

28 November 2025

File Ref: OIAPR-1274023063-45056

By email: [REDACTED]

Tēnā koe [REDACTED]

Request for information 2025-413

I refer to your request for information dated 23 November 2025, which was received by Greater Wellington Regional Council (Greater Wellington) on 24 November 2025. You have requested the following:

“Please provide a copy of Resource Consent WGN250128, together with all relevant documents, including correspondence”

Greater Wellington’s response follows:

On 26 November 2025 you agreed to clarify/refine your request to “the consent decision”. As the clarification of your request was done within the statutory seven working-day timeframe provided for under the Local Government Official Information and Meetings Act 1987, Greater Wellington restarted the 20 working-day timeframe to respond. Please find attached the consent decision for WGN250128.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where appropriate. Our response to your request will be published shortly on Greater Wellington’s website with your personal information removed.

Nāku iti noa, nā



Lian Butcher

Kaiwhakahaere Matua Rōpū Taiao | Group Manager Environment

Resource Consent

RESOURCE MANAGEMENT ACT 1991

Consent No.	WGN250128	
Consent ID(s)	[40060] Discharge permit – discharge of stormwater to land [40061] Land use consent – soil disturbance [40062] Discharge permit – sediment laden discharge to land/water [40063] Land use consent – stream works [40064] Land use consent – creation of new impervious surfaces [40472] Water permit – temporary surface water diversion	
Name	DMAC Homes Limited	
Address	P.O. Box 30389, Lower Hutt 5040	
Decision made under	Sections 104B, 105, 107, 108 of the Resource Management Act 1991 (RMA)	
Duration of consent	Granted: 14 August 2025	Expires: [40060] 14 August 2060 [40061] 14 August 2030 [40062] 14 August 2030 [40063] 14 August 2030 [40064] held in perpetuity [40472] 14 August 2030
Lapse date:	14 August 2030	
Purpose for which consent(s) is granted	To carry out earthworks, including earthworks >3,000 m ² and associated sediment-laden discharges, stream works, and the creation of impervious surfaces and associated stormwater discharges, to enable the development of a 108-dwelling subdivision.	
Location	217, 239 Wise Street at or about map reference NZTM 1763421.5433341	
Legal description of land	Lot 200 Deposited Plan 571561, Lot 3 Deposited Plan 336174, Road Reserve.	
Conditions	See below	

Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	
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Consent conditions WGN250128

[40061]: Land use consent to undertake 47,035 m² of earthworks

[40062]: Discharge permit for the discharge of associated sediment laden water where it may enter water

INTERPRETATION

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

Earthworks means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, of Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (October 2023), 'earthworks' has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

ESC Guide for Land Disturbing Activities in the Wellington Region means Revision 1 (February 2021) of the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*.

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

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number (WGN250128) and the name and phone number of a contact person responsible for the proposed works.

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 Guide for Land Disturbing Activities in the Wellington Region*, unless alternative methods are approved by the Manager. 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.

SQEP means a suitably qualified and experienced person (or persons) who can provide sufficient evidence to the Manager to demonstrate their suitability and competence in the relevant field of expertise for a particular task or action directed by a condition.

Warranted Officer means any person authorised under section 38 of the Resource Management Act 1991.

General conditions

1. The location, design, implementation and operation of the works authorised by this consent shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council, including:

- Application documents received on 25 February 2025
 - 29702_221 Wise St_GWRC_SWPC1.pdf and appendices
- Further information (s92) received on 14 May 2025

- *GWRC 29702 217 & 239 Wise Street s92 14-03-25.pdf* and appendices
- Further information (stream works methodology) received on 23 July 2025
- *29702_207 Wise St Wainuiomata_s92.pdf* and appendices
- Further clarification received via email on 28 July 2025

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 Warranted 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 and invite, with a minimum of **5 working days'** notice, the Manager.

The pre-construction meeting must not occur before the following management plans have been certified by the Manager:

- Erosion and Sediment Control Plan
- Flocculation Management Plan

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.

Erosion and Sediment Control Plan

4. The consent holder must submit a final Erosion and Sediment Control Plan (ESCP) to the Manager for certification at least **10 working days** prior to the proposed date of commencement of the works authorised by this consent. The purpose of the ESCP is to show what measures, procedures and methodologies will be put in place to manage the actual and potential erosion and sediment discharge related risks and effects.

The ESCP must be prepared by a SQEP and must be in accordance with the *ESC Guide for Land Disturbing Activities in the Wellington Region* and the Erosion and Sediment Control Plan submitted with the application.

The ESCP must include the following information, plans and details as a minimum:

- a) Responsibilities and contact details of all parties responsible for the construction, inspection or maintenance of erosion and sediment controls;
- b) The locations of any rivers, streams, wetlands, waterbodies and stormwater drainage;
- c) Areas and cross-sections of cut and fill;
- d) The extent of soil disturbance and vegetation removal;
- e) Any areas that will remain undisturbed;
- f) Locations of all temporary stockpiles, permanent spoil deposition areas, access roads and stabilised construction entrances;
- g) Nature of progressive site rehabilitation proposed;
- h) All erosion and sediment control measures, including diversion channels, and staging details for those measures;
- i) The catchment boundaries and areas of all sediment control devices;
- j) The specific locations of all points of discharge to the receiving environment, including to the stormwater network;
- k) Details of the methodology for undertaking any monitoring required by conditions of this consent, including location for upstream and downstream (at zone of reasonable mixing) water quality monitoring required under condition 16; and
- l) Any other relevant site or information required to demonstrate compliance with the *ESC Guide for Land Disturbing Activities in the Wellington Region* or consent conditions.

Note: It is recommended that the ESCP is prepared with input from the contractor undertaking the works.

- 5. Works authorised by this consent shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager.
- 6. The consent holder shall undertake all works and install, operate, monitor and maintain all erosion and sediment controls in accordance with the certified ESCP, unless otherwise approved in writing by the Manager.

As-builts

- 7. At least **2 working days** prior to the commencement of earthworks authorised by this consent, the consent holder shall provide the Manager with 'as-built' plans and details, which have been prepared and signed by a SQEP, confirming 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.

For other ESC measures, as-built information for the purpose of this condition may include:

- *A signed copy of the certified ESCP with a statement that the ESC measure has been constructed in accordance with the certified ESCP. This statement may include the relevant construction quality check sheet for the ESC measure from Appendix C1.0 of the ESC Guidelines for the Wellington Region; and*
- *Photographs of each control measure as constructed.*

Flocculation Management Plan

8. The consent holder must submit a Flocculation Management Plan (FMP) to the Manager for certification at least **10 working days** prior to any discharges occurring from any decanting earth bund and/or sediment retention device.

The purpose of the Flocculation Management Plan (FMP) is to demonstrate how flocculation will be used, monitored and managed appropriately.

The FMP must be prepared by a SQEP in consultation with the contractor undertaking the works and party who will be responsible for the operation and maintenance of the system and must be in accordance with the *ESC Guide for Land Disturbing Activities in the Wellington Region*.

The FMP must include as a minimum:

- a) Specific design details of the chemical treatment dosing system, based on a rainfall activated methodology for decanting earth bunds (DEBs) and 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 trials;
- e) A spill contingency plan; and
- f) Details of the person or bodies that are responsible for the operation and maintenance of the chemical treatment system and the organisational structure that will support this system.

