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Design	



Figure 21: Layout plan and residential mix

Morphology

While the urban design preference of delivering a connected network of streets with perimeter development is not achievable on this undulating site, the safety and connectivity objectives can still be addressed. The 'backs' of houses on the downward slopes will be managed with landscaping provisions to avoid jarring walls. The steep areas between houses and stream will be highly visible from elsewhere, attending to security concerns.

A variety of open space experiences

A range of open spaces and ecological areas will allow environmental enhancement and recreational activity by walking, cycling and horse riding. A small public park could also be developed on the site.

High quality of liveability

The living environment will offer opportunities for social interaction by ensuring strong visual connections between street and house, good solar gain, and well defined private outdoor areas.

A distinctive Identity

The distinctive identity of the settlement will be one of a residential community 'nestled' in a large undulating landscape. The transition between urban and natural environment will be managed with revegetation planting which is additionally of ecological value.

Good diversity of housing choice

The development will provide for a wide range of housing choice with approximately 450 houses and section sizes, ranging from $450m^2 - 1500m^2$ plus, as well as some rural residential sections that absorb much of the surrounding rural landscape.



19 March 2020

1010 Homes Limited PO Box 38 098 Wellington Mail Centre Lower Hutt 5054

Dear Brian Warburton,

RESOURCE CONSENT – NOTICE OF DECISION TO UNDERTAKE BULK EARTHWORKS AT 272 BELMONT ROAD

I am pleased to inform you that your application for resource consent to undertake bulk earthworks at 272 Belmont Road was granted on 19 March 2020. The decision and the consent conditions, which are outlined at the end of the decision report, including the approved plans and details are attached.

Please review the conditions in the attached report as you will be required to comply with these. It is very important that you understand your obligations and undertake the necessary actions or work to comply with all the conditions of your consent.

If you have any questions or concerns about any aspect of your consent or its conditions, I would be happy to discuss them with you.

Please also refer to the following general information for consent holders:

- 1. You may commence your activity in accordance with your consent conditions, unless you lodge an objection to Porirua City under section 357 of the Resource Management Act 1991. Your commencement date will then be the date on which the decision on the objection is determined.
- 2. This resource consent will expire five years after the date of commencement of consent unless:
 - a. it is given effect to before the end of that period; or
 - upon an application made before the consent lapses for an extension of consent. The statutory considerations, which apply to extensions, are set out in Section 125(1A)(b) of the Resource Management Act 1991.
- 3. If you are dissatisfied with any aspect of the decision on your consent application, you have the right to lodge an objection with the Council under section 357 of the Resource Management Act 1991. You have 15 working days from the date you receive this letter of notification within which to lodge your objection to the decision. Your objection should contain a statement as to what part of the consent you object to and should clearly explain the reasons for your objection. On receiving an objection in writing, the Council shall hear the objection and may uphold the objection wholly or partly.
- 4. The applicant needs to obtain all other necessary consents and permits, including those under the Building Act 2004 and comply with all relevant Council bylaws.

Please feel free to contact me if you have any questions or concerns.

Ngā mihi

Derek Vos RESOURCE CONSENTS PLANNER MANAGER

Porirua City Council PO Box 50218 Porirua 5240 04 237 5089 enquiries@poriruacity.govt.nz poriruacity.govt.nz



PLANNING REPORT

LAND USE CONSENT TO UNDERTAKE EARTHWORKS AT 272 BELMONT ROAD AND PART OF DESIGNATION K0408, PORIRUA (BEING SECTIONS 1, 3 AND 4 SO 475751 (ROT 720458) AND LOT 5 DP 426821 (ROT 505671).

Applicant	1010 Homes Limited
Application Received	13 November 2019
Reporting Planner	Susan Jones
Site Inspection	11 March 2020

RESOURCE CONSENT RC8002 - LU0150/19

1.0 DESCRIPTION OF PROPOSAL

The applicant (1010 Homes Ltd) has sought consent to undertake bulk earthworks at 272 Belmont Road, partly within land designated for the Transmission Gully Project (TGP), being Designation K0408. The applicant has also sought resource consent to undertake the part of works that occur within the K1063 Designation, as they are not the Requiring Authority for this land.

The purpose of the works is to create a borrow site which will supply suitable fill material to facilitate the construction of link roads in association with the TGP.

The proposed borrow area will require earthworks over an area of approximately 19,100m², involving approximately 136,650m³ of cut. Of this cut material, approximately 3,400m³ is considered unsuitable and will be transferred to the TGP Fill 8 site (this activity is covered by a separate resource consent).

The proposed earthworks lie partially within the TG designation, and as such, similar principles for earthworks design will be followed, including for the area outside the designation. Design principles for earthworks within the designation are outlined within the "Urban and Landscape Design Framework" for Transmission Gully.

The earthworks will be undertaken in the summer and autumn construction season and will be undertaken in four distinct phases, as detailed in the application. The phasing will ensure that a maximum area of 1.2ha of active earthworks is open at any one time (which is a Greater Wellington Regional Council (GWRC) guideline). Across the four phases, the proposed earthworks will have a maximum cut depth of 21m, with a maximum average cut depth of 9.3m (refer to Table 2.1, page 14 of the Application dated 13 February 2020).

Access to the site is available from Belmont and Bradey Roads via existing farm access roads and from an existing haul road from within the Transmission Gully works site into the 1010 Homes' site, formed during past consented fill works. All of these access points may be used to access the site but no excavated material will be transported via Belmont or Bradey Roads (unless a Traffic Management Plan (TMP) is provided).

A Construction management Plan (CMP) has been prepared and appended to the resource consent application. The CMP details the proposed methodology of earthworks, sediment control and a stabilisation sequence and timeframe. The means of stabilisation of the site cut will depend on the nature of the area being stabilised. Rock faces left visible after removal of cut material will not

require stabilisation. The majority of slopes and flat areas left after cut shall be planted or hydroseeded.

Some areas of TGP mitigation planting will be affected by the proposed earthworks, equating to an area of 15,50m². Proposed replacement planting equating to an area of 2,360m² has been proposed as mapped within the application (Boffa Miskell Plan, Figure 4, dated 9 March 2020).

Separate approvals (Ref. WGN200085) from Greater Wellington Regional Council (GWRC) have been issued for this proposal. These include discharge permits, land use consents and water permits associated with the bulk earthworks. A number of conditions have been imposed on the approvals, related to erosion and sediment control, progressive site stabilisation, earthwork limits, stormwater management and biodiversity off-setting.

2.0 DESCRIPTION OF SITE & SURROUNDINGS

The site is situated at 272 Belmont Road, on the lower northern slopes of the Belmont Hills, east of Porirua, and south of the Pauatahanui Inlet.

The application site includes land within four Titles (being Sections 1, 3 and 4 SO 475751 (RoT 720458) owned by 1010 Homes Ltd and Lot 5 DP 426821 (RoT 50567) owned by the Crown (NZTA).

The total area of these four titles is 70ha, with the borrow area being approximately 19,100m². A small part of the cut earthworks lies within the Transmission Gully Designation K0408. The fill site and majority of the cut area lies within land owned by 1010 Homes.

