7. The consent holder shall prepare a finalised Contaminated Soils Management Plan (CSMP) to the Manager for certification at least **20 working days** prior to the commencement of earthworks. The CSMP shall be prepared by a suitably qualified and experienced person (SQEP) and include, but not be limited to the following information:
 - a) The identification of any contaminants detected in the soil sampling required by Condition 16;
 - b) Details of appropriate measures to avoid, remedy and mitigate adverse effects of contaminated land on the environment, namely water quality, including proposed discharge locations and quality limits for any contaminants found to be present;
 - c) Details of post construction monitoring and remediation for passive discharges from contaminated land;
 - d) Details explaining why proposed limits (required by clause (b)) are appropriate for the receiving locations and environment to ensure adverse effects are no more than minor;
 - e) Sediment control measures in line with the Earthworks and Construction Management Plan;
 - f) Identification of stockpile areas (if required) that are clear from stormwater run-off and isolated from sensitive receptors, such as watercourses, drains, soakage areas, and the general public;
 - g) Restrictions on the discharge of groundwater ponded surface water to stormwater unless testing confirms that contaminants are within the regional council permitted stormwater discharge concentrations;
 - h) Contaminated soil disposal locations; and
 - i) The roles and responsibilities and contact details for the parties involved in implementing the Plan, including the identification of a suitably qualified and experienced practitioner (SQEP) to advise on contamination aspects.

8. Earthworks shall not commence until the consent holder has received notice in writing that the CSMP has been certified by the Manager. Works shall be undertaken in accordance with the certified CSMP.

Flocculation Management Plan

9. If flocculation is to be used on site, the consent holder shall prepare, in consultation with a suitably qualified and experienced person, a Flocculation Management Plan (FMP). The FMP shall be submitted to the Manager for certification at least **20 working days** prior to the proposed use of flocculant. The FMP must include as a minimum:
 - a) Specific design details of the chemical treatment dosing system, based on a rainfall activated methodology for the decanting earth bunds (DEBs) or sediment retention ponds (SRPs);
 - b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
 - c) Details of optimum dosage (including assumptions);
 - d) Results of initial chemical treatment trial;
 - e) A spill contingency plan; and
 - f) Details of the person or bodies that are responsible for long-term operation and maintenance of the chemical treatment system and the organisational structure that will support this system.

The use of flocculant shall not commence until the consent holder has received notice in writing that the FMP has been certified by the Manager. All DEBs/SRPs must be treated in accordance with the certified FMP.

10. The FMP shall be reviewed prior to commencing each new stage of works or at minimum on a yearly basis. Reviews must reference monitoring data and/or further bench testing results to determine the effectiveness of the FMP and whether it needs to be amended to ensure on-going optimal performance. The findings of this review shall be submitted to the Manager upon request.

Amendments to Management Plans

11. The consent holder may request amendments to the certified management plans (ESCP, FMP and CSMP) by submitting the amendments in writing for the certification of the Manager. The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended management plan has been certified by the Manager.

As-builts

12. Prior to earthworks commencing (excluding the construction of ESC devices), the consent holder shall provide the Manager with "As-builts", signed by a suitably qualified and experienced person, to confirm that the erosion and sediment controls have been constructed in accordance with the ESCP.

Note: As-built check sheets are available on the Wellington Regional Council's website at the following link: gw.govt.nz/earthworks.

Little Blue Penguins

13. From the start of June until the end of February, prior to undertaking earthworks, the consent holder shall either secure the site from access by penguins immediately following a survey by a DOC approved penguin detector dog, or ensure that no penguins are present in the footprint of works using a DOC approved penguin detector dog no more than 24 hours prior to the commencement of earthworks.
14. If no penguins are detected in the footprint of works, a fence shall be put in place for the duration of the works.
15. If penguins are determined to be nesting or moulting in the footprint of works, no disturbance shall occur within 10m of the nest until the end of February, and access to and from the coast from these sites shall be maintained.
16. If penguins are observed to be nesting or moulting landward of the footprint of works, access to and from the coast from these sites shall be maintained until the end of February.
17. If penguins are detected in the footprint of works, but are determined not to be nesting or moulting by a suitably qualified expert, the penguins may be relocated to a suitable site, if a Wildlife Permit for that purpose is issued by the Department of Conservation.

Progressive stabilisation

18. The consent holder shall progressively stabilise all disturbed or unstabilised areas in accordance with the ESCP and to the satisfaction of the Manager.

Weekly site audits

19. The consent holder shall have the site audited by a suitably qualified and experienced person on a minimum of a **weekly basis** (unless a reduced frequency is agreed in writing by the Manager) to ensure that all erosion and sediment controls are operating effectively in accordance with the ESCP. The audits shall be recorded in writing and submitted to the Manager upon request.

Note: Any site audits carried out by Wellington Regional Council or its contractors do not constitute the audits required by this condition.

Rainfall triggered monitoring

20. The consent holder shall sample and record the following parameters as soon as practicable within daylight hours after a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the Wellington Regional Council rainfall monitoring site 'Miramar, at Miramar Road'.

Parameter	Location (all SRPs)			
	Inflow	Forebay (SRPs only)	Pond	Outflow
pH	✓	-	-	✓
Turbidity (NTU)	✓	-	-	✓

Note: The consent holder is only required to undertake outflow and downstream (reasonable mixing zone) monitoring if the device is discharging.

The consent holder shall submit all monitoring data and information to the Manager within **5 working days** of the date the sampling is undertaken. Unless otherwise agreed in writing by the Manager, the monitoring requirement shall only cease once the catchment has been completely stabilised and the device decommissioned.

Exceedances and failures

21. In the event that:

- a) the rainfall triggered monitoring required under Condition 20 indicates that, at the outflow of the device, the NTU value is 170 NTU or greater, and/or (for any chemically-treated device) the pH is at or below 5.5 or above 8.5; or
- b) there is a failure of any erosion and sediment control measure, or discharge from any non-stabilised area that is not treated by an erosion and sediment control measure, where any contaminants (including sediment) or material are released and enter any water body (including the coastal marine area);

the consent holder shall:

- i. Immediately notify the Manager of the issue;
- ii. Immediately undertake onsite investigations to determine the cause of the issue, and what changes can be made to onsite management to prevent reoccurrence;
- iii. Re-establish control measures as soon as practicable where these have failed or have not been implemented in accordance with the ESCP
- iv. Liaise with the Manager to establish whether any additional remediation and/or mitigation is required, and carry out any such action as required by and to the satisfaction of the Manager;
- v. Record the date, time and weather conditions, details of investigations, probable cause of the issue, lessons learnt and actions taken, or to be taken, to prevent re-occurrence; and
- vi. Within **5 working days** of the issue being recorded, provide the information required by (v) above to the Manager.

All measures to prevent a reoccurrence of the exceedance or failure shall be to the satisfaction of the Manager.

Winter works

22. All earthworked areas shall be stabilised during the period between 1 June to 30 September inclusive each year, unless otherwise approved in writing by the Manager. The stabilised surface shall be maintained to the satisfaction of the Manager.
23. No earthworks authorised by this consent, other than those necessary for the maintenance of erosion and sediment controls, shall take place during the period of 1 June to 30 September inclusive each year, unless otherwise approved in writing by the Manager.

*Note 1: Requests to undertake earthworks during the period 1 June to 30 September inclusive must be submitted in writing to the Wellington Regional Council no later than **1 May** and shall be in the form of an amendment to the certified ESCP in accordance with Condition 5.*

In considering a request for winter earthworks, the Wellington Regional Council will consider a number of factors; including:

- a) *Scale and duration of proposed works;*
- b) *Methods of stabilisation to be used;*
- c) *Quality of the existing/proposed erosion and sediment controls;*
- d) *Compliance history of the site/contractor/consent holder;*
- e) *Sensitivity of the receiving environment; and*
- f) *Any other relevant factor.*

Fill material

- 24. All fill material used on site shall be restricted to natural material such as clay, soil and rock, and inert material such as concrete and brick, which, when buried, will have no adverse effect on people or the environment.
- 25. All fill material shall be placed and compacted so as to avoid erosion and instability. Any erosion of soil including failure of cut and fill batters that is attributable to the works shall be contained, remedied and mitigated by the consent holder to the satisfaction of the Manager.