9. Works authorised by this consent shall not commence until the consent holder has received notice in writing that the FMP has been certified by the Manager.
10. The consent holder shall undertake flocculation in accordance with the certified FMP, unless otherwise approved in writing by the Manager.

11. The consent holder must review the FMP 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 each review shall be submitted to the Manager upon request.

Flocculation monitoring and maintenance reports

12. When the consent holder is using flocculation on site, the consent holder shall submit weekly flocculation monitoring reports as required by the FMP to the Manager. These reports must include:
 - a) Dates and results of operation and maintenance undertaken by a SQEP;
 - b) Flocculation testing undertaken (record sheets); and
 - c) Any corrective measures taken where a device has been found to not be functioning effectively.

Amendments to Management Plans

13. The consent holder may request amendments to the management plans (ESCP or FMP) by submitting the amended management plan to the Manager for the certification. Any amendments must be in accordance with the *ESC Guide for Land Disturbing Activities in the Wellington Region* and other conditions of this consent. The amendments sought shall not be implemented until the consent holder has received notice in writing amendments have been certified by the Manager. All works shall be carried out in accordance with the certified amendments.

Stabilisation

14. The consent holder must progressively stabilise all disturbed or un-stabilised areas in accordance with the staging plan and progressive site rehabilitation details set out in the ESCP and *ESC Guide for Land Disturbing Activities in the Wellington Region*. Upon completion of works authorised by this consent, the entire site shall be stabilised.

Site audits

15. During works authorised by this consent, and until the site has been stabilised, the consent holder shall have the site and erosion and sediment control measures audited by a SQEP.

The audits must identify whether all erosion and sediment controls have been installed, operated and maintained in accordance with the ESCP and *ESC Guide for Land Disturbing Activities in the Wellington Region*, and identify any steps or measures required to ensure compliance is achieved.

The audits required by this condition must be undertaken:

- a) on a minimum of a weekly basis (unless a reduced frequency is approved in writing by the Manager); and

b) as soon as practicable and within 24 hours after a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours.

Each audit must be recorded in writing and submitted to the Manager within **2 working days** of completing the audit, unless an alternative timeframe is approved by the Manager.

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

Sediment treatment device monitoring

16. The consent holder shall sample and record the parameters set out in Table 1 below as soon as practicable in the following instances as a minimum:

- Following a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the Wellington Regional Council rainfall monitoring site Wainuiomata River at Wainui Reservoir; and
- Following the commencement of the discharge from each Decanting Earth Bund (DEB) and Sediment Retention Pond (SRP), and daily for duration of the discharge.

The sampling and recording must be undertaken in accordance with the methodology included in the ESCP.

The sampling and recording must be undertaken in accordance with the methodology included in the ESCP.

Table 1: Sampling Parameters for Device

Parameter	Location: Black Creek and tributaries			
	Inflow	Outflow	Downstream	Immediately upstream of the point of discharge from each SRP or DEB
pH	✓	✓	✓	✓
Turbidity (NTU)	✓	✓	✓	✓

The consent holder must submit all monitoring data and information collected to the Manager within **5 working days** of the date the sampling is undertaken, unless an alternative timeframe is approved by the Manager.

The monitoring required by this condition may only cease once the catchment has been completely stabilised and sediment control measures decommissioned, unless otherwise approved by the Manager.

Discharge quality

17. The consent holder shall ensure that any discharges to Black Creek (including any tributaries) or the coastal marine area do not give rise to any of the following, more than 50m downstream of any discharge point (where the discharge is to the Black Creek) or

15m downstream of any discharge point (where the discharge is to the coastal marine area):

- a. The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
- b. Any conspicuous change in the colour; or
- c. A decrease in water clarity of more than
 - i. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes) identified the Wellington Regional Council Natural Resources Plan for the Wellington Region; or
 - ii. 30% in any other river; or
- d. Any emission of objectionable odour; or
- e. the freshwater is unsuitable for consumption by farm animals; or
- f. any significant adverse effects on aquatic life.

Monitoring response

18. In the event that any of the following incidents occur:

- a) the sediment treatment device monitoring required under condition 16 confirms that:
 - a. at the outflow of the device, the NTU value is 170 NTU or greater, and/or
 - b. for any flocculated device the pH is at or below 5.5 or above 8.5; or
- b) there is a failure or malfunction of any erosion and sediment control measure, or any other unauthorised discharge of contaminants, that has resulted in a discharge either directly or via land to a waterbody or local authority stormwater infrastructure;

the consent holder shall:

- i. Immediately notify the Manager of the incident;
- ii. Immediately investigate the cause of the incident and implement changes required to prevent a reoccurrence;
- iii. Take photographs of the discharge point, and upstream and downstream of the discharge point;
- iv. Re-establish erosion and sediment control measures as soon as practicable in accordance with the ESCP;

v. Within **5 working days** of any of the issues in a)-c) above occurring, provide a written report to the Manager including the following information:

- Date and time of the incident;
- Weather conditions prior to and during the incident;
- Photographs required by iii;
- Investigations undertaken;
- Cause of the incident;
- Response actions taken; and
- Lessons learnt and actions taken to prevent a recurrence.

Winter Works

19. All earthworked areas shall be stabilised prior to 1 June each year and be maintained in a stabilised state until at least 30 September. The stabilised surface shall be maintained in accordance with the ESCP.
20. 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.

Cut and fill

21. 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.

Note: Rule R82 (Discharges from contaminated land) of the Natural Resources Plan will apply to any imported or insitu material worked on the site. If the activity does not meet the permitted standards under Rule R82, consent will be required under Rule R83 (Investigation of, or discharges from contaminated land – discretionary activity).

22. All permanent or final cut and fill surfaces must be completed and stabilised so as to prevent erosion or instability. Any erosion of soil that is attributable to the works shall be contained, remedied and/or mitigated by the consent holder.

Stockpiles

23. The consent holder shall not place temporary stockpiles of earth or other material related to works that may unreasonably divert, obstruct, or concentrate overland flow in a manner that may result in off-site hazards, including on adjoining lots or public road corridors, greater than those existing under pre-development conditions.

Note: Identified overland flood flow paths are defined in Appendix A of Appendix 3: 221 & 239 Wise Street Flood Hazard Assessment & Stormwater Servicing Report document (Appendix D - E2 - Flood Risk Assessment.pdf), dated 25 June 2021, supplied with the application.

Decommissioning

24. The consent holder must not remove or decommission any erosion or sediment control measure until the contributing catchment for the erosion or sediment control measure is completely stabilised. Written notice must be provided to the Manager prior to the removal or decommissioning of each erosion or sediment control measure. Written

notice must include evidence of stabilisation and be signed by a SQEP confirming that the contributing catchment for the erosion or sediment control measure is stabilised.

Discovery of artefacts

25. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, the consent holder must immediately cease all work and within 12 hours notify the Manager, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc, and Heritage New Zealand in writing. If human remains are found, the New Zealand Police must also be notified immediately. The consent holder shall allow the above parties to inspect the site and, in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to:

- Greater Wellington Regional Council, notifications@gw.govt.nz
- Heritage New Zealand, information@heritage.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatitoa.iwi.nz
- Port Nicholson Settlement Block Trust, taiao@portnicholson.org.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 provided to the Manager written notification that consultation with the parties identified above has been undertaken.

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

Complaints

26. 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 48 hours after the complaint is received by the consent holder.

CONSENT DURATION

Pursuant to section 123 of the Resource Management Act 1991, consent WGN250128 [40061] [40062] shall expire on 14 August 2030.