The proposed earthworks location is bound by the future main alignment of Transmission Gully to the west, currently under construction, and rural land to the east, known as the former EQM Farm property, now owned by 1010 Homes Ltd. The suburban development of Whitby, including new development currently under construction, adjacent to the James Cook interchange at Silverwood lies further to the west, with the rural lifestyle area of Bradey Road to the northeast.

There are no residential properties on land directly adjoining the site, with the nearest existing dwelling being approximately 450m to the east of the site, located at Banks Boulevard, Whitby.

The site and its immediate surrounds are rural in character, with undulating hills of low to moderate steepness, some with bush and shrub cover and others in pasture used for grazing. The site is adjoining and within the TGP Designation K0408, where large scale excavations are underway. This Designation forms part of the "existing environment" for the purposes of assessing the effects of this proposal.

A Vector gas main is located to the east of the proposed borrow area (however this is beyond the extent of the earthworks proposed).

The site includes an intermittent stream in the Duck Creek Catchment (of which 130m will be reclaimed as part of works under WGN200085) and a tributary to the Pauatahanui Stream (which will have works in the bed under WGN200085).

The footprint of the proposed works includes four gullies (two of which support intermittent streams). Gully 1C supports grass and gorse, with a small fragment of regenerating kanuka-mahoe shrubland approximately 1000m² in area. Gullies 1A and 1B support mainly established kanuka shrubland.

The site is not recorded in GWRC selected land use register. The site is not within a seismic hazard area under the District Plan and is in a low to moderate seismic hazard area under Wellington Regional Council GIS data. The site is not located within a flood hazard area.

The application site is not included in Schedule E (sites with significant historical heritage values) in the proposed Natural Resources Plan (pNRP). The site is not recorded in the District Plan as having heritage significance. It is noted that waterbodies, including Duck Creek and the Pauatahanui inlet (in the surrounding environment) are of significance to Tangata Whenua and as such, lwi were provided a copy of the application for comment during the processing of WGN200085. No comments were received.



Figure 1: Site location

Source: Leigh Hunt [https://www.facebook.com/leighghunt/videos/10157394602971719]



Figure 2: Photograph of application site in relation to TG main alignment and surrounding environment.



Figure 3: Location of proposed earthworks

3.0 <u>RELEVANT PLANNING PROVISIONS</u>

3.1 Operative District Plan

The area of the proposed earthwork corridor lies within the Rural Zone of the Porirua City District Plan. The upper part of these earthworks and the proposed fill site lie within the Judgeford Hills Zone.

The southwestern extent of the earthworks also lies within a 'Landscape Protection Area' Overlay in the District Plan. This overlay generally coincides with the location of the Rural Zone.

The Primary Production Area (under Judgeford Hills Structure Plan) applies to the site.

The effects of activities and buildings within the Zones and policy overlay areas are managed through the use of rules and standards. Where a proposal is unable to comply with one of these, a resource consent is required. It is noted that once the need for a resource consent is triggered, rules and activity standards act as guidelines only.

NB: The full draft Porirua District Plan was released for public consultation on 5 September 2019. The Draft Plan does not currently carry any policy weight and has therefore not been considered within this report.

3.2 District Plan Rules Assessment

Judgeford Hills Zone

The proposal is unable to comply with the permitted activity standards for earthworks in the Judgeford Hills Zone as set out in section D5.1.2 for:

D5.2.4(i) The following shall apply to earthworks on a site, other than to earthworks for the purpose of constructing and maintaining roads, or earthworks that form part of an approved subdivision:

(i) Earthworks, except earthworks as part of any dwelling or building shall not exceed, in a 12 month period:

- (a) 25m2 in area within a riparian setback, or
- (b) 25m2 inside, or within 20m of, an Environmental Enhancement Area; or
- (c) 100m2 in Cluster Residential Areas or Land Attached to Residential Lots; or
- (d) 500m2 in area in a Landscape Protection Area; or
- (e) 1000m2 in area in a Primary Production Area, or

(f) 0.5 metres in height or depth within a riparian setback and 1.5 metres in height or depth elsewhere.

D5.2.4(iii) Earthworks shall not be undertaken on land with a slope in excess of 28 degrees.

D5.2.4(iv) Earthworks within a yard shall not exceed a height recession plane measured at an angle of 45 degrees from the closest boundary into the site.

D5.2.4(v)Earthworks shall not be carried out within 12 metres of the closest visible edge of a high voltage transmission line support structure.

Notes: Earthworks may also require consent under the Proposed Regional Soil Plan.

For the purposes of the above standard, a riparian set back is a distance of 20m from the edge of a waterbody.

Any works within proximity of the pylons or transmission lines within the Judgeford Hills zone must comply with the requirements of the NZECP34:2001.

The surface area limit for earthworks in Standard D5.2.4(i)(e) and the depth limit in Standard D5.2.4(i)(f) will not be met. The activity falls by default to be considered as a discretionary (restricted) activity under Rule D5.1.2(xxxiii) of the District Plan.

As the proposal exceeds all standards, it is considered a Restricted Discretionary Activity as per Rule D5.1.2(xxxiii) of the District Plan.

Section D5.4.6 of the District Plan confirms that the Council has restricted its discretion to:

- the effects of the earthworks (including visual effects); and
- the degree of consistency with relevant objectives and policies.

Rural Zone

The proposal falls within the District Plan definition of an Extractive Industry, as follows:

"Extractive Industry:

The taking, winning or excavation of naturally occurring minerals from under or on the land surface, and includes, prospecting and exploration activities, and the removal of topsoil for commercial purposes. The term also includes the processing of minerals at or near the site, where the mineral has been taken by such means as screening or crushing".

The proposed borrow area activity is not among the activities provided for as a permitted activity in the Rural Zone, and is specifically listed as a Discretionary Activity under Rule D3.1.5(v), set out as follows:

"Discretionary activities

Any one or more of the following are discretionary activities:

(i) All activities which are not a permitted, controlled, limited discretionary, or prohibited activity, and are not specified in D4.1.5 (ii), (iii), (iv), (v), (vi), (vii), (iii), (ix) or (x) as a non-complying activity; ...

(v) Extractive industries".

The proposal is not listed under any other activity category and there are no Discretionary Activity Standards for the Rural Zone.

Additionally, the proposal does not comply with the Rural Zone Permitted Activity Standard for Earthworks (D4.2.1), as more than 500m² of earthworks is proposed within the Landscape Protection Area, with a depth of greater than 1.5m.

The proposal is therefore assessed as a Discretionary Activity in the Rural Zone. No specified Discretionary Activity Assessment Criteria are set out in the District Plan.

Designation K0408

Under section 176(1)(b) of the RMA, anyone other than an approved requiring authority is restricted from carrying out work on the designated land without first obtaining the authority's permission. In this case, the Requiring Authority for Designation K0408 (Transmission Gully Main Alignment) is the New Zealand Transport Authority. Approval has been sought and provided with the application.

Under section 176(1)(a), Section 9(3)(a) is relevant in this instance. No person may use land in a manner that contravenes a district rule unless the use is expressly allowed by a resource consent.