Decommissioning

- 26. All erosion and sediment control measures shall remain the responsibility of the consent holder and no erosion and sediment control measures shall be removed or decommissioned prior to receiving written confirmation that the catchment is stabilised to the satisfaction of the Manager.

Discovery of artefacts

- 27. If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc and Heritage New Zealand as soon as possible but within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. 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 must be emailed to;

- Greater Wellington Regional Council, notifications@gw.govt.nz
- Heritage New Zealand, information@heritage.org.nz
- Port Nicholson Block Settlement Trust, taiao@portnicholson.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatittoa.iwi.nz

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

Completion of works

28. All works affecting the site, including tidy up on completion of the works, shall be to the satisfaction of the Manager.

Management plan review

29. The consent holder shall, if requested by the Manager in response to a complaint, incident or other reasonable request that relates to managing an adverse environmental effect that is directly related to the exercise of this consent, carry out a review of any management plan required by these conditions. The consent holder shall submit the reviewed management plan to the Manager for certification that:

- The reason(s) for requiring the review have been appropriately addressed; and
- Appropriate actions and a programme for implementation are provided for if required.

GENERAL NOTES

- a) Where conditions require the submission of information to the **Manager**, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN220066 and the name and phone number of a contact person responsible for the information submitted
- b) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991, shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- c) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.
- e) Additional resource consents from your local city or district council may be required to undertake this proposal. We advise you to contact your local city or district council prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

CONSENT REVIEW

Wellington Regional 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, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent

- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
- d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

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.

Note: For the purposes of this condition the “exercise of the consent” is deemed to be once the works authorised by this consent have commenced.

CONSENT DURATION

Pursuant to section 123 of the Act, consent WGN220066 [37820] [37822] & [38021] shall expire on 22 December 2031.

WGN220066 [37821] & [38023]

Streamworks

Interpretation

Canopy cover means the percentage of ground area covered by planted native vegetation as viewed from vertically above the planted area. It includes all plant tiers (that is, it may be a mix of low growing species plus tree and shrub species).

Wellington Regional Council Officer means any Enforcement, Compliance or Duty Officer, Environmental Regulation, Greater Wellington Regional Council.

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number (WGN220066) and the name and phone number of a contact person responsible for the proposed works.

Stabilised means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, hydroseeding, grassing, mulch, or another method to the reasonable satisfaction of the Manager and as specified in Wellington Regional Council's *Erosion and Sediment Control Guidelines for the Wellington Region*, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual inspection by the Manager an 80% vegetative cover has been established.

The Manager means the Manager, Environmental Regulation, Greater Wellington Regional Council.

Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof that is not located within the coastal marine area

Standard conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 16 September 2021 and further information received on:
 - 23 September 2021 (Information relating to land ownership)
 - 19 October 2021 (Response to contaminated land section of s92 request)
 - 21 October 2021 (Response to cultural effects section of s92 request)
 - 28 October 2021 (Response to operational stormwater section of s92 request)
 - 16 December 2021 (Amendments to stormwater plans GW802 and GW803)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design, implementation and/or operation of the works may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991.

2. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing. In addition to this, a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

Note: Notifications can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN220066 and the name and phone number of a contact person responsible for the proposed works.

Construction methodology

4. The consent holder shall provide a final Construction Environment Management Plan (CEMP) to the Manager at least 10 working days prior to the commencement of works. The final CEMP shall be in general accordance with the Construction Methodology contained within section 5.2.2 of the document titled 'Shelly Bay Road, Shelly Bay Shelly Bay Taikuru Limited Resource Consent & Discharge Permit Application', dated September 2021 and provided with the consent application on 16 September 2021.

No works authorised by this consent (WGN220066 [37821] & [38023]) may commence on site until the consent holder has received written notice that the CEMP is certified by the Manager. The consent holder shall undertake the works in accordance with the approved CEMP.

The CEMP shall be designed in consultation with the contractor undertaking the works and shall include (but not be limited) details of the following;

- a) The final design of the structure
- b) Detailed construction methodology
- c) Methods for separating the construction activities from the flowing water. This should include contingency measures for dealing with greater volumes of water should heavy rain occur during the works period and any measures to facilitate fish upstream and downstream during the construction period.
- d) Methods to manage or treat any sediment-laden water before discharging from the works site
- e) Methods to prevent other contaminants on the works site from entering water
- f) Details of all riparian planting to be undertaken (in accordance with section 5.13 of the AEE)
- g) Any other relevant matters to ensure compliance with all conditions

Temporary diversions within the channel

5. The consent holder shall ensure the temporary water diversion method is in place prior to the commencement of any in stream works (excavation and construction). The temporary diversion shall:
 - a) be implemented, managed and maintained in accordance with the final construction methodology certified by condition 5;

- b) separate all construction activities from flowing water;
- c) remain in place for the full duration of the works; and
- d) not be removed and the stream flow reinstated until the works have been completed.

Reducing effects on water quality

6. The consent holder shall minimise sediment discharges and impacts on instream habitats and ecology during the works, including but not limited to:
 - a) Completing all works in the minimum time practicable;
 - b) Undertaking works in dry weather conditions, as far as practicable;
 - c) Avoiding the placement of construction or excavated material in the wetted channel;
 - d) Separating all construction activities from flowing water;
 - e) Installing appropriate sediment control and treatment measures;
 - f) Minimising crossing of the streambed and keeping crossings to one path only; and
 - g) Minimising machinery in the streambed and undertake works from the banks where practicable.

7. The consent holder shall ensure that prior to entering a water body that all vehicles and equipment are inspected for the presence of invasive or pest aquatic species including *Didymosphenia geminata* (didymo). In the event that an invasive or pest aquatic species is discovered upon any vehicle or equipment it shall be cleaned, to the satisfaction of the Manager.

Note: The machinery shall be cleaned in accordance with the Ministry for Primary Industries cleaning methods which can be found at <http://www.mpi.govt.nz/travel-and-recreation/outdoor-activities/check-clean-dry/>.

8. The consent holder shall ensure that no dry cement product, unset concrete, concrete wash water or any water contaminated with concrete enters water as a result of the works.

Erosion/scour and revegetation

9. The consent holder shall ensure that any areas of the stream banks that are cut or disturbed as a result of the works are stabilised and grassed or replanted with native vegetation as soon as practicable following completion of the works, to prevent erosion and scour and to enhance riparian habitat qualities/reinstatement shade habitat.

10. Replanting shall be undertaken in accordance with the certified CEMP. Any amendments or updates to these plans must be submitted and approved under the CEMP required by condition 4.

All replanting of native vegetation must be maintained for five years or until 80% canopy cover over the relevant mitigation area is achieved. These works shall be to the satisfaction of the Manager.

Maintenance and removal of structures

11. The consent holder shall remain responsible for the structure and shall ensure that it is maintained at all times to the satisfaction of the Manager, so that:
- a) Any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder; and
 - b) The structural integrity of the structure remains sound in the opinion of a Professional Chartered Engineer
 - c) The waterway within or around the structure remains clear of debris.

Note: Maintenance does not include any works outside of the scope of the application. Further resource consents may be required for any additional works (including structures, reshaping or disturbance to the bed of the watercourse).

12. If the structure is no longer required, and/or the structure is not being maintained in accordance with Condition 11 of this consent, or sustains irreparable damage then the consent holder shall remove the structure within a timeframe that is to the satisfaction of the Manager.

Note: Removal of the structure is not within the scope of this consent. Further resource consents may be required for the removal of the structure.