PROACTIVE RELEASE

Consent conditions WGN250128 [40060] [40064]

[40060] Discharge permit for the discharge of stormwater to land

[40064] Land use consent for the creation of impervious surfaces

INTERPRETATION

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

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

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number (WGN250128) and the name and phone number of a contact person responsible for the proposed works.

Warranted Officer means any person authorised under section 38 of the Resource Management Act 1991.

General conditions

1. The location, design, implementation and operation of the works authorised by this consent shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council, including:

- Application documents received on 25 February 2025
 - 29702_221 Wise St_GWRC_SWPC1.pdf and appendices
- Further information (s92) received on 14 May 2025
 - GWRC 29702 217 & 239 Wise Street s92 14-03-25.pdf and appendices
- Further information (stream works methodology) received on 23 July 2025
 - 29702_207 Wise St Wainuiomata_s92.pdf and appendices
 - Further clarification received via email on 28 July 2025

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 Warranted 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.

Stormwater Detailed Design

3. The consent holder shall finalise and provide the Stormwater Detailed Design, including drawings, specifications, design report and calculations for the stormwater management devices to the **Manager** at least 20 working days prior to proposed installation of the stormwater management devices.

The Detailed Design shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council.

The Detailed Design shall be in accordance with the approved drawings and information supplied with the application.

For all stormwater management devices, the Detailed Design shall include (but not necessarily be limited to):

- a) Contributing catchment size and impervious percentage;
- b) Specific locations of bioretention devices/raingardens; soakage layers in raingardens; planting around watercourses; and retention tanks;
- c) Supporting calculations, including sizing capacity of stormwater management devices;
- d) A planting plan for the vegetation around watercourses; and
- e) Catchment boundaries for the stormwater treatment devices.

The construction of any stormwater management devices shall not commence until the consent holder has received notice in the writing that the Detailed Design has been certified by the Manager.

Stormwater Maintenance Plan

4. The consent holder shall prepare and submit a final Stormwater Maintenance Plan (SMP) to the Manager for certification at least **20 working days** prior to discharges commencing from any stormwater management devices.

The objective of the SMP is to ensure that all stormwater management devices are operated and maintained according to best practice, and in accordance with the *Wellington Water Ltd Water Sensitive Design for Stormwater: Treatment Device Design Guideline (the Guideline) December 2019*; and the application documents.

The SMP will provide for all stormwater devices, including (but not necessarily limited to):

- i. Open channel waterways (modified or restored);
- ii. Flow control structures (e.g., culverts, orifices, outlet controls);
- iii. Erosion protection and riprap armouring;
- iv. Stormwater detention and compensatory flood storage areas; and

- v. Overland flow paths and secondary bypass routes.

The SMP shall include (but not necessarily be limited to):

- a) Details of the person or organisation that will hold responsibility for long-term maintenance of the stormwater management devices, including procedures and thresholds for intervention for sediment removal, vegetation management, debris clearance, and repair of damaged structures;
- b) A programme for regular maintenance and inspection of the stormwater management devices, including inspection frequency, trigger events, and performance indicators;
- c) A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- d) A programme for post storm inspection and maintenance;
- e) Access provisions for future asset owners;
- f) A requirement to retain records of all inspections and maintenance for the stormwater management system, for the preceding three years.

Records kept under 4(f) shall be made available to the Manager upon request.

- 5. Discharges from the stormwater treatment devices shall not commence until the consent holder has received notice in writing that the SMP has been certified by the Manager.
- 6. The consent holder shall ensure that the stormwater management system is managed in accordance with the certified Stormwater Management Plan.

As-built plans

- 7. No later than **20 working days** after the construction of the stormwater management devices, the consent holder shall provide the Manager with “as-built” certified plans of the stormwater management devices, detailing that the stormwater management devices have been built in accordance with condition 1.
- 8. The as-built plans shall be certified (signed) by a suitably qualified and experienced engineer.

Inspections and maintenance

- 9. The consent holder shall inspect and maintain the stormwater management devices in accordance with the certified SMP.
- 10. The consent holder shall provide an inspection and maintenance report to the Manager on request.

The maintenance report shall include (but not necessarily be limited to) the following information:

- a) Details of the person or bodies that are responsible for the operation and maintenance of the stormwater management system and the organisational structure supporting this process;
- b) Details of all inspections completed for the preceding three years; and
- c) Details of all maintenance undertaken for the preceding three years.

Amendments to Detailed Design and/or Stormwater Management Plan

11. The consent holder may request amendments to the Stormwater Management Plan or Detailed Design 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 Stormwater Management Plan or Detailed Design has been certified by the Manager.

Financial contributions

12. The consent holder shall pay Wellington Regional Council a financial contribution of \$30,600 for stormwater discharges from an impervious area of 8,500 m², in relation to the residual environmental effects of stormwater discharges as a result of the creation of impervious surfaces under this consent.

Should the impervious area created be greater or less than 8,500 m² based on the certified Stormwater Management Plan, the consent holder shall pay a revised financial contribution amount as a result of the actual new impervious area created. The revised amount shall be calculated at a rate of \$360/100 m² for Te Whanganui-a-Tara Whaitua.

The financial contribution shall be paid to the Wellington Regional Council on the 20th of the month following the issue of an invoice by the Council.

Note 1: An invoice for the financial contribution will be issued following the certification of the Stormwater Management Plan.

Note 2: Contributions have been calculated in accordance with Schedule 30: Financial Contributions of the Natural Resources Plan: Proposed Plan Change 1 (October 2023) for Te Whanganui-a-Tara Whaitua. If the value of financial contributions payable changes through the PC1 hearing process, the applicant may apply for a change of condition under s127.

CONSENT DURATION

Pursuant to section 123 of the Resource Management Act 1991, consent WGN250128 [40060] shall expire on 14 August 2060, and consent WGN250128 [40064] shall be held in perpetuity.

Consent conditions WGN250128 [40063] [40472]

[40063] Land use consent for stream works

[40472] Water permit for the temporary diversion of water

INTERPRETATION

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

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

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number (WGN250128) and the name and phone number of a contact person responsible for the proposed works.

Surface water body means any river, lake, natural wetland, estuary outside of the coastal marine area, or water race, and their bed. Surface water body does not include ephemeral watercourses.

Warranted Officer means any person authorised under section 38 of the Resource Management Act 1991.

General conditions

1. The location, design, implementation and operation of the works authorised by this consent shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council, including:

- Application documents received on 25 February 2025
 - 29702_221 Wise St_GWRC_SWPC1.pdf and appendices
- Further information (s92) received on 14 May 2025
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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 Warranted 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.

Stream Works Construction and Management Plan (SCMP)

3. The consent holder shall submit a final Stream Works Construction and Management Plan (SCMP) to the Manager for certification at least **20 working days** prior to the proposed date of commencement of any works authorised by this consent.

The purpose of the SCMP is to demonstrate the measures, procedures, and methodologies that will be put in place to manage the actual and potential effects related to stream works and temporary diversion of water.

The SCMP shall be prepared by a SQEP and must be in accordance with the stream works methodology received on 23 July 2025 (29702_207 Wise St Wainuiomata_s92.pdf and appendices).