Overall Status

In bundling the overall activity status, the consent shall be considered as a **Discretionary Activity**.

4.0 SECTION 95 - NOTIFICATION

Sections 95A to 95E of the Resource Management Act set out the requirements for making a notification decision.

4.1 Public notification – Section 95A:

Section 95A of the RMA has a 4-step process to determine whether to publicly notify an application.

Step 1 - Mandatory Public Notification:

Mandatory public notification is not required as the applicant has not requested public notification [s95A(3)(a)], there are no outstanding section 92 matters [s95A(3)(b)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

Step 2 - Preclusion to Public Notification:

Public notification is not precluded because the activity (being a non-residential land use application) is not subject to any rule in the District Plan that precludes public notification [s95A(5)(a)] and it is not a residential activity and subdivision with Discretionary Activity status [s95A(5)(b)(ii)].

<u>Step 3 - Public Notification – Rule/Adverse Effects:</u>

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan or relevant NES that requires public notification and it has been determined, in accordance with section 95D, that adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

There are no special circumstances that warrant public notification under section 95A(9) because none of the circumstances of the application are exceptional or unusual.

4.2 Limited Notification - Section 95B:

Section 95B relates to limited notification of consent applications and (in summary) directs that, where notification of an application for resource consent is not required under Section 95A, the consent authority must give limited notification of the application to any affected person. Section 95B is also a 4-step process to determine whether to limited notify an application.

Step 1 - Customary Rights and Marine Title Groups, and Statutory Acknowledgements:

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

Step 2 - Preclusions to Limited Notification:

There is no preclusion to limited notification as there is no rule in the District Plan or relevant NES that precludes limited notification of the application [s95B(6)(a)] and the application is for neither a district land use consent with Controlled activity status or an activity prescribed by regulations made under section 360H(1)(a)(ii), which precludes limited notification [s95B(6)(b)].

Step 3 - Limited Notification - Affected Persons:

It is noted that the following people (who own adjoining land) have given their approval and therefore cannot be considered an affected person:

- NZTA (Requiring Authority of Designation K0408)
- 1010 Homes Limited (being the applicant and owner of adjoining land)

This approval is provided in terms of s95E and s176 of the RMA.

Limited notification is not required as the effects on any person who has not provided written approval will be less than minor [s95B(8)] for the following reasons:

- The silt and sediment effects of the proposed construction will be managed by GWRC consent WGN200085 such that dust, silt and sediment effects do not extend beyond the boundaries of the site.
- The site is not identified in an area which is at high risk from natural hazards and the applicant has proffered an acceptable condition to ensure that land is suitably stabilised to ensure effects on the surrounding environment are less than minor.
- Noise and vibration effects associated with the proposed construction will be difficult to discern from the noise and vibration effects of the construction works for the TGP. Noise effects can be managed during the construction phase through the restriction of activities to less sensitive times and days, in alignment with the Zealand Standard NZS 6803: 1999 *Acoustics Construction Noise*. Section 16 of the Act also requires that activities are carried out in a way that do not unduly create unreasonable noise and vibration. There are no sensitive receivers in close proximity to the site. The potential adverse noise effects of the proposal will therefore be less than minor.
- Traffic effects will be limited to existing traffic movements associated with the TGP. Once excavated, materials will be transported via existing haul roads within the TGP main alignment. In the event that Fill Site 8 is at capacity, the traffic associated with the proposed works can be managed through the implementation of a Traffic Management Plan. Effects from movements on public roads will therefore be less than minor.
- The extent of physical separation and fragmented/obstructed views of the proposed works from any residents in the surrounding area will minimise any potential adverse visual and landscape effects such that they are less than minor. In addition, any limited views would be seen in the context of the wider TGP earthworks and construction activities which forms part of the existing environment.

Step 4 - Special Circumstances:

Consideration has been given to whether there are special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10). None of the circumstances of the application are exceptional or unusual.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The relevant objectives and policies of the District Plan for the Judgeford Hills and Rural Zone, Landscape & Ecology, Natural Hazards, and Transport provide guidance for assessing the relevant effects of the proposal.

In the case of this application, construction effects, traffic, noise, visual and landscape, natural hazards, land stability, stormwater management, ecology, culture and heritage are all relevant matters for consideration.

This application has been circulated to the Council's consultants:

- Julia Williams, Landscape Architect of Drakeford Williams; and
- Karen Jones, Engeo.

The comments received from these experts on landscape and geotechnical aspects of the proposal have been provided throughout this assessment, where appropriate. Their full assessments are held on file and should be read in conjunction with this decision.

The proposal has sought and received GWRC (WGN200085) consents under the relevant regional plans, where all other relevant effects have been considered. Cross referencing will be provided to these consents, where appropriate.

Potential Temporary Effects

Dust

Dust emissions may result during construction. Any potential nuisance of this nature is likely to be a product of wind-borne particulate discharge from the construction site. Any dust emissions will be short term.

Any potential for adverse effects can be minimised with a condition to ensure earthwork areas are regularly wetted or otherwise stabilised to ensure that dust nuisance is maintained within the site.

With this condition in place, the effects of dust are considered less than minor.

Traffic and Access

Access to the site is available from Belmont and Bradey Roads via existing farm access roads and from an existing haul road from within the Transmission Gully works site into the 1010 Homes' site, formed during past consented fill works.

All of these access points may be used for the project, but no excavated material will be transported via Belmont or Bradey Roads. Although not part of this application it is noted that all material moved from the borrow site to the Fill 8 site will be via the internal haul road within the Transmission Gully project corridor and work area.

In the unlikely event that the Fill 8 site cannot accommodate the unusable material, the Applicant has proffered a condition to ensure any traffic effects on public roads are managed appropriately:

'In the event that unsuitable material needs to be disposed of in a location other than the fill area known as Fill 8, and if such disposal requires the fill to be transported via public roads, then the consent holder must provide a traffic management plan (the TMP) to Porirua City Council for its approval. PCC undertakes to approve the TMP within one week of a suitable TMP being submitted to PCC. The TMP must be approved by PCC before any unsuitable material is transported off-site via public roads. The plan must include details of the frequency of trucks movements, hours of operation, and measures to be adopted to avoid significant adverse effects in terms of noise, dust and safety. Any transportation of unsuitable material via public roads must be undertaken in accordance with the approved TMP.'

With the proffered condition in place, the effects on local roads from this proposal are considered less than minor.

Lighting

There will be no lighting effects as works will occur during daylight hours, controlled by consent conditions and Zealand Standard NZS 6803: 1999 *Acoustics – Construction Noise*. A condition relating to hours of operation will ensure lighting effects are less than minor.

Noise and Vibration

The potential for adverse noise and vibration effects of the proposal are those associated with the excavation of materials and heavy truck movements.

The location of the proposed works are remote, with the closest sensitive receiver being residential dwellings located approximately 450m from the borrow site. This is considered a sufficient distance, whereby noise and vibration effects would be less than minor.

The site has been selected for its location adjacent to and partially within the existing K0408 Designation, where works are currently underway on the TGP. As such, noise and vibration from the proposed borrow area will be indiscernible from these existing operations.