Completion of Works

13. All works affecting the waterbody, including (but not limited to):
- a) tidy up on completion of the works
 - b) removing excess material from the bed and banks
 - c) dispose of excess material in an appropriate manner

shall be completed to the satisfaction of the Manager

Complaints

14. At all times from the commencement of works authorised by this consent until the works are complete and the site is stabilised, the consent holder shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this consent. The record shall include:
- a) the name and address of the complainant;
 - b) the nature of the complaint;
 - c) location, date and time of the complaint and of the alleged event;
 - d) weather conditions at the time of the complaint (as far as practicable), and including wind direction and approximate wind speed if the complaint relates to air quality;
 - e) the outcome of the consent holders investigation into the complaint;
 - f) measures taken to respond to the complaint; and

- g) any other activities occurring in the area at the time of the complaint.

The consent holder shall also keep a record of any remedial actions undertaken. This record shall be maintained on site and shall be made available to the Manager, upon request. The consent holder shall notify the Manager of any such complaints as soon as practicable and within 24 hours after the complaint is received by the consent holder.

Discovery of artefacts

15. If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc and Heritage New Zealand as soon as possible but within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. 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 must be emailed to;

- Greater Wellington Regional Council, notifications@gw.govt.nz
- Heritage New Zealand, information@heritage.org.nz
- Port Nicholson Block Settlement Trust, taiao@portnicholson.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatitoea.iwi.nz

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager.

Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

Review of Consent Conditions

Wellington Regional 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, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
- d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

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.

Note: For the purposes of this condition the “exercise of the consent” is deemed to be once the works authorised by this consent have commenced.

CONSENT DURATION

Pursuant to section 123 of the Act, consent WGN220066 [37821] shall have an unlimited duration & WGN220066 [38023] shall expire on 22 December 2031.

Notes:

- a) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- b) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- c) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.
- d) Additional resource and/or building consents may be required from your local council to undertake this proposal. We advise you to contact the Wellington City Council prior to commencing works.
- e) Additional permits may be requiring for the handling of fish or temporary blockage of fish passage from the Ministry for Primary Industries, Department of Conservation or Fish and Game.

WGN220066 [37819]

Operational Discharge of Stormwater

General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 16 September 2021 and further information received on:

- 23 September 2021 (Information relating to land ownership)
- 19 October 2021 (Response to contaminated land section of s92 request)
- 21 October 2021 (Response to cultural effects section of s92 request)
- 28 October 2021 (Response to operational stormwater section of s92 request)

Where there may be contradiction or inconsistencies between the application and further information provided by the applicant, the most recent information applies. In addition, where there may be inconsistencies between information provided by the applicant and conditions of the consent, the conditions apply.

Note: Any change from the location, design, implementation and/or operation of the works may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991.

2. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, is:

- provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and
- kept on site at all times and presented to any Wellington Regional Council Compliance Officer upon request

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

3. The Consent Holder shall design the stormwater management devices and systems in general accordance with the stormwater drawings 1098-01 GW800, 804, 806 to 807 all REV E3 and GW801 and 805 all REV E4 and 802 to 803 all REV E5. The devices must achieve the equivalent performance and compliance as set out in Table SW.1 (below).

Project Catchments	Total Catchment (m ²)	Pre-Treatment	Treatment Device	Minimum Design Requirements
RG Catchments A to J, and L to Q	6010	Nil	Raingardens	WWL's Water Sensitive Design for Stormwater: Treatment Device Design Guideline
SBR 1 to SBR 3	1660	Gross Pollutant Filters (e.g. Stormwater360 EnviroPod® Filter or equivalent product) for all sumps	Nil	N/A

Trafficable areas (including shared spaces) adjacent to buildings B18, B20, B22 and B23.	595		Raingardens	WWL's Water Sensitive Design for Stormwater: Treatment Device Design Guideline
RG Catchments R to AD	5430		Raingardens	WWL's Water Sensitive Design for Stormwater: Treatment Device Design Guideline
Carpark and associated laneway to the east of buildings B6, B8, B10 and B12 (refer plan 1098-01-GW801-E4)	1100	Proprietary filter treatment device with proven ability to achieve a greater than 75% TSS removal on a long-term average basis shall be accepted (e.g. for proprietary filter devices Stormwater360 Stormfilter®).		WWL's Water Sensitive Design for Stormwater: Treatment Device Design Guideline

The consent holder may request amendments to stormwater management devices and systems shown on those drawings, including the use of alternative stormwater management devices, provided that the equivalent performance and compliance as set out in Table SW.1 (above) is achieved.

The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended stormwater management devices and systems drawings have been certified by the Manager.

Note: All proposed modifications must be discussed with the Manager prior to implementation. Any changes to the proposal which will affect the treatment capacity or performance of the stormwater management system may require an application to the Council under section 127 of the RMA.

4. All sumps in commercial waste storage, handling or loading/unloading areas shall be provided with Gross Pollutant Filters (e.g. Stormwater360 EnviroPod® Filter or equivalent product), unless an amendment is made in accordance with Condition 3.
5. South and North Bay unsealed carparks shall be graded to direct runoff as sheet flow from the carparks to the rocky coastal plantings so that these plantings may function as filter strips.
6. Stormwater runoff from all buildings and structures with exposed copper or zinc cladding, roofing, guttering or spouting shall be treated by a water quality device designed in accordance with WWL's Water Sensitive Design for Stormwater: Treatment Device Design Guideline, for the treatment and attenuation of metals in the runoff.
7. All sumps in communal waste storage areas for apartments and multi-unit developments shall be provided with Gross Pollutant Filters (e.g. Stormwater360 EnviroPod® Filter or equivalent product).

Detailed Design

8. At least 20 working days prior to the construction any stormwater management devices, the consent holder shall submit detailed designs of all stormwater management devices to the Manager for certification. The purpose of the detailed designs is to confirm that the final designs

demonstrate compliance with conditions 3 – 7 of this consent. The final designs shall include, but not be limited to the following:

- Contributing catchment size and impervious percentage;
- Specific design and location of stormwater systems;
- Specific inlet erosion protection design;
- Supporting calculations, including sizing capacity of stormwater system(s);
- Catchment boundaries for the stormwater treatment devices;
- Details of construction method of stormwater system(s) including timing and duration;
- Proposed planting within stormwater management devices; and
- Monitoring and maintenance schedules.

Construction of any stormwater management devices shall not commence until the consent holder has received notice in writing that the detailed design has been certified by the Manager.

Note: As outlined in Condition 3, the plans required under this condition may include amendments to stormwater management devices and systems shown on the drawings referenced in Condition 3, (including the use of alternative stormwater management devices), provided that the equivalent performance and compliance as set out in Table SW.1 in Condition 3 is achieved.

Note: In relation to the consented public drainage and stormwater devices to be vested with Wellington City Council, plans approved by Wellington City Council for the public drainage permit may be submitted to GWRC to satisfy this condition.

9. Planting for stormwater management devices shall be undertaken in accordance with WWL's Water Sensitive Design for Stormwater: Treatment Device Design Guideline. The planting plan(s) required by Condition 8 shall include, but not be limited to, the following:
- Location, planting methodology and maintenance details;
 - Details of plant species, plant numbers, density and distribution; and
 - Details of proposed pest plant management.

As-builts

10. The Consent Holder shall supply As-Built Plans and a Validation Report for the stormwater management devices to the Manager within 30 working days of the practical completion of the stormwater management devices.
11. The As-Built Plans submitted in accordance with Condition 10 shall be signed off by a Chartered Professional Engineer and include but not be limited to:
- The surveyed locations and elevations of all stormwater structures, the level datum is to be LINZ's Wellington Vertical Datum 1953 or New Zealand Vertical Datum 2016(NZVD2016), with coordinates to New Zealand Geodetic Datum 2000 (NZGD2000) and projection to New Zealand Transverse Mercator 2000 (NZTM2000);
 - The level of accuracy is to be $\pm 0.3\text{m}$ in the horizontal direction and $\pm 0.1\text{m}$ in the vertical direction;
 - Stormwater management device details including locations, dimensions, volumes, flood levels, sections, treatment efficiencies, inlet, discharge rates and outlet structures; and
 - Documentation of any discrepancies between the approved design plans under Condition SW.11 and the As-Built Plans.