The SCMP must include the following information, plans and details (but is not necessarily limited to):

- a) Responsible personnel, including the roles and responsibilities of all staff and contractors;
- b) The construction programme and timeframes;
- c) Longitudinal and cross-sectional profiles of all surface water bodies;
- d) The construction methodology, including:
 - i. Details of the temporary stream diversions, including sufficient sizing of diversion channels to allow for the same flow as the original channel and to ensure flooding does not occur; and
 - ii. Measures for managing increased volumes of water when rainfall occurs during works; and
- e) Methods to treat any sediment-laden water before discharge into Black Creek;
- f) Methods to minimise any contaminants on site, including sediment, from entering surface water bodies;
- g) Methods to ensure effects on ecological values will be reduced in accordance with condition 12;
- h) Details on how turbidity monitoring will be undertaken in accordance with conditions 13 and 14;
- i) Details on how fish rescue, if required, will be undertaken in accordance with condition 15 and Appendix 1;
- j) A flood response plan in accordance with condition 16; and

- k) Any other relevant matters to ensure compliance with all conditions.
- 4. No stream works shall commence until the consent holder has received notice in writing that the SCMP has been certified by the Manager.
- 5. The consent holder shall undertake all stream works in accordance with the SCMP.

Stream Works Detailed Design

- 6. The consent holder shall finalise and provide a Stream Works Detailed Design, including drawings, specifications, design report and calculations for all proposed outlet structures that discharge to Black Creek, and flow control structures and culvert interfaces within the northern waterway, to the **Manager** at least 20 working days prior to proposed construction of structures.

The Detailed Design shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council.

The Detailed Design shall be in accordance with the approved drawings and information supplied with the application.

For outlet structures discharging into Black Creek, the Detailed Design shall include (but not necessarily be limited to):

- a) Scour analysis based on predicted exit velocities;
- b) Erosion protection design, including riprap sizing, apron dimensions, geotextile filters, and toe embedments;
- c) Longitudinal and cross-sectional profiles showing the tie-ins of structures to natural channel beds and banks, and confirmation of freeboard;
- d) Maintenance access provisions, including secure entry, sediment/debris removal capability, and safe inspection access for long-term access management; and

For control structures in the northern waterway, the Detailed Design shall include (but not necessarily be limited to):

- e) A detailed drawing showing structure geometry, invert levels, crest elevations, access chambers, bypass or overflow features (if applicable), and tie-ins to adjacent drainage infrastructure.

The construction of any proposed outlet structures that discharge to Black Creek shall not commence until the consent holder has received notice in the writing that the Detailed Design has been certified by the Manager.

Temporary diversions within surface water body channels

- 7. The consent holder shall ensure temporary surface water body diversions are in place prior to the commencement of instream works (excavation, widening and deepening, and construction). The temporary water diversion shall:

- a) Be implemented, managed, and maintained in accordance with condition 3;
- b) Separate all construction activities from flowing water;
- c) Remain in place for the full duration of instream works;
- d) Not be removed, resulting in stream flow being reinstated, until associated construction activities have been completed.

Reducing effects on water quality

8. The Consent Holder shall minimise sediment discharges and adverse effects on instream habitats and ecology during the stream works by undertaking the following as a minimum:
 - a) Completing all works within 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 wetted channels, as far as practicable;
 - d) Separating all construction activities from flowing water; and
 - e) Minimising operation of machinery in the streambed and undertaking works from the banks where practicable.
9. The Consent Holder shall ensure that:
 - a) No contaminants from machinery, including but not limited to oil, petrol, diesel, or hydraulic fluid, is released into water, or to land where it may enter water;
 - b) No contaminant storage or re-fuelling areas are within 20m of any waterbody, water flow channel or stormwater system to ensure there is no discharge of contaminants to water or to land where it may enter water, and;
 - c) No machinery is cleaned, stored or refuelled within 20m of any waterbody, water flow channel or stormwater system.
10. The Consent Holder shall ensure that all vehicles and equipment are inspected for the presence of invasive or pest aquatic species including *Didymosphenia geminata* (didymo) prior to entering a water body. In the event that an invasive or pest aquatic species is discovered upon any vehicle or equipment it shall be cleaned in accordance with the Ministry for Primary Industries cleaning methods.

Note: Note: The Ministry for Primary Industries cleaning methods can be found at <https://www.mpi.govt.nz/outdoor-activities/boating-and-water-activities-preventing-the-spread-of-pests-weeds-and-diseases/check-clean-dry/>.

11. 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.

Reducing effects on ecological habitat values

12. The consent holder shall ensure the beds of on-site surface water bodies are reverted back to the pre-construction condition or better upon completion of the stream works authorised by this consent. This may include, but is not limited to:

- Removing, stockpiling, and reinstating any natural stream bed materials;
- Replicating pre-construction pools, riffles, and backwaters along the affected reach of the water body;
- Ensuring instream structures do not obstruct fish passage; and
- Ensuring there is a variety of widths and depths along the affected reach of the water body.

All works, and timing of works, to reduce effects on ecological habitat values and revert surface water bodies to their pre-construction condition or better shall be undertaken in accordance with the certified SCMP.

Turbidity monitoring

13. The consent holder shall undertake turbidity monitoring in Black Creek during the livening of temporary diversions and the re-livening of on-site waterbodies. Turbidity monitoring shall be undertaken in accordance with the certified SCMP.

The consent holder shall place turbidity loggers no more than 20 meters upstream and downstream of the temporary diversion to record, for the duration of the livening of temporary diversions and re-livening of on-site waterbodies, the peak turbidity of the discharge and duration of increased turbidity.

Turbidity monitoring shall continue until it is demonstrated downstream turbidity levels are lower than, or within 10% of, upstream turbidity levels.

14. In the event downstream turbidity levels are elevated above 10% of upstream turbidity levels **24 hours** after the livening of temporary diversions or re-livening of on-site waterbodies, the consent holder shall:

- Immediately notify the Manager of the exceedance as soon as reasonably practical but no later than **24 hours** of becoming aware of the breach;
- Immediately undertake onsite investigations to determine the cause of the elevated turbidity levels and what can be done to remedy the issue as soon as reasonably practical but no later than **24 hours** of becoming aware of the breach;
- Liaise with the Manager to establish whether any remediation or mitigation is required, and carry out any such action as required by and to the satisfaction of the Manager;

- d) Record the date, time and weather conditions, details of investigations, possible causes, lessons learned, and actions taken or to be taken to reduce turbidity levels and prevent re-occurrence during future works; and
- e) Within 5 working days of the exceedance being recorded, provide the information in (d) above to the Manager.

Works in channels

- 15. Prior to undertaking works associated with widening and deepening surface water bodies, the consent holder shall inspect the channels for standing water and associated presence of any fish.

In the instance any fish are identified in the surface water bodies, the consent holder shall undertake fish rescue in accordance with the Greater Wellington Fish Rescue Protocol (included as Appendix A in the consent conditions), and by a SQEP, such as a freshwater ecologist, with the required permits.

Note: It is the responsibility of the consent holder to ensure that they secure any necessary authorisations from the Department of Conservation, the Ministry of Primary Industry and Fish and Game New Zealand, prior to the commencement of any fish rescue.

- 16. In the instance fish rescues are carried out under condition 15, the consent holder shall provide all fish rescue data, including the number, length, and species of each captured fish, to the Manager within 5 working days of completion of starting stream works.