The application states that construction vehicles will not transport excavated materials on public roads. Any noise effects from frequent heavy vehicle movements are therefore avoided. As mentioned, a TMP (which includes an assessment of noise) will be provided to Council for approval in the unlikely event that public roads are required to transport materials.

On the basis of the assessment above, the potential effects of noise and vibration are considered less than minor.

Silt and Sediment

As noted in earlier sections of this report, a corresponding resource consent/s from GWRC has been granted for the proposed earthworks, which has a number of erosion and sediment control conditions to manage silt and sediment effects. These consents have been issued under the reference WGN200085.

Under WGN200085, the applicant is required to progressively stabilise any disturbed areas (in accordance with the CMP) as sections of work are completed. Works are not authorised during the winter.

It is recommended the Council's standard erosion and sediment control conditions be imposed on the resource consent, if granted, to enforce mitigation of potential adverse effects associated with silt/sediment runoff, dust and site stability. The recommended conditions require GWRC consents and the GWRC approved earthworks management plans to be provided to the PCC Manager Resource Consents prior to works commencing. Erosion and Sediment Control installations will not be removed until authorised by GWRC.

With these conditions in place, it is considered that the potential adverse effects from silt and sediment will be less than minor.

Stormwater Management

The Applicant has commissioned O'Callaghan Design Limited (ODL) to prepare an assessment for stormwater and related management issues for the excavation area and this has been attached to the Application.

The ODL report concludes that with respect to managing the increase in surface water runoff resulting from the proposed borrow excavation, it is considered that the provision of the two small private retention basins on 1010 Homes land, independent of the TGP project, will ensure that there

are no noticeable increases in instantaneous flow rate or noticeable additional treatment volume to the existing TGP stormwater infrastructure.

The GWRC Consent WGN200085 has included a consent condition to construct and maintain stormwater infrastructure to ensure stormwater neutrality is achieved in up to a 1 in 100yr flood event. With this condition in place, it is considered that the potential adverse effects from stormwater will be less than minor.

Potential Long Term Effects

Culture and Heritage

The site is not listed in the District Plan as a known area of heritage or cultural value. As the proposal involves bulk earthworks, an accidental discovery protocol condition is recommended to require works to cease in the event an artefact or taonga is discovered and for the relevant heritage or iwi representatives to decide on a way forward.

All other potential effects on heritage and cultural values (including those related to waterbodies and their downstream receiving environments) have been appropriately considered under the regional consent WGN200085.

Therefore, any potential effect of the proposal on heritage or cultural values will be acceptable and less than minor.

Visual and Landscape

The adverse visual effects of the proposal are those associated with the clearance of vegetation and excavation of the additional borrow area, and the appearance of the completed additional borrow area within the surrounding rural environment.

Part of the site is also located within the 'Landscape Protection Area' Overlay where any earthworks should have regard to the "amenity and intrinsic values" of the landscape.

A revised visual effects assessment, prepared by Boffa Miskell (dated 9 March 2020), has been provided with the application. The landscape characteristics of the site and surrounding area are described in detail within this assessment. The assessment concluded that:

'Views of the proposed earthworks are limited by the location of the earthworks which are visually contained within a shallow basin at the southern end of Resolution Ridge, and to the east by the 1010 Homes ridgeline.

Views of the proposed fill site are only available from within the 1010 Homes site to the east. Views from lifestyle properties on Bradey Road to the north and northeast are screened by surrounding landform and vegetation. Views from Whitby to the west are available from a limited number of locations where elevation allows, with available views contained by surrounding development and landform.

Overall it is considered the scale of change is small, resulting in low to very low adverse effects during the construction period, reducing to neutral in the long term, as the earthworks are absorbed into the wider Transmission Gully corridor, and the fill site is reseeded and absorbed into the surrounding pastoral landscape.'

The revised assessment provided by Boffa Miskell has been assessed by the Council's Consultant Landscape Architect, Julia Williams, in terms of Biophysical/Landscape Effects, Landscape Character Effects, Visual Effects, Cumulative Effects and the Planning Policies relevant to Landscape. Ms Williams' 13 March 2020 email stated the following:

'Statutory Considerations

I agree with the key landscape and visual considerations set out in section 3.7 of the Landscape and Visual Assessment (LVA).

Biophysical Effects

The LVA evaluates landform effects as adverse Moderate during construction, reducing to adverse Low following final reshaping and hydroseeding.

Post construction and mitigation, I consider local effects to be adverse Low-Moderate, but agree that where effects are considered within the existing TG earthworks context, landform effects will be adverse Low.

The LVA evaluates effects on the vegetation patterns of the area as adverse Low during construction but becoming neutral when the proposed off-set mitigation is taken into consideration. I support this evaluation.

No evaluation is made of the loss of the intermittent stream within the fill gully. This tributary forms a sub-catchment of the Pauatahanui Stream, which flows into the Pauatahanui Inlet. Based on the material in the application AEE, there will be no impact on the lower tributary post construction. Effects are considered adverse Very Low.

Effects on Landscape Character

I agree with the LVA that once the proposed reshaping and planting is completed, effects on the landscape character of the local area are neutral.

Visual Effects

I agree with the LVA that:

 \cdot Views of the proposed earthworks visually contained within a shallow basin at the southern end of Resolution Ridge, and to the east by the 1010 Homes ridgeline;

· Views of the proposed fill site are only available from within the 1010 Homes site to the east.

 \cdot Views from lifestyle properties on Bradey Road to the north and northeast are screened by surrounding landform and vegetation.

· Views from Whitby to the west are available from a limited number of locations where elevation allows, with available views contained by surrounding development and landform.

I note that there may be potential views of the upper cut batters from backyards at the southern end of the Silverbrooke subdivision, but visual effects are considered adverse and Very Low, given the orientation of all dwellings to the north and west to maximise solar gain.

I agree that overall the scale of change is small.

I disagree that effects will reduce to neutral post construction. Given the northwest aspect, it will take 15-20 years for the earthworks to be absorbed into the wider Transmission Gully corridor and the final landform will never naturalise. The simulations show that the additional earthworks are visible in views from parts of Discovery Drive. While the viewing distance is great (nearly 2km) the additional cut faces at the higher elevation are visually prominent and I would describe the post construction effects as adverse Low for these residents, and adverse Very Low for overall effects on visual amenity.

Cumulative effects

I agree with the LVA that the cumulative landscape and visual effects of the project are not inconsistent with what could be anticipated for a project of this scale to be accommodated within this topography, or the effects anticipated during the approval process for the TG Designation and the cumulative effects as a result of TG works and the proposed works outside the designation are adverse Low.