Stormwater Operation and Maintenance Plan

12. A Stormwater Operation and Maintenance Plan shall be submitted to the Manager for certification 20 working days prior to commencement of the operation of the stormwater management system.

The Stormwater Operation and Maintenance Plan shall include, but not be limited to:

- Details of the person or organisation that will hold responsibility for long-term maintenance of the stormwater management system;
- A programme for regular maintenance and inspection of the stormwater management system;
- A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- Procedures for post storm inspection and maintenance;
- A programme for inspection and maintenance of the outfalls;
- General inspection checklists for all aspects of the stormwater management system, including visual checks;
- A programme for inspection and maintenance of vegetation associated with the stormwater management devices; and
- A requirement to retain records of all inspections and maintenance for the stormwater management system, for the preceding three years.

13. The Consent Holder shall ensure that the stormwater systems are managed in accordance with the Stormwater Operation and Maintenance Plan(s).

Note: Separate Stormwater Operation and Maintenance Plans may be prepared to manage the private and public stormwater/drainage assets.

14. Any material amendments or alterations to the approved Stormwater Operation and Maintenance Plan shall be submitted to the Manager in writing for certification at least 20 working days prior to implementation.

GENERAL NOTES

- a) Where conditions require the submission of information to the **Manager**, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN220066 and the name and phone number of a contact person responsible for the information submitted
- b) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991, shall be paid to the Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- c) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.

- e) Additional resource consents from your local city or district council may be required to undertake this proposal. We advise you to contact your local city or district council prior to commencing works.
- f) Section 322 of the Resource Management Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

CONSENT REVIEW

Wellington Regional 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, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
- d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

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.

Note: For the purposes of this condition the “exercise of the consent” is deemed to be once the works authorised by this consent have commenced.

CONSENT DURATION

Pursuant to section 123 of the Act, consent WGN220066 [37819] shall expire on 22 December 2036.

Reasons for decision report

1. Background and proposal

1.1 Background

The Applicant, Shelly Bay Taikuru Limited, has applied to Wellington Regional Council (Greater Wellington) for a suite of resource consents (land use consents and discharge permits) to authorise activities to facilitate the 'Shelly Bay Masterplan' (Masterplan) residential/commercial development at Shelly Bay, Wellington.

The Masterplan was consented by Wellington City Council on 31 October 2019 via an Independent Hearings Panel under the Housing Accords and Special Housing Areas Act 2013 (HASHA). The Masterplan sets out building locations, footprints, maximum building envelopes and activity use as a basis for the future detailed design. Through a process set out in resource consent conditions, future development in accordance with the Masterplan will be approved at the detailed design stage via an appointed Shelly Bay Independent Design Panel.

1.2 Proposal

The proposal generally consists of earthworks (and vegetation removal), potential discharges from a contaminated site, streamworks and the operational discharge of stormwater post-construction.

1.2.1 Earthworks and associated activities

The extent of earthworks and general method of construction has been well defined by the applicant. Section 5.1 of the application presents an overview of the extent and method of works, and Appendix 5 of the application includes an Earthworks and Construction Management Plan.

Earthworks will occur over a total area of 46,125m², involve a cut volume of 18,500m³ and a fill volume of 9,700m³, and be undertaken across the entire extent of both the North and South Bays. The largest earthwork cuts are at the toe of the escarpment to enable the construction of the apartments. Appendix 3 of the application details areas of cut and fill on earthworks plans. The applicant has also stated that it is likely earthworks will be staged, however details of staging are subject to the appointment of a contractor and the development of a final construction methodology.

The applicant has proposed a number of erosion and sediment controls, which are detailed within section 5.1.4 of the Application, and defined in both Appendix 3 and 7 of the application documents.

I also note that part of the proposed works include works to Shelly Bay Road, and consist of minor widening works to create a shared footpath. These works will not encroach into the CMA, and are not considered by this assessment as

they fall under the exclusion of the definition of earthworks (see “Earthworks” as defined in the interpretation section of the PNRP (Appeals Version)).

1.2.2 Discharges from Contaminated Land

As noted in section 2 of this report, the site is situated in an area defined within Greater Wellington’s SLUR database as having a ‘Verified history of hazardous activity or industry’. The applicant has provided a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) which identifies a number of potential sources of contamination associated with previous land uses occurring on the site. Upon review, asbestos exceedances make the site liable to be reclassified, at least in some small part, as Contamination Confirmed (SLUR Category III).

To manage the risk of discharges occurring as a result of disturbance to the site, the applicant has proposed to undertake works in accordance with a Contaminated Site Management Plan (CSMP) and a Soil and Sampling Analysis Plan (SAP). This is discussed further in section 7 of this report.

1.2.3 Dewatering

The applicant states that groundwater levels across the site were measured at depths from 0.7m to 1.9m. Works that intercept groundwater will likely require dewatering to facilitate construction. Activities that will likely intercept groundwater include the following:

- Excavations associated with building foundations;
- Excavations associated with the construction of stormwater quality devices; and
- Construction of lift shaft pits.

I also note that the decommissioning of proposed sediment control devices may require dewatering.

The applicant states that dewatering will be undertaken in accordance with GWRC’s “Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region”. Dewatering may also occur in areas of contamination. The applicant has stated that groundwater will be assessed by an appropriately qualified expert and if contamination is indicated, further investigation will be carried out to verify levels of contamination and allow appropriate planning and design of the dewatering system.

1.2.4 Vegetation Clearance

Vegetation clearance on the escarpment will occur as part of the proposal. Approximately 6,450m² will be undertaken in total, with 6,020m² in the North Bay and 430m² in the South Bay. This corresponds with the earthworks areas identified within the escarpment. Approximately 30m² of vegetation clearance will also occur within 5m of the identified stream in the North Bay.

1.2.5 Streamworks

The proposal involves an upgrade to an existing stream inlet structure, situated up-catchment within the North Bay (the location of the inlet structure is illustrated on 'insert 1' of application drawing 1098-01-GW401-R2). The proposed structure will include a new wing-wall and apron to collect debris, and will therefore extend up to 3m upstream from the existing structure, resulting in the loss of up to 3m of intermittently flowing stream habitat.

To construct the structure, the applicant proposes to temporarily divert the existing channel, and convey the water flow down the escarpment as the escarpment is progressively excavated. Any flow will be diverted into the existing stormwater line at the lower-level platform once the structure is built.

1.2.6 Operational Stormwater Discharge

The applicant has provided a 'Stormwater Discharge Report' in Appendix 4 of the application documents, and summarised the approach to stormwater management within section 5.2.3 of the Application. Stormwater treatment from the land to be vested in Wellington City Council and the hardstand areas within the development lots will be in the form of raingardens and tree pits constructed in accordance with WWL's 'Water Sensitive Design for Stormwater: Treatment Device Design Guidelines Dec 2019 v1'.

The Masterplan resource consent includes consent notice (s221) conditions requiring stormwater treatment solutions to be installed if any buildings are constructed using bare, unpainted, or untreated materials cladding or roofing materials. The applicant has confirmed that future buildings will not include these materials, therefore, the applicant only considers it necessary to treat stormwater from the carparking areas, public spaces and the public road within the development area.

The proposed aggregate area of raingardens (excluding tree pits) within the proposed land to vest (road within North Bay and South Bay, and esplanade) is 159m² for a hardstand area of 5,909m², giving a treatment area of 2.69%. Stormwater will discharge to the Coastal Marine Area (CMA) via new outlet structures. These outlet structures do not form part of this application (they will likely require additional resource consents), as the discharge of operational phase stormwater is not contingent on these structures being in place.

2. Reasons for resource consent

2.1 National Environmental Standards for Freshwater 2020 (NES-F)

The NES-F sets out requirements for carrying out activities that pose risks to freshwater and freshwater ecosystem.

In relation to stream reclamation, the NES-F references the definition of reclamation in the National Planning Standards 2019 as follows: means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area, and: (a) includes the construction of any causeway; but (b) excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.