Flood Response Plan

- 17. The consent holder shall submit a Flood Response Plan to the Manager for certification at least 10 working days prior to works commencing. The Flood Response Plan shall include the following information, and details (but is not necessarily limited to):
 - a) A primary and secondary on-call emergency contact;
 - b) Details of the on-site location of any chemicals, construction materials, and vehicles; and
 - c) A management plan for the site in the event of a severe weather warning being issued by MetService.
- 18. No stream works shall commence until the consent holder has received notice in writing that the Flood Response Plan has been certified by the Manager.
- 19. The consent holder shall undertake all stream works in accordance with the Flood Response Plan.

Amendments to Management Plans

- 20. The consent holder may request amendments to the SCMP and Flood Response Plan 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 SCMP has been certified by the Manager.

CONSENT DURATION

Pursuant to section 123 of the Resource Management Act 1991, consent WGN250128 [40063] [40472] shall expire on 14 August 2030.

PROACTIVE RELEASE

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 WGN250128 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 Warranted 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: “exercise of the consent” is deemed to be once the works authorised by this consent have commenced.

PROACTIVE RELEASE

Appendix A

Fish Rescue Protocol for Minor Stream Works

This protocol applies to:

- minor stream works, being defined in this protocol as <30 metres in length;
- any waterbody where there is any flowing or still water present; and
- all fish including native fish ‘whitebait’, tuna (eels), koura (freshwater crayfish), kākahi (freshwater mussel) and trout, except where specifically excluded as pest fish below.

This protocol excludes:

- pest fish including brown bullhead catfish, gambusia, koi carp, rudd, and tench.

Preparation

1. Containers/buckets will be half-filled with clean stream water and kept in the shade as much as practicable. The containers must have lids to prevent escape.
2. Barriers or bunds will be installed in/across the stream to stop fish and water from entering the works area. These barriers/diversion bunds should be closed to completely separate the construction area from the rest of the stream.

Inspection and rescue before any works start

3. If diversion of the water flow is included in the works, the part of the stream that is gradually de-watered shall be inspected continuously for stranded fish.
4. A thorough walkover of the stream bed, including any pools or mud, will be done to examine the entire area of the stream for fish, koura or kākahi.
5. Any fish, koura or kākahi found shall be handled with dip nets and/or wet hands or gloves – these make gripping easier and reduce the risk of injury to fish.
6. Any fish, koura or kākahi found shall be photographed, measured and counted, with the details recorded. The record shall be emailed to notifications@gw.govt.nz within five working days, including the location, date and WGN/WAR number.
7. Any fish, koura or kākahi found shall be put into to a lidded container (as prepared above) of appropriate volume for the number of fish or directly into flowing water upstream of the work area.
8. During any excavation of any part of the stream bed, the top 0.5m of spoil will be spread out in a thin layer on the bank near the stream for inspection. When safe to access the spoil, it will be visually checked for any fish, koura or kākahi.

Transfer and release ASAP

9. Fish, koura and kākahi will be held in containers for as short a time as practicable. If release will not be occurring within 30mins of being found, a battery-powered aerator all be used in each container, the lidded container will be stored in the shade and the water changed regularly.

10. Fish density and behaviour shall be monitored regularly for any signs of distress (e.g. air gulping).
11. Containers shall not be overstocked and larger eels (>500mm) and koura shall be kept in separate containers to other captured fish to avoid injury or predation. Eels can be temporarily held in wet sacks as long as they are kept wet, cool and shaded, or in the water.
12. Fish, koura and kākahi will be relocated to suitable habitats within the same stream system with similar flow conditions and similar or better habitat.
13. Upon release, fish, koura and kākahi shall be distributed over a similar length of stream as they were caught, with small fish released first. Large numbers of fish shall not be released in one location to minimise the risk of short term overstocking or predation.

PROACTIVE RELEASE

Reasons for decision

1. Background and proposal

DMAC Homes Limited (the applicant) (trading as Family Homes) has applied to Wellington Regional Council (GWRC) for resource consent to enable construction of a 108-dwelling subdivision. Consents are for land use consents to carry out earthworks over 3,000 m², stream works, and to construct new/redeveloped impervious surfaces; discharge permits to discharge sediment-laden water, and stormwater; and water permits to temporarily divert surface water.

1.1 Location

The subject site is located at 217 and 239 Wise Street, Wainiomaata, Lower Hutt (Figure 1) over two parcels of land. The site is ~4.7 ha in area.

The proposed activity is not located within or near a scheduled site in the NRP. The receiving environment of the site is ultimately the Wainiomaata River, the lower reaches of which are a Schedule C site, being of significance to Taranaki Whānui ki te Upoko o te Ika a Maui.

The proposal is located within the Te Whanganui-a-Tara Whaitua.



Figure 1: The subject site outlined in red. On-site streams are shown in blue.

1.1.1 Waterways

There are two unnamed watercourses (tributaries of Black Creek and ultimately the Wainuiomata River) identified on site, shown on Figure 1:

- The northern stream flows from east to west across the northern boundary.
- The central stream flows through the centre of the subject site (along the boundary between the two land parcels).

An artificial drain is located at the southern boundary of the site. The drain is vegetated with wetland plant species, exotic grasses, and exotic woody vegetation.

1.1.2 Pasture exclusion wetlands

Wet areas in depressions on site were identified by the applicant during the ecological assessment. These were identified as pasture exclusion wetlands as they did not meet the definition of a natural inland wetland under the NES-FM.

1.2 Proposed earthworks

Earthworks are required to level the site and expand on-site waterways for increased stormwater flows.

Earthworks will encompass 47,035 m², and include:

- Cut of 2,569 m³ to a maximum depth of 1.90 m,
- Fill of 8,288 m³ to a maximum height of 1.10 m, and
- A raft volume of 12,870 m³.

The applicant proposes to provide for erosion and sediment controls by clean water diversion channels and bunds; dirty water diversion channels and bunds, contour drains, stabilised entrances and a haul road; surface roughening; silt fences; super silt fences; sediment retention ponds (SRPs), decanting earth bunds (DEBs); and dust control.

1.3 Impervious surfaces and stormwater discharge

The applicant proposes to construct approximately 8,500 m² of new impervious surfaces, including roads, right of ways, and footpaths.

Roofing does not meet the definition of impervious surfaces as run-off is directed to retention tanks for re-use.

To mitigate the effects of an increase in impervious surfaces, the applicant proposes to widen onsite watercourses (streams and the drain) to increase stormwater capacity; bioretention devices (raingardens) to capture first-flush flows from the stormwater system; soakage layers

under the raingardens; planting around onsite watercourses to provide additional treatment; and retention tanks on properties with overflow into either the stormwater system or on-site watercourses. The applicant proposes greywater re-use systems for all residential dwellings.

Financial contributions are proposed for roads, right of ways, and footpaths to treat residual contaminants.

1.4 Stream works

Stream works will be carried out in accordance with the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*. The applicant proposes to carry out works with stable batter construction with rock armouring and/or geotextile reinforcement where needed. The site will be immediately stabilised post-works. Energy dissipation structures will be installed at key flow transition points.

1.1.1 Northern stream works

The applicant proposes to modify the northern stream by excavating the bed and banks, mucking out the bed, widening and deepening the stream, removing riparian vegetation, and replanting the stream following completion of works.

Following widening and deepening, the applicant proposes to install a Redi-Rock system and low flow channel in the northern channel. The low flow channel will be reinstated with riprap to prevent scour and erosion. A compacted clay/silt bedding layer will be installed below the riprap to reduce the potential for seepage or baseflow loss.

The proposed gradient will be greater than 5%. Fish passage will be provided via constructing side pools, and dissipating energy with stream substrate.