I agree that:

 \cdot While the proposed volumes of earthworks are large, the activity and scale of the works is not out of character in the motorway corridor context, assuming the land-shaping and planting mitigation measures are implemented as described;

• Following the implementation of mitigation measures, the proposed design will not affect the landscape character of the surrounding area to any greater degree than the consented and adjacent Transmission Gully design in this context where any landscape modification is dominated by the road construction;

 \cdot The proposed earthworks will be visible to some distant residents and road users in the context of the wider construction of the motorway corridor. The visual prominence of the additional works for residents with direct but distant views to the site will be high during construction due to the elevation of the earthworks but effects post construction and once planting has established will be mitigated to adverse Low with the new landforms being indistinguishable from the consented works on completion;

· Cumulative effects are adverse Low;

 \cdot The fill site is contained within the existing landform and is not visible from publicly accessible locations or areas beyond the 1010 Homes site.'

Overall Conclusion

On balance, the potential adverse visual and landscape effects of the proposal and effects on the character and amenity values of these zones (including the Landscape Protection Area) are less than minor for the following reasons:

- The Site is not identified as an Outstanding Landscape or Significant Amenity Landscape at either the Regional or District scale.
- The existing environment within which these works are to be located, currently contains bulk earthworks for the construction of the TGP.
- Earthworks associated with this proposal have been designed to remain compatible with the TGP corridor and natural landform surrounding the site.
- The works are appropriately separated from existing residential areas.
- The works are visually contained with viewshafts to the site from the surrounding environment being largely fragmented or obscured.
- Stabilisation of the site and landscape treatments proposed post works, will stabilise and soften the earthworked areas, once established.

For these reasons and on the basis of the assessments provided in the application and by the Council's advisor, I consider that the landscape and visual effects of the proposal will be less than minor.

Ecological Effects

The District Plan Objective C9.1 seeks to 'manage in a sustainable manner the landscape and ecological systems within Porirua City'. As such the ecological effects of this proposal have been considered below.

The Application includes an Ecological Assessment for the bulk excavation area. The proposed works will result in a loss of 3,500m² of kanuka shrubland vegetation in Gully 1B and a loss of 130m of intermittent stream across Gully 1A and 1B. The location of the earthworks in relation to these areas can be seen on Orogen drawings W17008-0A-SK-309 and Figure 2, within the Ecological Assessment.

The Ecological Assessment recommends proposed offsetting comprising enhancements to streams through riparian restoration, and revegetation of pasture areas with kanuka shrubland. The enhancements that are included as part of the no-net-loss, like-for-like benefits are:

- fencing (20 margins; planted) of 240 m linear length of mainstem Stream 2; and
- 1.05 ha planting of existing grazed pasture into kanuka shrubland within the fenced restoration area.

Ecological offset mitigation will be required to compensate for the loss of the native vegetation removed by the earthworks. This will take the form of riparian margin planting of Gully 2F and Gully 2E, along with the main stem stream at the bottom of the fill site gully, as illustrated on Figure 5 of the ecological assessment.

Ecological effects associated with the proposal have been considered by GWRC within consent WGN200085, where appropriate conditions have been issued to ensure that an Ecological Offset Enhancement Plan is submitted for certification and mitigation measures undertaken.

With conditions imposed by GWRC within consent WGN200085, the effects on ecological systems are considered less than minor.

Planting Effects

The Application has confirmed that part of the proposed excavation area has been previously identified as being suitable for restoration planting associated with the TGP.

Boffa Miskell plan, Figure 4 (dated 9 March 2020) shows an overlay of the TGP mitigation planting and the proposed earthworks footprint of the excavation site. There are two areas of planting affected. It is proposed to replicate these two areas with two replacement areas. The replacement areas are around 30% larger than the previous mitigation planting area and the replanting will use the same species composition.

A consent condition will be included that requires a replacement of mitigation planting. A Memorandum of Encumbrance is also to be registered on the property title in this regard:

"Appropriate covenants and/or encumbrances (or similar legal mechanism) must be registered on the record/s of title of all the land comprising landscape mitigation planting to ensure that, regardless of current land ownership or any future ownership/tenure changes, the areas of land required for landscape planting mitigation works approved by Condition 1 of this decision are protected and managed in a manner that achieves at least the mitigation works and planting in perpetuity. The details of the covenant/encumbrance must be agreed to by the Manager Resource Consents. The Consent Holder shall report progress on meeting the requirements of this Condition upon request from the Manager."

Effects on planting mitigation required for the TGP is therefore considered to be less than minor, with positive effects associated with a greater proportion of mitigation provided.

Natural Hazards and Site Stability

Natural Hazards

The site is not identified in the District Plan as being subject to a seismic hazard. GWRC's 'combined seismic hazard' GIS data suggests the site is exposed to a 'low to moderate' hazard. The site is not identified as subject to any flood risks.

Stabilisation of Cuts

Boffa Miskell's Landscape and Visual Assessment (9 March 2020) has stated that:

'Similar mitigation for cut faces and planting treatments will be carried out for areas of earthworks outside the designation.... It is intended that the proposed cut slopes will be hydroseeded with grass (Treatment 15 in the TG Landscape and Urban Design Management Plan (LUDMP)) providing vegetative cover on engineered slopes for soil stabilisation and biofiltration of sediments. The TG LUDMP states that the tops of cut slopes are to be planted with Treatment 17, which consists of robust and drought tolerant low growing, colonizing native species to stabilise soils at the top of cut slope and to provide a seed source for natural regeneration to occur on the cut face where soils occur (except for bare rock, which is to be left bare to expose the natural geomorphology). Areas of Treatment 17 planting in the current TG plan which are affected by the proposal will be replaced with similar planting, like-for-like (in species and extent as required) at the top of the proposed cut. This affects two areas of planting which are to be replaced, as indicated on the plan at Fig 4. This plan shows both current and proposed planting areas overlaid onto the current TG planting plans to illustrate the proposed replacement planting and grassed areas using similar principles to achieve consistency across the projects.'

A condition is therefore recommended that requires all cut areas exposed by earthworks (other than bare rock) to be re-grassed/hydro-seeded or planted, in accordance with the approved Transmission Gully Landscape and Urban Design Management Plan (LUDMP)).

Extent of Cuts

Given the scale of earthworks and height of cuts, the application has been assessed by Council's Geotechnical Consultant, Karen Jones from Engeo, in regard to site stability. While no comments were raised in relation to cuts in rock, the following comments were made in relation to the cut in clay:

'We would normally advise that the clay material be cut back no steeper than 1V:2H. As steeper cuts of 1V:1.5H are proposed we would either require slope stability modelling to prove that the slopes will be stable in the long term or a statement from the Applicant to confirm that the consequence of any instability in this material is so low that it is acceptable.'

The Applicant has since proffered a condition which states:

"During the construction of the works the excavated cut batter shall be inspected by an appropriately qualified person experienced in soil stability. The final cut batter shall not be steeper than 1V:1H in rock and 1V:1.5H in the overlying soils. The batter slopes shall be monitored during construction and flattened if the nature of the soils encountered is such that a flatter batter is required to achieve a stable batter slope suitable for the soils encountered."

Engeo has confirmed that this is an appropriate condition to address their comments regarding site stability.

Overall assessment

On the basis of the assessment above, the potential for adverse effects of the proposed earthworks on both land stability and natural hazards will be less than minor.

Cumulative Effects

The relevant cumulative effects are considered to be noise and visual/landscape effects and to a certain extent the silt and sediment effects of earthworks activities.