As the new structure within the intermittent stream will extend up to three metres beyond the footprint of the existing structure (i.e. piped for an extra 3 metres), the placement of the new structure in the intermittent stream is considered to be reclamation. Under Clause 57 of the NES-F the reclamation of the bed of any river is a **Discretionary Activity**.

2.2 Proposed Natural Resources Plan

The Council's decision on the Proposed Natural Resources Plan (PNRP) was publicly notified on 31 July 2019. All rules in the PNRP (decisions version) have immediate legal effect under section 86B(1) of the Act. As the application was lodged after 31 July 2019, the PNRP (decisions version) is relevant to determining the resource consents required and their activity status, and the substantive assessment of the proposal is assessed against the 'Appeals version' under section 104(1)(b) of the Act.

Under section 86F if there are no appeals on a relevant rule, the rule in the PNRP is treated as operative and the rule in the operative plan is treated as inoperative.

RMA section	Rule	Status	Comments
9 and 15	99	Permitted	<u>Earthworks and associated discharges</u>
	101	Discretionary	The proposed earthworks will exceed 3,000m ² per property per 12 month period. Therefore, the earthworks and associated discharges of sediment laden runoff to land where it may enter water must be assessed as a Discretionary Activity pursuant to Rule R101.
14	140	Permitted	<u>Dewatering</u>
	140B	Restricted Discretionary	Rule R140 permits dewatering, however, this rule states that the take must not be from contaminated land. The applicant has provided evidence which indicates some of the land subject to the application can be considered as SLUR Category III, and therefore, Rule R140 cannot be met.

RMA section	Rule	Status	Comments
			The water take and discharge associated with dewatering is therefore considered a Restricted Discretionary Activity under Rule R140B.
15	48A	Permitted	<u>Operational discharge of stormwater</u> Rule R48A pertains to the discharge of operational stormwater into water or land from a new urban subdivision or development. This is a permitted activity if the subdivision or development and associated earthworks are under 3,000m ² per property per 12 month. In this case, earthworks will exceed 3,000m ² . As such, the discharge of operational stormwater into land or water including through an existing local authority stormwater network, is a Restricted Discretionary Activity .
	52A	Discretionary	
13	R112	Permitted	<u>Replacement/extension of inlet structure</u> Rule R112 provides for the maintenance, repair, replacement, upgrade or use of a structure in a stream. The proposal cannot meet the permitted activity standards of Rule R112 as the structure will extend beyond 1m from the existing footprint. Therefore, the proposal is considered to be reclamation, and is assessed as a Discretionary Activity under Rule R129.
	R129	Discretionary	
14	R131	Discretionary	<u>Temporary diversion of the channel</u> The proposal requires the unnamed stream to be diverted around the works area for the duration of works. As the works are not permitted under Rule R112, and Rule R129 does not capture the diversion of surface water, the partial temporary diversion must be assessed under Rule R131 as a Discretionary Activity .
15	R55	Permitted	<u>Discharges from a contaminated site</u> Rule R55 provides for the discharge of a contaminant from contaminated land where a contaminant may enter water is a permitted activity provided that conditions are met. The applicant has provided a DSI, however, the DSI covers the South Bay only, and therefore does not satisfy the conditions of Rule R55. The discharge from contaminated land is therefore considered a Discretionary Activity .
	R56	Discretionary	

The site is located within, or adjacent to the following sites as defined within the Proposed Natural Resources Plan (Appeals Version):

- The majority of both the North and South Bays are listing within GW’s Selected Land Use Registrar (SLUR) database as ‘Potentially Contaminated Sites’. The SLUR database states that ‘This site has been used as an Air-Force base. General military camp facilities including workshops, paint stores, munitions stores, sewage pumping station, a rifle range and a shipway and repair yard were onsite’.
- Wellington Harbour/Te Whanganui-a-Tara, which is adjacent to the site is defined within Schedule B as Ngā Taonga Nui a Kiwa, Schedule F2 as habitat for Indigenous Birds, Schedule D (Statutory Acknowledgements), and defined within the Hutt Aquifer Protection Zone (Wellington Harbour Aquifer Zone).
- The site is located within an area defined in the Wellington Airport Height Restriction Area, as a ‘Transitional Side Surfaces’ under the Proposed Natural Resources Plan (Appeals Version).

2.3 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
15	Regional Plan for Discharges to Land	1	Permitted	<p><u>Discharges from earthworks and from contaminated land during earthworks</u></p> <p>The discharge of treated sediment laden water to land where it may enter water is considered a Discretionary Activity under Rule 2 of the RDLP.</p> <p>The applicant proposes to dewater groundwater from excavations to sediment treatment devices on site. The devices will then discharge off-site.</p> <p>Rule 22 provides for the off-site discharge of contaminants into or onto land from a contaminated site as a controlled activity. The discharge of dewatered water from any part of the site that is contaminated is a Controlled Activity.</p>
		2	Discretionary	
		22	Controlled	

RMA section	Plan	Rule	Status	Comments
9	Regional Soil Plan	2	Restricted Discretionary Activity	<u>Soil disturbance on erosion prone land</u> The cuts proposed into the toe of the escarpment will likely exceed 1000m ³ of soil disturbance and will be undertaken on erosion prone land. Therefore, the activity must be considered a Restricted Discretionary Activity .
13	Regional Freshwater Plan	22	Permitted	<u>Replacement/extension of inlet structure</u> Permitted activity rule 22 and controlled activity rule 43 provide for the maintenance, repair, replacement, extensions, additions and alterations to structures in the bed of a stream. The proposed inlet structure cannot meet the parameters of these rules because the structure may exceed 5m from the existing footprint. Therefore, the activity must be considered a Discretionary Activity under Rule 49.
		43	Controlled	
		49	Discretionary	
14	Regional Freshwater Plan	9, 9A & 9B	Permitted	<u>Temporary diversion of the channel</u> The proposal cannot meet the permitted activity standards of rules 9, 9A and 9B as the unnamed stream is permanently flowing, is not an artificial watercourse or drain and is not groundwater. The proposal must therefore be assessed as a Discretionary Activity under Rule 16.
		16	Discretionary	
14	Regional Freshwater Plan	7	Permitted	<u>Water take for dewatering</u> Rule 7 provides for the abstraction of water as a permitted activity provided the abstraction rate does not exceed 2.5L/s and the daily volume does not exceed 20,000 litres. The applicant has not stated the volume and rate at which water will be taken, and therefore may not meet Rule 7.
		9B	Permitted	
		16	Discretionary	

RMA section	Plan	Rule	Status	Comments
				<p>Rule 9B provides for the diversion of groundwater. The proposed dewatering may lower the groundwater levels on adjacent properties and therefore cannot meet the conditions of this rule.</p> <p>Rule 16 provides for the take and diversion of water as a discretionary activity.</p>

2.4 Overall activity status

Overall, the activity must be assessed as a Discretionary Activity under the operative Regional Soil, Freshwater and Plan and a Discretionary Activity under the Proposed Natural Resources Plan (Appeals Version)

3. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust	<p>This party was provided with a copy of the application in terms of the agreement between GWRC and the iwi. No comment has been received.</p> <p>I also note that the application engaged with Port Nicholson Block Settlement Trust prior to lodging the consent.</p> <p>The applicant provided a Cultural Impact Assessment (CIA) prepared on behalf of Port Nicholson Block Settlement Trust to accompany the application. The CIA states that the <i>“resource consent application submitted by the Wellington Company Limited is supported by the Port Nicholson Block Settlement Trust”</i></p> <p>Further detail can be found in section 5 of this report.</p>
Ngāti Toa Rangatira	<p>This party was provided with a copy of the application in terms of the agreement between GWRC and the iwi. No comment has been received.</p> <p>I also note that the application states that the applicant engaged with Ngāti Toa Rangatira prior to lodging the consent. Details of this correspondence has not been provided to GWRC.</p>