1.1.2 Central stream works

The applicant proposes to remove vegetation from the central stream, widen the banks, and replant following completion of works. Unlike the northern channel, the applicant does not propose to muck out the bed of the central channel.

1.1.3 Proposed temporary stream diversion

To enable widening and deepening of the northern channel, the applicant proposes to divert water in the northern channel to an existing vegetated open channel running north-south adjacent to the subject site. Flows from this temporary channel will then be diverted into the central channel and ultimately discharge into Black Creek.

Following completion of works, the temporary diversion channel will be decommissioned and backfilled.

1.1.4 Culvert design

The applicant proposes to replace the culvert at the intersection of the northern stream and Black Creek. This culvert will be constructed with a spat rope (or similar structure) and embedment and sizing to enable fish passage. As outlined in section 2 below, the applicant proposes to undertake replacement of this culvert as a permitted activity.

The applicant will likely install a culvert at the Wise Street corridor in the future. The applicant will assess the proposed culvert for fish passage and apply for consent if required.

1.5 Timing of the works

The applicant proposes that construction will take place over three seasons (i.e., three years). The applicant is not proposing to carry out earthworks in the winter works period.

2. Reasons for resource consent / activity status

2.1 Natural Resources Plan (NRP)

The Natural Resources Plan (NRP) was made operative on 28 July 2023, and those provisions are relevant to this activity. Proposed Plan Change 1 of the Natural Resources Plan (NRP-PC1) was publicly notified by the Council on 30 October 2023. All rules in the NRP-PC1 have immediate legal effect under section 86B(3) of the RMA. As the application was lodged after 30 October 2023, the NRP-PC1 is relevant to determining the resource consents required, activity status, the notification decision and the substantive assessment of the proposal under section 104 of the RMA.

RMA section	Rule	Activity Status	Comments
Natural Resources Plan (NRP)			
S 15	Rule R49	Permitted	The proposed stormwater discharge does not comply with Rule R49 of the NRP because works do not meet condition (a). Stormwater discharge must therefore be assessed as a restricted discretionary activity against Rule R50.
	Rule R50	Restricted discretionary	
S 9, S15	Rule R101	Permitted	The proposed earthworks do not comply with Rule R101 of the NRP because the application is for over 3,000 m ² of earthworks within a 12-month period. In addition, proposed earthworks do not meet condition (d) as works are within 5m of a
	Rule R107	Discretionary	

RMA section	Rule	Activity Status	Comments
Natural Resources Plan (NRP)			
			surface water body. Earthworks must therefore be assessed as a discretionary activity against Rule R107.
S 13	Rule R126	Permitted	The applicant has assessed the application against Rules R126 and R130 of the NRP and regulation 70 of the NES-F and has stated that the replacement, repair, and construction of culverts will be undertaken as a permitted activity in compliance with these rules and regulations.
	Rule R130	Permitted	As culvert placement will be undertaken as a permitted activity, this consent does not authorise activities associated with the placement of any culverts.
S 13	Rule R145	Discretionary	The applicant proposes to widen and deepen the on-site waterbodies (classified as rivers) to a depth and width greater than the existing grade and cross-section of the channel. These works in the bed of a river are not expressly allowed for by any other rule in the NRP so proposed works must be considered as a discretionary activity against Rule R145.
S 13	Rule R147	Discretionary	The applicant proposes to temporarily divert the onstream watercourses (including those classified as rivers) while carrying out works. These works are not expressly allowed for by any other rule in the NRP so proposed works must be considered as a discretionary rule against Rule R147.
Natural Resources Plan – Plan Change 1			
S9, S15	WH.R5	Permitted	The proposed stormwater discharge does not comply with Rule WH.R5 of the NRP-PC1 because the proposed works do not comply with condition (a). The proposed discharge does not comply with Rule WH.R6 of the NRP-PC1 because the proposed works do not comply with condition (a). The application must therefore be assessed as a discretionary activity against Rule WH.R11. The applicant has provided a Stormwater Impact Assessment, and financial contributions will be imposed.
	WH.R6	Controlled	
	WH.R11	Discretionary	

RMA section	Rule	Activity Status	Comments
Natural Resources Plan (NRP)			
S 9, S15	WH.R23	Permitted	Proposed earthworks do not comply with Rule WH.R23 because proposed works do not comply with condition (c) or (c)(i). Earthworks must therefore be assessed as a restricted discretionary activity against Rule WH.R24
	WH.R24	Restricted discretionary	

2.2 Overall activity status

The activity is considered a discretionary activity under the NRP, a discretionary activity under the proposed NRP-PC1. Overall, the activity must be assessed as a **discretionary activity**.

3. Notification decision

A decision was made on 1 August 2025 to process the application on a non-notified basis as the effects of the activity are considered to be no more than minor under s95D. Further information on the notification decision and potentially affected persons is provided in document [#250128-1465901845-54](#). For this application it is considered that there are no affected persons.

4. Consultation

Iwi authority	Comments
Port Nicholson Settlement Block Trust representing Taranaki Whānui ki Te Upoko o Te Ika	A summary of the proposal and access to the application documents were sent to Port Nicholson Settlement Block Trust. At the time of finalising this report, no comment had been provided.
Te Rūnanga O Toa Rangatira representing Ngāti Toa Rangatira	A summary of the proposal and access to the application documents were sent to Te Rūnanga O Toa Rangatira. Te Rūnanga requested further information on stream flow, which was provided via site photos and information from the applicant. Te Rūnanga understood that open water streams are to be kept naturalised and for riparian vegetation to be restored. Te Rūnanga advised that best practise to be followed for stormwater in alignment with Te Mahere Wai, and that stormwater discharges be managed in a way that aligns with natural flow regimes of Black Creek.

5. Environmental effects

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.

The application was assessed on behalf of Greater Wellington by the following technical experts:

- Larrissa Fraser-MacFarlane, Resource Advisor, Wellington Regional Council
- Ruslaan Riyaz, Kaipūkaha Senior Engineer – Knowledge, Water Resilience, Wellington Regional Council
- Amanda McLaren, Senior Environmental Engineer Mataaro Taiao, Morphum Environmental
- Michael Greer, Principal Scientist, Director, Torlesse Environmental

5.1 Erosion and sediment effects

During earthworks, sediment has the potential to be mobilised and subsequently discharged to land where it may enter a waterbody. Once in a waterbody, sediment has the potential to cause a local and temporary increase in turbidity, thus reducing overall water quality. Higher concentrations of suspended solids (i.e., sediment) can have adverse effects on aquatic ecology, especially if the above conditions persist over a long period of time.

Erosion and sediment controls were reviewed by Mrs Fraser-MacFarlane, who recommended the applicant provide a finalised ESCP prior to beginning works; as-builts for the SRP, DEBs, and silt fence; a flocculation management plan; and monitoring of sediment treatment devices. I have recommended these be included as consent conditions.

The applicant has not applied for winter works, and I therefore have applied a condition prohibiting any works over winter.

Given Mrs Fraser-MacFarlane's expert review, and provided the recommended conditions are complied with, I consider the environmental effects of proposed earthworks on the environment will be less than minor.

5.2 Flooding effects

Earthworks and the erection of structures within proximity to surface waterbodies can result in changes to the movement of flood water and can exacerbate flooding effects.

Mr Ruslaan Riyaz reviewed the flooding aspects of the proposed activity. Mr Riyaz noted that the proposed control structure on the northern waterway/proposed stormwater system will play a critical role in controlling discharge to Black Creek, and that the performance of the northern waterway will be critical for managing overflow on the site.