Cumulative noise effects (generated from this proposal in addition to the construction of the TGP) is expected to comply the guideline limits of NZS6803:1999 for daytime construction noise.

In regard to any cumulative landscape and visual effects, the Applicant's Landscape and Visual Assessment by Boffa Miskell concluded that:

'Given the setting of these works adjacent to the TG designation and viewed as a part of the same landscape context, and the visual containment of the site from the surrounding landscape, it is considered the cumulative effects as a result of works outside the designation are less than minor.'

The assessment by Ms Williams of the cumulative landscape and visual effects of the proposal (on 13 March 2020) concluded that:

'I agree with the Landscape and Visual Assessment that the cumulative landscape and visual effects of the project are not inconsistent with what could be anticipated for a project of this scale to be accommodated within this topography, or the effects anticipated during the approval process for the Transmission Gully Designation and the cumulative effects as a result of Transmission Gully works and the proposed works outside the designation are adverse Low.'

On the basis of the assessments above, the cumulative effects on landscape and visual are considered less than minor.

The silt and sediment effects of earth disturbance have the potential to result in adverse effects on water quality and the integrity of downstream aquatic habitats. The scale of the existing construction for the TGP means that the cumulative effects need to be managed to avoid, remedy or mitigate potential adverse effects on the environment. Cumulative effects have been considered by GWRC and will be managed through conditions of consent issued by GWRC under WGN200085.

On the above basis, it is considered that all relevant cumulative effects will be less than minor.

Positive Effects

The proposed earthworks will enable the construction of part of the Wellington Northern Corridor Road of National Significance, also known as 'Transmission Gully'. Accordingly, the proposed earthworks will be contributing to a range of national, regional and local transportation strategies, policies and plans to improve transport in the Wellington Region and nationally.

Overall

When deciding on a suitable borrow area, the original consented borrow area as was selected by the applicant for the quality and quantity of available rock material required for the road construction project, it's convenient proximity to the location where the material will be used. The proposed site is therefore the best practicable option.

On the above basis, I consider that the activity will have less than minor effects on the environment.

6.0 SECTION 104 MATTERS TO BE CONSIDERED

Application has been made under the Resource Management Act 1991 (the Act) being an application for resource consent (pursuant to section 88).

Section 104 of the Resource Management Act provides that:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part II, have regard to
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of
 - (i) a national environmental standard
 - (ii) other regulations
 - (iii) a national policy statement
 - (iv) a New Zealand coastal policy statement
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.
- (3) A consent authority must not
 - (a) when considering an application, have regard to"
 (ii) any effect on a person who has given written approval to the application

The actual and potential effects of the proposal are discussed in Section 5 above, and the relevant provisions of the District Plan will be discussed in detail below.

Section 104B of the Resource Management Act provides that:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

6.1 s104(1)(a) - Environmental Effects

I have undertaken an assessment of the potential adverse effects arising from the proposed development in section 4 of this report, whereby I have concluded that any adverse effects on the environment will be less than minor. Further, I consider that any potential adverse effects on the subject land or adjacent land will be acceptable.

The matters discussed, and the conclusions reached are also applicable with regard to the adverse effects assessment under section 104(1)(a) of the Act.

When assessing effects, it is also relevant to consider the positive effects associated with a proposal. In this regard, positive effects are discussed in Section 5.

Overall, the effects associated with the proposal will be acceptable.

6.2 104(1)(b) - Planning Provisions

In considering this application the Council has had regard to provisions of the following planning documents:

- National Environmental Standards
- National Policy Statements
- The New Zealand Coastal Policy Statement
- The Wellington Regional Policy Statement
- The Porirua City District Plan

5.2.1 Higher Order Planning Documents:

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) - (vi) of the Act. It is my opinion that there are no National Environmental Standards or other National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Wellington Regional Policy Statement.

6.2.2 Objectives & Policies – District Plan

The District Plan has a number of objectives and policies that require consideration in assessing a resource consent. These include specific zone related objectives and policies as well as policies relating to general issue areas for Porirua. The following are most relevant to this application:

Judgeford Hills Zone Objectives and Policies

The following objectives and policies for the Judgeford Hills Zone are relevant to the proposal:

C16.3.1 OBJECTIVE

To provide for integrated rural residential subdivision and development, open space, and rural character in the Judgeford Hills Zone whilst avoiding, remedying or mitigating any adverse effects of development

POLICIES

- C16.3.1.1To facilitate development in an integrated manner with appropriate standards for activities in the zone.
- C16.3.1.2To concentrate rural residential development in defined areas of the property and to identify areas where buildings are not appropriate, as defined in the Structure Plan
- C16.3.1.3To provide for continuing primary production activity in appropriate areas within the zone.
- C16.3.1.4To provide for the improvement of water quality in the Pauatahanui Inlet Catchment.

C16.3.2 OBJECTIVE

To maintain the rural character and rural amenity of the Judgeford Hills Zone

<u>POLICIES</u>

C16.3.2.1To provide for the majority of the Judgeford Hills Zone to remain as open space C16.3.2.2To limit the extent of built development within the Primary Production Area of the Judgeford Hills Zone

C16.3.3 OBJECTIVE

To provide for existing and proposed infrastructure services in a manner that is physically and environmentally sustainable.

POLICIES

C16.3.3.1To manage the effects of stormwater generated during and after construction.

C16.3.4 OBJECTIVE

To provide for development that is sensitively located in relation to the natural and landscape features, setting and rural character of the Judgeford Hills Zone, and to avoid development in inappropriate locations.

<u>POLICIES</u>

C16.3.4.1To protect and enhance existing natural features and landscape characteristics including retention of open space, remnants of native bush, areas of regenerating native vegetation and wetlands.

C16.3.5 OBJECTIVE

To minimise any adverse visual effects of development on the surrounding landscape and natural character.

<u>POLICIES</u>

- C16.3.5.1To encourage development that is in accord with the existing character of prominent landforms and ridges and not allow buildings in inappropriate locations.
- C16.3.5.2To have regard to the effects of the Transmission Gully Motorway on landscape and natural character.

Explanation: "In assessing and making decisions on consent applications for development, the Council will have regard to the effects (or likely effects) of the "preferred route" for Transmission Gully Motorway which was announced on 11 July 2008 and shown in Plan Alignment: 3, Connection Option. 1, JC/0.6 dated 2 May 20081. Development of the motorway is anticipated to have some adverse effects on the character of nearby land, outside the motorway designation. In this context, the Council's assessment under Objective C16.3.5 and Policy C16.3.5.1 may be modified.":

C16.3.6 OBJECTIVE

To provide for development that is in accordance with the Structure Plan and which avoids, remedies or mitigates adverse effects

<u>POLICIES</u>

C16.3.6.1To control the extent of earthworks in the Judgeford Hills Zone to the extent that is appropriate in terms of potential effects on, stormwater, geotechnical stability, amenity values.

C16.3.6.2To encourage development in a manner that avoids, remedies or mitigates any adverse effects.