Other parties or persons	Comments
Wellington Water (WWL)	A portion of the stormwater treatment devices will be vested with Wellington City Council. Wellington Water Limited (WWL) (as the entity that manages the three waters in the Wellington Region), will be responsible for the maintenance of these devices. The applicant provided written approval from WWL on 29 October 2021. Accordingly any adverse effects on WWL are disregarded under section 95D(e).
Department of Conservation	Brent Tandy, on behalf of DoC was provided a copy of the proposed conditions relating to the management of Little Blue Penguins. Mr Tandy had no concerns with the proposed conditions.
Dr David Bull, Contaminated Land Specialist, Hail Environmental	Dr Bull was engaged by GWRC to review the resource consent application and provide advice regarding potential effects from the discharge of contaminants from the site. Comments from Dr Bull are discussed in Section 5 below.
Gregor McLean, Erosion and Sediment Control Specialist, Southern Skies Ltd	Mr McLean provided a technical review of the Erosion Sediment Control Plan for discharges from the site. Mr McLean's comments are discussed in Section 5 below.
David Wilson, Principal Engineer, The Urban Engineers	Mr Wilson provided a technical review of the operational stormwater discharges from the site. Mr Wilson's comments are discussed in Section 5 below.
Dr Michael Greer, Senior Scientist, Aquanet Consulting Ltd	Dr Greer reviewed the application with respect to the effects the proposal may have on freshwater ecology (the construction of the inlet structure in the unnamed stream). Dr Greer's comments are discussed in Section 5 below.
Dr Roger Uys	Dr Uys reviewed the application with respect to the effects the proposal may have on Little Blue Penguins/kororā. Dr Uys' comments are discussed in Section 5 below.

4. Notification decision

Christine Foster (Planning Consultant) was delegated the authority to make the notification decision on behalf of the Wellington Regional Council. Ms Foster concluded that the application be processed on a non-notified basis on 06 December 2021.

Further information on the notification decision is provided in document #WGN220066-223548341-87.

5. Environmental effects

The applicant provided an Assessment of Environmental Effects (AEE) with the application.

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

5.1 Earthworks and Vegetation Removal

If earthworks and vegetation removal are not managed appropriately, the discharge of sediment and other construction related contaminants could potentially adversely affect water quality, the aquatic habitat and biodiversity values of the coastal marine environment (namely Evans Bay). The discharge of sediment may also adversely affect recreational and visual amenity of the receiving environment.

The applicant has stated that the coastal receiving environment at Shelly Bay is a high energy environment, with flora and fauna adapted to strong physical effects of wave action, temperature and water fluctuations, and abrasion and mobilisation of fine material. The shallow subtidal and intertidal flora and fauna recorded are common in hard shore habitats, with no threatened or at risk organisms.

The effects discussed above have been assessed as less than minor in the application documents, on the following basis:

- The site is relatively flat, thereby reducing the velocity of flows offsite;
- There are no adjacent properties within the vicinity of the excavation works area;
- The applicant proposes an adaptive management approach to manage the sediment discharges from the site; and
- The applicant has provided a high level Erosion and Sediment Control Plan (ESCP) which demonstrates the works can be undertaken in accordance with Greater Wellington's 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region'.

Gregor McLean (Environmental Consultant, Southern Skies Environmental Limited) reviewed the application with respect to the proposed earthworks and proposed ESC during the construction phase.

Mr McLean held no significant concerns regarding the proposal and considered that earthworks can be appropriately managed. Mr McLean considered that the effect of discharges of earthworks will be less than minor provided the applicant adheres to a certified ESC Plan which demonstrates

consistency with Greater Wellington's 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region'.

Taking into account the applicant's assessment, and the comments received from Mr McLean, I consider that the potential adverse effects on the environment with respect to discharges from earthworks will be less than minor provided the applicant adheres to the recommended conditions of consent (particularly adherence to a certified ESCP).

5.2 Contaminated Land

The PSI and DSI provided by the applicant identify the site as having been in military use since 1886 until 1995, including significant reclamation in 1942. Land uses identified on the Hazardous Activities and Industries List (HAIL) include categories C1 explosives and ordnance production, storage and use, and A17 chemical bulk storage (fuels and possibly paints). Low levels of asbestos fibres and lead were reported in surface soils from South Bay.

Disturbance to contaminated land may result in contaminants entering groundwater and surface water, potentially resulting in adverse effects on coastal biota, and human health. The applicant has assessed these effects as less than minor.

The applicant has provided a Soil and Sampling Analysis Plan (SAP) which provides a framework for managing contamination hazards on site by identifying potential contamination hazards, and recommending mitigation measures relevant to the site condition. The applicant has volunteered a condition on the consent that requires additional site investigations to be undertaken in accordance with the SAP.

Dr Dave Bull reviewed all information submitted in support of the consent application, including the DSI, PSI, Contaminated Site Management Plan (CSMP) and SAP. Dr Bull commented that the DSI covered South Bay only, whereas the application also includes parts of North Bay. Moreover, the PSI and DSI mentioned specific activities that were not investigated at the time. In Dr Bull's opinion, the existing investigations were inadequate for this proposal.

Dr Bull recommended that a supplementary investigation be required. This information was sought and provided in the updated CSMP, s92 response and revised SAP. The response provided proposes to undertake an investigation of historic activities including:

- A former electrical transformer location in South Bay (HAIL B2)
- Paint storage in South Bay (possible HAIL A17)
- Slipway and maintenance area (HAIL F5)

- Fuel storage (HAIL A17)
- Deteriorated building materials including asbestos (HAIL E1) and lead-based paints (possible HAIL I)

After reviewing the supplementary information provided by the applicant, Dr Bull considers that the information is sufficient, and that the effects of disturbing contaminated land can be appropriately managed. Dr Bull recommends ensuring the conditions of consent allow Greater Wellington to adequately monitor any potential passive discharge from contaminated land on site. As such, I have recommended a condition of consent which requires the applicant to submit a final CSMP for certification, which includes (but is not limited to) details of post construction monitoring and remediation for passive discharges from contaminated land.

Based on the applicant's assessment, and the comments received by Dr Bull, I consider the potential adverse effects of any discharge from contaminated land can be managed such that the effects will be less than minor.

5.3 Operational Discharge of Stormwater

Any development that increases impervious surfaces through the construction of buildings, pathways and roads, has the potential to increase contaminant generation and stormwater volumes discharging from a site. Discharges of contaminants generated from urban environments, such as heavy metals, hydrocarbons and sediment may result in contaminants entering surface water, resulting in adverse effects on the biota of the receiving environment.

Stormwater from the site will be managed with water sensitive urban design (WSUD) measures, including rain gardens and tree pits for treatment of the water, prior to discharge to the CMA. The stormwater design and discharge report for the site also addresses the treatment of the stormwater prior to discharge to the CMA and measures taken, such as constraints on roof materials to avoid potential sources of contaminants that may adversely affect water quality.

Overall, the applicant has stated that stormwater will be managed at source, and potential effects are being 'minimised to the greatest extent possible' via the adoption of WSUD measures. While water treatment is not proposed for all impervious surfaces, the applicant notes that non-treated areas are non-trafficable areas where contaminant levels will be such that adverse effects of the untreated stormwater will be less than minor. Furthermore, the receiving environment is a high energy rocky coastline where dilution and natural breakdown is maximised, and therefore the potential for adverse effects on the water quality of the CMA was assessed by the applicant as negligible.

The application and supporting documents were reviewed by David Wilson (The Urban Engineers). After requesting that the applicant provide further information in support of the proposal, Mr Wilson agreed that the adverse

effects of stormwater discharges have been minimised to the smallest amount reasonably practicable. Mr Wilson recommended a number of conditions be imposed on the consent to ensure stormwater treatment devices are built and managed appropriately, and I have included these conditions in the consent certificate.

Mr Wilson noted that there is no stormwater treatment currently provided for the site (which discharges directly to the CMA) and considered that, overall, the proposal will improve stormwater quality.

Based on the applicant's assessment, and the comments received by Mr Wilson, I consider the potential effects of the discharge of operational stormwater can be appropriately managed such that the adverse effects will be less than minor.