Mr Riyaz was satisfied with the level of information provided but, given the impacts on proposed changes to stormwater overflow, recommended additional conditions to minimise the risk of increased flooding via the new and modified stormwater system. These included detailed design for proposed outlet structures discharging into Black Creek and a Maintenance and Inspection Plan for flood mitigation and conveyance infrastructure. Mr Riyaz also considered that stockpiling of earth and materials should not be undertaken within existing overland flow paths to prevent obstruction of flows. I have recommended these consent conditions.

Based on Mr Riyaz's advice, I am satisfied that the environmental effects from changes to flooding risk from modifications to stormwater flow are likely to be less than minor and can be appropriately managed through consent conditions.

5.3 Stormwater and impervious surface effects

The proposed works will result in changes in land use and increased impervious surfaces. These changes may result in the introduction of contaminants into stormwater run-off and increases in peak flow, run-off volume and frequency of run-off to the Wainuiomata River. Discharges of contaminants from urban environments, including heavy metals and hydrocarbons, may result in contamination of surface water. If not managed correctly, stormwater may also impact downstream ecological values of the receiving environment.

Stormwater aspects of the application were reviewed by Ms Amanda McLaren. Ms McLaren requested further information on bioretention sizing, the Stormwater Impact Assessment, and on areas within the site that did not appear to drain to a treatment device. Ms McLaren noted that the proximity of the discharge to the outlet of the bioretention devices/stormwater management areas means it is unlikely that there would be significant opportunity for infiltration to be achieved. However, in her opinion the impacts of this are likely to be low, and the applicant has demonstrated that alternatives to introduce treatment for this location do not seem practicable.

I have recommended that a finalised Stormwater Management Plan and Detailed Design is required in the consent conditions.

Given Ms McLaren's expert review, and subject to compliance with conditions, I consider the environmental effects of proposed stormwater discharges on the environment will be less than minor.

5.4 Freshwater ecology effects

Works in the bed of a stream, and diversion of water in from a stream, can negatively impact freshwater ecology and aquatic habitat. Discharges of contaminants, including sediments and also potentially heavy metals, into a waterway during works, can directly impact fish health and cause sedimentation of waterways. Fish rescue may be required, which can negatively impact fish health and wellbeing. In addition, channels constructed and/or utilised for diversion can have fewer environmental values than the original stream, which can have a short-term negative impact on fish health and wellbeing.

The effects of works on freshwater ecology were reviewed by Dr Michael Greer. Dr Greer requested a draft stream methodology and assessment of effects of stream works, in particular the effects of the proposed stream diversion on the central stream, and the effects of installation of Redi-Rock and the low flow channel on stream ecology. Dr Greer also requested further clarification on the proposed deepening of the northern stream, in particular that the stream would still be accessible to fish following re-grading. After receiving this information, Dr Greer was satisfied the environmental effects of stream works would be no more than minor.

I have recommended consent conditions including a final Stream Works Management Plan and turbidity monitoring of Black Creek to manage effects during diversions.

Given Dr Greer's expert review, and provided the recommended conditions are complied with, I consider the environmental effects of proposed earthworks on the environment will be no more than minor.

5.5 Summary of effects

Given the assessment above, it is considered that the effects of the activity on the environment will likely be no more than minor when undertaken in accordance with the consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 outlines the purposes and principles of the RMA. 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 RMA.

6.2 Matters to be considered – Sections 104-108AA

Sections 104-108AA of the RMA provide 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)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2020 This national policy statement applies to all freshwater and relates to the management of freshwater and the protection of natural wetland and river values and habitats. In accordance with section 104(2F) of the RMA, I have not had regard to clauses 1.3(5) or 2.1 of the NPS-FM. Relevant policies are discussed below.	
	Policy 2	The application was sent Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira to provide the opportunity to identify any concerns they may have with the proposal and to assist with determining if they are an affected party. This provides the opportunity for mana whenua input at the resource consent decision making level. The proposal is therefore consistent with this policy.
	Policy 3	The activity is proposed to be managed in an integrated way that means the adverse effects, including those from the use and development of land, on the receiving environment are no more than minor. The proposal is therefore consistent with this policy.
	Policy 5	I consider this policy is met as the consent conditions required that the discharges are managed appropriately and so the health and

RMA section	Matter to consider	Comment
		well-being of Black Creek and unnamed on-site tributaries will be maintained/improved.
104(1)(b)(v)	Regional Policy Statement (including proposed Change 1) Following the decision on proposed Change 1, the freshwater provisions, denoted by an FW, of the RPS Change 1 are now deemed operative.	
	Objective 12 Policies 40, 41, 42, 47	<p>This objective and policies relate to ensuring freshwater quality and ecosystems are safeguarded for now and future generations by minimising the effects of contamination from stormwater, and flows and volumes of stormwater, through incorporating water sensitive urban design and hydrological controls.</p> <p>The applicant has proposed hydrological control measures including retention tanks, greywater reuse, and diversion of first flush rainfall to soakage. In addition, bioretention devices are proposed to treat runoff and first flush run-off to reduce discharge of contaminants into the stormwater system.</p> <p>The proposal is therefore consistent with this objective and policies.</p>
	Objective 13 Policy 40, 41 and 43	<p>These objectives and policies relate to ensuring the quality of freshwater meets a range of uses, safeguards the life supporting capacity of waterbodies, and meets the needs of future generations. Additionally, they relate to ensuring the region's rivers support healthy, functional ecosystems, and the aquatic ecological function of waterbodies is protected.</p> <p>Works are taking place within on-site waterbodies, including tributaries of Black Creek, to deepen and widen waterbodies. Additionally, earthworks will take place within a 5 m setback of these waterbodies. Following reviews by a freshwater ecology and erosion and sediment control expert, I consider these objectives and policies are met as the recommended consent conditions require that any discharges associated with earthworks are appropriately mitigated, particularly through the implementation of the ESCP.</p>
	Objectives 23, 24, 26, 27 Policies 48, 49	<p>These objectives and policies relate to recognising the role tangata whenua have in decision making, and the need to consider Te Tiriti o Waitangi when making decisions regarding</p>

RMA section	Matter to consider	Comment
		<p>resource management. They also relate to maintaining the mauri of waterbodies and mahinga kai are maintained in a healthy and accessible state for tangata whenua.</p> <p>I have considered these objectives and policies while assessing this application.</p>
	Objective 29 Policy 41	<p>This objective and policy relate to ensuring land management practices do not accelerate soil erosion, and the effects of earthworks are minimised.</p> <p>I consider that the recommended conditions of consent manage earthworks so that discharges of sediment into the receiving environment are avoided or appropriately mitigated. I consider that, with the application of the recommended conditions of consent, including the requirement that earthworks are undertaken in accordance with the ESCP, the proposed activity is consistent with Objective 29 and Policy 41.</p>
104(1)(b)(vi)	Natural Resources Plan	
	Objectives O1, O2, O3, O4 Policy P1	<p>These objectives and policies relate to the holistic and integrated use and management of resources. I have recognised and considered these objectives while assessing this consent application and consider that, with the application of the recommended conditions of consent, the proposal is consistent with this objective and policies.</p>
	Objectives O12, O13 Policies P18, P20, P21	<p>These objectives and policies recognise the cultural relationship between Māori and air, land and water, recognise and provision for kaitiakitanga, and recognise the need to maintain the mauri of fresh and coastal waters.</p> <p>A copy of the application was provided to Te Rūnanga o Toa Rangatira and Port Nicholson Settlement Block Trust. Te Rūnanga o Toa Rangatira provided comment, which can be found in section 4.</p> <p>I consider that, with the application of the recommended conditions of consent, the proposal is consistent with these objectives and policies.</p>