C16.3.6.3To limit any future new or upgraded vehicle access to or from Belmont Road and / or the Transmission Gully Motorway

The above objectives and policies aim to ensure that the rural character and amenity of the Judgeford Hills Zone is maintained and enhanced, and that Environmental Enhancement Areas are protected and enhanced with use of fencing and increased native vegetation planting, wetlands are protected and open space maintained. Access needs to be provided as appropriate, and water quality in streams improved by managing the effects of runoff and ensuring activities do not increase or exacerbate downstream flood hazards. Continuing primary production activity is encouraged and development within the Judgeford Hills Zone should not be inconsistent with the surrounding rural character.

The proposal does not include any rural residential land use development or subdivision and the site is not intended for primary production. The proposal will not affect the provision of open space within the Zone.

The proposal will not adversely impact on the existing character of the area for the reasons outlined in the visual and landscape assessment at Section 5 and will integrate into the existing environment. One of the reasons for this is that the location of the works are adjacent and within the TGP Designation, where bulk earthworks and road construction are underway.

The works will be managed to avoid silt and sediment release, and therefore protect the quality of downstream waters (including the Inlet) by way of Erosion and Sediment Controls, conditioned by GWRC consent WGN200085.

Stormwater will be suitably managed under GWRC consent WGN200085 which requires the consent holder to construct and maintain stormwater infrastructure (stormwater detention basins) in accordance with information received to ensure that stormwater neutrality is achieved in up to a 1 in 100 year flood event.

Ecological effects, including the removal of existing native vegetation are to be appropriately mitigated by way of an Ecological Offset Enhancement Plan, which will be certified by GWRC. The mitigation measures include native riparian planting. Any mitigation planting area allocated for TGP affected by this proposal will be provided for, in greater area.

Any adverse effects on land stability from the proposed earthworks have been assessed by Engeo and deemed acceptable, subject to a condition (refer to Section 5).

The proposal does not have any impact on rural production opportunities on the land and does not alter or extend existing accesses on the site to the Transmission Gully alignment or Belmont Road.

The borrow area will not preclude future development on the identified areas of the Judgeford Hills Structure Plan, or development of the identified access areas. The proposal is therefore consistent with the provisions for the Judgeford Hills Zone.

Rural Zone Provisions

C4.1 OBJECTIVE TO IDENTIFY A RURAL ZONE AND CONTINUE ITS MANAGEMENT SO AS TO AVOID, REMEDY OR MITIGATE THE EFFECTS OF THE ACTIVITIES WITHIN IT.

C4.1.1 Policy To preserve the contrast between the rural and urban areas of Porirua City.

C4.1.2 Policy To encourage primary production activities in the Rural Zone.

C4.1.3 Policy To ensure that activities within the Rural Zone do not detract from the character or quality of the rural environment.

C4.2 OBJECTIVE TO AVOID OR REDUCE THE ADVERSE EFFECTS OF ACTIVITIES ON ECOSYSTEMS AND THE CHARACTER OF THE RURAL ZONE.

C4.2.2 Policy To protect the natural and physical environment from silt run-off caused by the removal of native vegetation and earthworks and disturbances to the land.

C4.2.4 Policy To encourage the maintenance and enhancement of the ecological integrity and natural character of the Rural Zone.

The relevant objectives and policies for the Rural Zone above seek to retain the existing visual and land-use distinction between the rural and urban areas; protect the natural and physical character of the rural environment; enable landowners to continue the sustainable management of the rural resource whilst encouraging a range of rural activities; identify and conserve ecologically sensitive habitats, significant landscape areas and sites of cultural significance to the Tangata Whenua; provide opportunities for people to live and work in the Rural Zones without jeopardising existing land use patterns, sensitive ecological and landscape areas, the rural character, and water quality, or services provided by the community. They also anticipate an efficient and effective rural roading network which is environmentally sensitive to the lower intensity of traffic from rural levels of activity envisaged in the Plan.

The proposal will not adversely impact on the existing character of the zone for the reasons outlined in the visual and landscape assessment at Section 5 and will integrate into the existing environment. One of the reasons for this is that the location of the works are adjacent and within the Transmission Gully Designation K0408, where bulk earthworks and road construction are underway.

The proposal will not impact on the current contrast between rural and urban areas and does not preclude primary production activities (although the site is not intended for such activities).

The proposed works within the Rural Zoned land (which also fall within a Landscape Protection Area Overlay), will appropriately mitigate any ecological effects by implementing a certified Ecological Offset Enhancement Plan.

Separation distances from dwellings in the vicinity and proximity to the TGP construction areas will ensure the visual and noise effects of the proposal will be indistinguishable from these works during the TGP construction and on completion of the TGP.

Erosion and sediment control measures will be employed (under regional consent WGN200085) to ensure no contamination of waterways downstream of the site.

Transport Objectives and Policies

The following objectives and policies for Transport are relevant to the proposal:

C7.1 OBJECTIVE TO ACHIEVE A SAFE AND EFFICIENT TRANSPORTATION NETWORK THAT ENABLES THE PEOPLE OF THE CITY AND THE WIDER COMMUNITY TO PROVIDE FOR THEIR SOCIAL AND ECONOMIC WELL-BEING WITHOUT CREATING SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS.

C7.1.2 PolicyTo ensure that the adverse effects of land use and development on the efficiency and safety of the transportation network are taken into account, and any intersection or frontage conflicts are avoided or minimised or remedied as appropriate.

C7.1.3 Policy To avoid, remedy or mitigate the adverse environmental effects of the transportation network on the environment.

The Transport provisions seek to ensure an effective and efficient transport network, one that is attractive with high amenity standards (through good design and adequate landscaping), and that avoids needless conflict between traffic and traffic effects on residential areas and community activities.

All materials will be transported via the haul roads within the TGP main alignment. The works will not result in any discernible change to traffic movements on public roads or adversely affect the efficient and safe operation of the roading network.

In the unlikely event that trucks are required to transport materials via public roads, a condition will be in place to ensure a TMP is approved by Council.

The proposal is therefore consistent with the relevant Objectives and Policies relating to transport.

Landscape and Ecology Objectives and Policies

The following objectives and policies for Landscape and Ecology are relevant to the proposal:

C9.1 OBJECTIVE TO MANAGE IN A SUSTAINABLE MANNER THE LANDSCAPE AND ECOLOGICAL SYSTEMS WITHIN PORIRUA CITY.

- *C9.1.1* Policy: To prevent urban encroachment into sensitive ecological and landscape areas.
- *C9.1.5 Policy: To protect the visual and ecological character of the Rural Zone.*
- C9.1.6 Policy: To encourage the protection and preservation of areas of significant native vegetation.
- *C9.1.12 Policy: To protect and enhance the spiritual, cultural, ecological and amenity values of rivers and the coast.*
- C9.1.4 Policy: To encourage the protection and enhancement of ecological integrity throughout Porirua City.

The Landscape and Ecology provisions seek to ensure the City landscape is managed in an ecologically sustainable manner, to protect and enhance its character and intrinsic values, and ensure that it reflects and reinforces both local cultural and community values, while also recognising and protecting ecosystems and ecological processes.