5.4 Freshwater Ecology

Works in the beds of streams have the potential to cause adverse effects through the release of sediment into downstream reaches, and structures placed in stream beds can result in the permanent loss of stream habitat thereby decreasing the biodiversity values of the stream.

As described in section 3.2 of this report, the applicant is proposing to upgrade an existing stream inlet structure up catchment of the site. This involves the clearance of vegetation within 5m of the intermittent stream and the loss of up to 3m of streambed. The reach of stream affected by the proposed works has insufficient habitat to support resident native freshwater fish, with no deep pools, undercuts or cover even during the winter period after 32mm of rain. The applicant has assessed the ecological effects of the streamworks on the intermittent stream reach to be less than minor.

Furthermore, the applicant has volunteered a condition of consent that requires restoration planting of the impacted margins of the intermittent stream upon completion of the inlet replacement works.

Dr Michael Greer (Senior Scientist, Aquanet Consulting Limited), reviewed the application and the ecological assessment provided by the applicant (Appendix 10). Dr Greer agreed with the assessment and supported its conclusion, stating that the scale of the works, combined with the intermittent nature of the stream means there is almost no potential for adverse effects (considering that the applicant has proposed to undertake riparian planting on the stream bank).

In accordance with the application and supporting documents, and the review provided by Dr Greer, I consider that the adverse effects on instream ecology are likely to be less than minor.

I have recommended a number of conditions which are standard for these types of activities, and will ensure that all adverse effects are either avoided, minimised and/or mitigated.

5.5 Little Blue Penguin Habitat

The terrestrial environment within the North and South Bays of Shelly Bay is known to provide nesting locations for little blue penguins/kororā. Although not defined within the application, it is likely penguins reside within or under existing buildings at Shelly Bay.

Although Greater Wellington does not regulate the removal or demolition of buildings, consideration can be given to the effect earthworks may have on birds residing within the footprint of works.

The applicant has volunteered the following conditions as part of the proposal to avoid any adverse effects on Little Blue Penguins/kororā during earthworks:

- From the start of June until the end of February, prior to undertaking earthworks, the consent holder shall either secure the site from access by penguins immediately following a survey by a DOC approved penguin detector dog, or ensure that no penguins are present in the footprint of works using a DOC-approved penguin detector dog no more than 24 hours prior to the commencement of earthworks.
- If no penguins are detected in the footprint of works, a fence shall be put in place for the duration of the works.
- If penguins are determined to be nesting or moulting in the footprint of works, no disturbance shall occur within 10m of the nest until the end of February, and access to and from the coast from these sites shall be maintained.
- If penguins are observed to be nesting or moulting landward of the footprint of works, access to and from the coast from these sites shall be maintained until the end of February.
- If penguins are detected in the footprint of works, but are determined not to be nesting or moulting by a suitably qualified expert, the penguins may be relocated to a suitable site, if a Wildlife Permit for that purpose is issued by the Department of Conservation.

Dr Roger Uys (GWRC, Senior Terrestrial Ecologist) and Brent Tandy (DoC, Senior Ranger Biodiversity) reviewed the conditions proposed by the applicant. Dr Uys stated that the conditions recognise a “pragmatic compromise between supporting development and the environment”, and that the conditions reflect GWRC’s approach to setting conditions around penguin habitat in the Wellington Harbour. Mr Tandy agreed with Dr Uys’s comments.

In accordance with the application and supporting documents, and the review of condition provided by Dr Uys, I consider that the adverse effects on little blue penguins/kororā will be avoided, and are likely to be less than minor.

5.6 Summary of effects

Given the assessment above, it is considered that the effects of the activity are, or will likely be less than minor when undertaken in accordance with the recommended consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 of the Act outlines the purposes and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(b)(i)	National Environmental Standard (NES) for Fresh Water 2020	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the NES-F.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the National Policy Statement for Freshwater Management 2020.
	Objective 1, Policy 2, Policy 3, Policy 5, and Policy 7	Given the nature of the proposed earthworks and sediment controls, the risk of any discharges of sediment laden water to water bodies including watercourses are considered to be less than minor. Although the proposal involves the loss of up to 3m of low value stream habitat, the effects have been managed by applying

RMA section	Matter to consider	Comment
		<p>the effects management hierarchy and there is a functional need for the activity in the location. The applicant has minimised the extent of stream loss, and provided mitigation of potential adverse ecological effects with the provision of fish passage and riparian planting.</p> <p>The health of the water body and freshwater ecosystems will be maintained.</p> <p>The mauri of the surrounding water bodies will be protected and the relevant Mana Whenua have not identified any concerns with the application.</p>
104(1)(b)(iv)	National Policy Statement for Urban Development 2020 (NPS-UD)	I consider that the proposed activity is consistent with the NPS-UD, particularly Policies 1 and 6 and Objectives 1 and 4.
104(1)(b)(v) 104(1)(b)(vi)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 12 & 13	These objectives aim to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, and meets reasonable foreseeable needs of future generations. Given the nature of the proposed earthworks, contaminated land, streamworks and sediment controls, the risk of any discharges of contaminated or sediment laden water to surface water are considered to be less than minor.
	Policy 37	Policy 37 states that consideration should be given to safeguarding life-supporting capacity of coastal ecosystems. Given the nature of the proposed earthworks and contaminated land and sediment controls, the risk of any discharges of contaminated or sediment laden water to surface water are considered to be less than minor.

RMA section	Matter to consider	Comment
	Policy 40	<p>Policy 40 requires that aquatic ecosystem health in water bodies be maintained or enhanced. Given the proposed contaminated land and sediment controls, the earthworks should not adversely affect aquatic ecosystem health.</p> <p>Although there will be a minor loss in stream reach, the adverse effects of this are likely to be less than minor. Given the mitigation measures proposed by the applicant the health of the water body and freshwater ecosystems will be maintained.</p>
	Policy 41	<p>This policy aims to minimise the effects of earthworks and vegetation disturbance. The information provided by the applicant, coupled with the condition requiring the applicant to adhere to the provided ESCP will sufficiently mitigate the effect of sediment laden runoff from site.</p>
	Policy 42	<p>Policy 42 relates to minimising contamination in stormwater from development. The applicant has proposed a number of water sensitive urban design measures that aim to adequately treat stormwater before being discharged into the CMA. As discussed in this report, it is considered that the proposal will enhance the quality of stormwater discharging from site post completion of the works.</p>
	Policy 43	<p>This policy requires the protection of aquatic ecological function of water bodies.</p> <p>I consider that compliance with the erosion and sediment control measures proposed, as well as with long term stormwater measures proposed, the aquatic ecological function of water bodies, will be protected. Although there will be a minor loss in stream reach, the adverse effects of this are likely to be less than minor. Given the mitigation measures proposed by the applicant the aquatic ecological function of water bodies will be protected.</p>

RMA section	Matter to consider	Comment
	Policy 48 & 49	<p>The principles of the Treaty of Waitangi and matters of significance to tangata whenua have been recognised and provided for. The applicant provided a Cultural Impact Assessment (CIA) prepared on behalf of Port Nicholson Block Settlement Trust to accompany the application. The CIA states that the <i>“resource consent application submitted by the Wellington Company Limited is supported by the Port Nicholson Block Settlement Trust”</i></p> <p>The applicant has also provided a second CIA which states the effects on cultural values will be less than minor. Conditions of consent also ensure that Iwi will have access to all environmental monitoring data during construction.</p>
	Operative Regional Plan for Discharges to Land	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Regional Plan for Discharges to Land.
	<i>Objective/Policy</i>	<i>Comment</i>
	Objective 4.1.3	The adverse effects of discharges of sediment-laden stormwater during earthworks will be managed through the implementation of erosion and sediment controls, which will ensure that the effects of such discharges will be no more than minor.
	Objectives 4.1.10 and Policies 4.2.46 – 4.2.49	These objectives and policies relate to the management of discharges from contaminated land. I consider, with the adherence to conditions of consent, the proposal is consistent with these policies and objectives.
	Policy 4.2.11	The proposal will be allowed to temporarily discharge solid contaminants to land as the effects are minimised through erosion and sediment controls.
	Policy 4.2.19	The proposal will discharge to land instead of directly to surface water. The implementation of erosion and sediment controls will ensure that there are no adverse effects on soil, water quality and amenity values as a result of discharging to land.