RMA section	Matter to consider	Comment
	Objective O17, O18, O19 Policies P9, P30, P31	<p>These objectives and policies relate to maintaining and improving the quality of surface water bodies, including for recreation and Māori customary use, with the aim of improving overall aquatic ecosystem health.</p> <p>The receiving environment of proposed works is Black Creek. Sediment discharges from the site are proposed to be managed and minimised through erosion and sediment control measures. The application has been reviewed by an erosion and sediment control expert, who has recommended appropriate conditions to manage effects from earthworks to be less than minor. Proposed diversions of freshwater have been reviewed by a freshwater ecology expert, who considered that the effects on the environment would be no more than minor.</p> <p>I have considered these objectives and policies while assessing this proposal and consider it is consistent with these.</p>
	Objective O34 Policy P107	<p>These objectives and policy relate to minimising the adverse effects on soil and water from land use activities.</p> <p>I am satisfied that, given the proposed erosion and sediment controls, the proposal is consistent with this objective and policy.</p>
	Objective O33	<p>This objective related to maintaining health and life supporting ability of soils.</p> <p>I am satisfied that, given the proposed erosion and sediment controls, and intention of works to avoid increasing the risk of erosion during heavy rainfall or flooding, the proposal is consistent with this objective.</p>
	Objective O37 Policy 107	<p>This objective and policy seek that earthworks will use good management practise to minimise the risk of accelerated soil erosion, control silt and sediment runoff, and ensure the site is stabilised relate to minimising the adverse effects on soil and water from land use activities.</p> <p>Because the effects of earthworks will be managed through appropriate erosion and sediment controls, and because the applicant will undertake progressive stabilisation as necessary, I consider that the activity is consistent with Objective 37 and Policy P107.</p>

RMA section	Matter to consider	Comment
104(1)(b)(vi)	Natural Resources Plan – Proposed Plan Change 1	
	Objectives WH.O1, WH.O2, WH.O3 Policies WH.P1, WH.P2	<p>These objectives relate to improving the health and wellbeing of all freshwater bodies to a wai ora state, and improving coastal water quality.</p> <p>The effects of earthworks will be managed through appropriate erosion and sediment controls, and the applicant proposes to undertake progressive stabilisation, minimising runoff of sediment into the receiving environment. Works in the bed of streams have been assessed by a freshwater ecology expert, who concluded effects would be no more than minor.</p> <p>I consider that, with the proposed erosion and sediment controls as reviewed by a relevant expert, and subject to compliance with conditions, the proposal is therefore consistent with this objective.</p>
	Policies WH.P9, WH.P10, WH.P14	<p>These policies relate to managing stormwater discharges, including so that the baseline water quality states for copper and zinc, including from new/redeveloped impervious surfaces.</p> <p>To minimise contaminants, the applicant proposes to direct first flush runoff to treatment devices, including bioretention devices, and proposes that zinc and copper will not be used in roofing and guttering. Hydrological control measures include retention tanks, greywater reuse, and diversion of stormwater to bioretention gardens to be diverted away from the stormwater system via evapotranspiration and soakage.</p> <p>These methods will form the stormwater treatment system on the site.</p> <p>I consider that the proposed stormwater design, and subject to compliance with the recommended conditions, the proposal is consistent with this objective.</p>
	Policy WH.P15	<p>This policy relates to providing for stormwater contaminant offsetting for new greenfield developments.</p> <p>The site is undeveloped and has no existing servicing and therefore can be considered as greenfield. I have applied a condition requiring financial contributions in accordance with Schedule 30, and consider this proposal is therefore consistent with this policy.</p>

RMA section	Matter to consider	Comment
	Policies WH.P29, WH.P30	<p>These policies relate to managing earthworks appropriately, given site specific conditions, and minimising the discharge of sediment-laden water from earthworks.</p> <p>I consider that, with the proposed erosion and sediment controls as reviewed by an earthworks expert, and subject to compliance with conditions, the proposal is consistent with this objective.</p>
	Policy WH.P31	<p>This policy relates to stabilising earthworks sites over the winter period (1 June to 30 September). The applicant has not applied for winter works. I consider works are consistent with this policy.</p>
104(1)(c)	Any other matter	<p>There are no other matters relevant to this application.</p>
105(1)	Matters relevant to discharge permits	<p>I have had regard to the matters in s105(1)(a) – (c) of the RMA when considering this application.</p>
107	Restrictions on grant of certain discharge permits	<p>The proposed discharges are not expected to result in any of the effects listed in s107(1) of the RMA after reasonable mixing. In the event that any of the effects listed in s107(1) do arise, the discharge will be temporary and so will meet the requirements of section 107(2).</p>
108 – 108AA	Conditions on resource consents	<p>All the conditions of consent meet s108 and s108AA of the RMA. I have assessed the conditions against the criteria in s108AA and consider that they:</p> <ul style="list-style-type: none"> have been agreed to by the applicant, and so meet s108AA(1)(a) are directly connected to an adverse effect of the activity on the environment, a regional rule or an NES, and so meet s108AA(1)(b) relate to an administrative matter of the resource consent, and so meet s108AA(1)(c)

6.3 Weighting of the NRP Proposed Plan Change 1

As the conclusion reached under the NRP assessment is consistent with that reached under the proposed NRP-PC1 there is no need to undertake a weighting exercise between the NRP and proposed NRP- PC1.

7. Main findings

In conclusion:

1. The proposed activity is consistent with the purpose and principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of Regional Policy Statement (including proposed Change 1) and the Natural Resources Plan (including proposed Plan Change 1).
3. The actual or potential adverse effects of the proposed activity on the environment are likely to be no more than minor.
4. The proposal incorporates appropriate mitigation measures to manage the adverse effects of the proposal.
5. Conditions of the consent(s) require that the adverse effects of the activity on the environment are appropriately avoided, remedied or mitigated.

8. Duration of consent

Under section 123 of RMA, I propose a consent duration of:

- [40060]: 35 years
- [40061]: 5 years
- [40062]: 5 years
- [40063]: 5 years
- [40064]: held in perpetuity
- [40472]: 5 years

These durations are similar to consents granted in the region and will allow the consent holder to carry out works while allowing for possible unforeseen delays.

Decision recommended by:	Katherine Greenaway	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Jessica Davidson	Resource Advisor, Environmental Regulation	
Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	03/12/24	Application officially received:	25/02/25
Application stopped (s91/92/95):	14/03/25	Application started:	28/07/25
Applicant to be notified of decision by:	14/08/25	Applicant notified of decision on:	14/08/25
Time taken to process application:	20 working days (including 5 working days under s37)		

The applicant provided written agreement ([2025 08 04 s37 5 WD extension.msg](#)) on 4 August 2025 for an extension of timeframes under s37(1) to process the application. The extension is for 5 working days under section 37A(4) of the RMA.

The reason for the extension is to allow time for the applicant to review draft consent conditions, and to allow time to resolve any questions or concerns on conditions.

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

- 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; and
- The Council's duty under section 21 of the RMA to avoid unreasonable delay.

Decision approved by:	Richard Percy	Team Leader, Environmental Regulation	
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