RMA section	Matter to consider	Comment
	Policy 4.2.24A	I consider that, with the application of the recommended conditions of consent, the proposal is consistent with this policy.
	Operative Regional Soil Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Regional Soil Plan.
	Objective 4.1.7 and Policy 4.2.13	These objectives and policies relate to Tangata Whenua values. Both CIA's submitted by the applicant supported the proposal, the second of which stated the effects on cultural values will be less than minor. I consider the proposal to be consistent with tangata whenua values.
	Objectives 4.1.9, 4.1.10 and 4.1.11 and Policies 4.2.14 - 4.2.16	These objectives and policies primarily relate to managing the effects of vegetation clearance and soil disturbance. The applicant seeks to minimise adverse effects with good on-site erosion and sediment control design and maintenance. The conditions of consent will ensure consistency with all these policies and objectives.
	Operative Regional Freshwater Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Regional Freshwater Plan.
	Objective 6.1.4, Policy 6.2.14	These provisions relate to ensuring surface water diversions maintain water flows, natural and amenity values, and are consistent with the values of tangata whenua. I consider the diversion to be consistent with these objectives and policies.
	Objectives 7.1.1 – 7.1.4	<p>The proposed activity is:</p> <ul style="list-style-type: none"> • an appropriate use of the river bed • does not increase risk of flooding or erosion • does not damage existing lawful flood mitigation works <p>Both CIA's submitted by the applicant supported the proposal, the second of which stated the effects on cultural values will be less than minor. I consider the proposal to be consistent with tangata whenua values.</p>

RMA section	Matter to consider	Comment
	Policy 7.2.1 & 7.2.2	The proposed activity fits with uses of Policy 7.2.1 and does not have significant adverse effects on matters identified in Policy 7.2.2
	Proposed Natural Resources Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan (appeals version).
	<i>Objective/Policy</i>	<i>Comment</i>
	Objectives O4, O23, O24, O25, O44, O47	These objectives relate to maintaining and enhancing water quality and aquatic ecosystem health. There is no direct discharge to any surface water body. The controls required by the ESCP will minimise the potential for sediment and other contaminants to enter any freshwater body, to an extent that the resulting adverse effects will be less than minor.
	Objective O3, O14 and Policies P17, and P19	These objectives and policies relate to sustaining the mauri of the streams, recognising Maori relationships and kaitiakitanga, the intrinsic value of the ecosystems they support, and aquatic ecosystem health. The conditions of consent ensure that the mauri, values and ecosystem health of the receiving environments will not be adversely affected.
	Objectives O42, O44 and O47	Erosion and sediment controls will be implemented on site to minimise soil erosion and sediment-laden run-off entering adjacent or nearby surface waterbodies from earthworks.
	Policy P21	This policy relates to statutory acknowledgements, and having regard to any relevant statutory acknowledgment in Schedule D. Regard has been given to the statutory acknowledgement held over the adjacent CMA.
	Policy P31 & P32	This policy relates to managing the adverse effects on biodiversity, aquatic ecosystem health, and mahinga kai. With the application of the recommended consent conditions, I consider the proposal to be consistent with this policy.

RMA section	Matter to consider	Comment
	Policy P38A	This policy relates to managing activities to reduce sedimentation rates and pollutant inputs into Wellington Harbour. I consider the proposal to be consistent with his policy.
	Policy P62	This policy promotes the discharge of contaminants to land rather than directly to water. The proposed discharges to land will minimise the amount of sediment entering the CMA as a result of the works.
	Policy P66	This policy relates to requirements for discharges. The proposed erosion and sediment controls and conditions of consent mean that any discharges that would adversely affect the life-supporting capacity of the streams will be avoided, and that the effects of the discharges will be no more than minor.
	Policy P67	This policy aims to minimise the effects of earthworks and vegetation disturbance. The information provided by the applicant, coupled with the condition requiring the applicant to adhere to the provided ESCP will sufficiently mitigate the effect of sediment laden runoff from site.
	Policy P73	The proposal incorporates appropriate water sensitive urban design features to minimise the adverse effects of stormwater discharges from the proposed subdivision to the smallest amount reasonably practicable.
	Policy P79	Stormwater discharges from the proposed subdivision avoids scour and erosion of stream beds and banks and do not increase the risk to human health or safety or increase the risk of inundation, erosion or damage to property or infrastructure.
	Policy P89	This policy relates to avoiding, mitigating or remedying the discharge of hazardous substances from contaminated land. Through conditions of consent, the identification and the management of contaminated land on site will ensure that any discharges of hazardous

RMA section	Matter to consider	Comment
		substances are avoided, or where they cannot be avoided, they will be mitigated to an acceptable level. I consider that the proposal is consistent with this policy.
	Policy P95	This policy relates to managing discharges to land. I consider, with that application of the recommended conditions of consent, the proposal is consistent with this policy.
	Policy P98	This policy relates to managing sediment discharges to land. The applicant seeks to minimise adverse effects with good on-site erosion and sediment control design and maintenance. The conditions of consent will provide for the matters in this policy.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
105(1)	Matters relevant to discharge permits	The nature of the discharge is treated runoff from earthworks, potential passive discharges from contaminated land, and stormwater discharges from a new development. The applicant will use appropriate contaminated land and sediment controls to minimise discharges and water sensitive urban design measures to treat contaminated stormwater.
107	Restrictions on grant of certain discharge permits	The discharge should meet the requirements of section 107(1) and as such, should not result in any of the effects listed in this section of the Act after reasonable mixing. The proposed discharge will meet the requirements of section 107(2).
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA. All conditions are documented in this report.

6.3 Weighting of the Proposed Natural Resources Plan

As the conclusion reached under the operative plans are consistent with that reached under the Proposed Natural Resources Plan there is no need to undertake a weighting exercise between the plans.

7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the Regional Policy Statement and the Operative Regional Discharges to Land Plan, the Regional Freshwater Plan and the Regional Soil Plan and the Proposed Natural Resources Plan (appeals version), and the National Policy Statement for Freshwater Management 2020.
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be less than minor.
4. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be less than minor.

8. Duration of consent

Earthworks and Associated Discharges [37819] [37820] & [37822]

Due to the size and nature of the proposed development, I consider a consent duration of 10 years to be appropriate.

Streamworks (Structure and Diversion) [37821] & [38023]

As the structure [37821] will be permanent, I consider granting a maximum duration of 35 years to be appropriate. As the diversion is associated with construction, I consider it appropriate to grant it for 10 years to be consistent with the overarching earthworks consent.

Operational Discharge of Stormwater [38021]

I consider a consent duration of 15 years to be appropriate to allow time for the infrastructure to be vested with Wellington City Council and the discharge permit transferred or surrendered.

9. Monitoring

9.1 Monitoring schedule

The following compliance monitoring programme will be undertaken during the consent term:

Monitoring assessment:	<input type="checkbox"/> Annual	<input type="checkbox"/> Three-yearly	<input checked="" type="checkbox"/> Other:
As and when required. Weekly audits will be provided by the consent holder.			
Monitoring input:	<input type="checkbox"/> Audit	<input checked="" type="checkbox"/> Site inspection	<input type="checkbox"/> Other:
Other notes			
Compliance group	Large earthworks		

9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

- Customer service charge** – every consent incurs an annual charge of \$40. This covers costs associated with the administration of your consent.
- Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
- State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

		Amount	Charge code(s)
Customer service charge	6 consent(s)	\$240.00	
Monitoring charge	Variable	\$-*	DW1
SOE charge	Yes	\$900.00 \$180.00	5.3.5.1 and 5.3.6.1 (Respectively)
Further notes (if applicable)			

*Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent

The GWRC Resource Management Charging Policy is reviewed on an annual basis, and may alter these charges.