The proposed borrow area location is well contained and will not result in an urban encroachment into sensitive ecological and landscape areas. The site is not within the Whitby Landscape Protection Area.

As outlined in Section 5, ecological effects will be appropriately mitigated by implementing a certified Ecological Offset Enhancement Plan. As outlined in Section 5, the landscape and visual effects are considered less than minor on the character of the area. The proposal is therefore consistent with the relevant provisions for Landscape and Ecology.

The proposed earthworks will be managed in accordance with the CMP and GWRC consent conditions for erosion and sediment control, to protect the integrity of downstream waters including those of Pauatahanui Inlet.

It is therefore considered that the proposal is consistent with the above objective and policies.

Noise Objectives and Policies

The following objectives and policies for Noise are relevant to the proposal:

C11.10BJECTIVE TO MINIMISE THE ADVERSE EFFECT OF NOISE ON THE ENVIRONMENT

C11.1.1 Policy: To protect the natural and physical environment from unreasonable noise in order to maintain and enhance the amenity values of the environment.

C11.1.2 Policy: To promote health by ensuring environmental noise does not exceed a reasonable level.

The Noise provisions seek to ensure that a wide range of activities are able to operate with a minimum of control in appropriate parts of the City, and that residents in the Judgeford Hills and Rural Zone receive a high level of protection from intrusive noise, and from the gradual degradation of the environment from increased background noise levels. With a condition controlling construction noise, the proposal is considered consistent with this Objective and these Policies.

Coastal Provisions Objectives and Policies

Coastal Objective 10.1 and Policy 10.1.5, set out as follows, are most relevant to the proposal, in terms of the proposed earthworks effects:

C10.1 OBJECTIVE TO PROTECT AND ENHANCE THE SPIRITUAL, CULTURAL, ECOLOGICAL AND AMENITY VALUES OF THE COAST.

C10.1.5 Policy To manage the effects of activities likely to result in increased levels of contaminants and silt run-off so as to avoid and/or mitigate these effects on the coastal environment and coastal marine area.

The Coastal provisions of the District Plan anticipate the protection of the coastal environment, which is the receiving environment for development on hillsides in the City, from the effects of activities that might disrupt the natural character of the coastal area, or areas of historical or cultural and spiritual value, and ensure that the coastal area can continue to be used and enjoyed, without adverse impacts from development.

The specific coastal provisions above aim to protect the coastal environment from the effects of earthworks, including silt and sediment laden stormwater discharges that could adversely affect the

quality of downstream waters, and impact negatively on fresh and coastal water ecology and habitat, the enjoyment of coastal amenity values, and values of significance to local Maori.

The proposal includes a detailed erosion and sediment control regime, which will be the subject of a separate consent to be approved by Greater Wellington Regional Council as part of the corresponding consents issued for the borrow area excavation works. This will ensure that silt and sediment is controlled and treated on the site preventing discharges of silt-laden runoff. Consent conditions have been imposed to further control the nuisance effects of earthworks activities, and the potential for silt-laden discharges from the site. These approaches will also address potential impacts on coastal amenity and Maori spiritual values.

On the above, basis I consider that the earthworks effects of the proposal can be managed so as to be consistent with the relevant Coastal provisions of the District Plan.

Natural Hazards Objectives and Policies

C12.1 OBJECTIVE TO MINIMISE THE RISK FROM EARTHQUAKES TO THE WELLBEING AND SAFETY OF THE COMMUNITY

C12.1.5 Policy To minimise the effects of ground damage created by slope failures, earthquake induced slope instability and landslides.

These provisions seek to minimise the loss of life and property in the event of an earthquake.

As outlined in Section 5, the proposal includes provisions to deal with site stability and a condition is to be included to cover the ongoing site stability. The site is also clear of the 100 year AEP flood event, which confirms there is no flood risk associated with the site.

The proposal is therefore consistent with the relevant Objective and Policy for Natural Hazards.

Overall Conclusion

I consider that the activity will not have or be likely to have adverse effects on the environment that are minor or more than minor beyond the subject land and adjacent land (where affected party approval has been provided by 1010 Homes Limited (the Applicant) and NZTA, as landowners).

Objectives and Policies - Regional Policy Statement

Section 104(b) requires regard to be given to the Regional Policy Statement. The second generation Regional Policy Statement for the Wellington region (RPS) was made operative on 24 April 2013.

The RPS identifies the regionally significant issues around the management of the regions natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). Regional and district plans and the Regional Land Transport Strategy are required to give effect to the policies 1-34 of the RPS, and to consider policies 35-60.

The following policies are considered relevant to the assessment of the proposal.

Policy 41 – *Minimising the effects of earthworks and vegetation disturbance*

This policy requires particular regard to be given to controlling earthworks and vegetation disturbance to minimise: (a) erosion; and (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.

The applicant has proposed methods for erosion and sediment control for the proposed earthworks within their CMP, together with mitigation planting. This will help to protect downstream water quality and ecological values, and (with time) enhance the existing terrestrial ecological and landscape values of the site. The proposal has received consent from GWRC (WGN200085), where these matters are managed by conditions. The proposal is therefore considered consistent with this policy.

Policy 42 – Minimising contamination in stormwater from development

This policy seeks to reduce the adverse effects of stormwater runoff from subdivision and development by having particular regard to a range of measures that can be undertaken to assist in the reduction of adverse stormwater effects. The applicant has proposed erosion and sediment controls and stormwater detention basins to ensure protection of downstream waters from sediment laden stormwater run-off and manage stormwater. The proposal has received consent from GWRC (WGN200085), where these matters are managed by conditions. The proposal is therefore considered consistent with this policy.

Policy 51 – Minimising the risks and consequences of natural hazards

This policy aims to minimise "the risk and consequences of natural hazards on people, communities, their property and infrastructure" through "sound preparation, investigation and planning prior to development".

The proposal also addresses site stability matters, as explained elsewhere in this report. It is therefore considered that the proposal is consistent with the relevant parts of this policy.

Policy 57 – Integrating land use and transportation

This policy seeks to ensure subdivision, use and development of land makes progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy, and lists matters that need to be given particular regard. Of these matters, item (a) "whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network" is relevant to the proposal.

The proposal is required to assist with the construction of the Transmission Gully Main Alignment, by providing suitable fill material. This will help to ensure the efficient progress of the construction of the Road of National Significance. It is therefore considered that the proposal satisfies this policy.

Part 2 Matters

Consideration of an application under Section 104 is subject to Part 2 of the Resource Management Act 1991, which sets out the purpose and principles of the Act. The relevant provisions of Part 2 are discussed below.

Section 5 of the Act sets out the purpose of the Act. Paraphrased, the purpose of the Act is to achieve a balance of enabling people and communities to provide for their wellbeing whilst appropriately addressing the environmental effects of activities, taking into account both the present as well as the needs of future generations.

Section 6 of the Act sets out Matters of National Importance that all persons "*shall recognise and provide for*". The relevant matters in Section 6 are clauses (a), (b), (c), (d) and (h), as set out below:

- "(a)the preservation of the national character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:
- (b)the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c)the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d)the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (h)the management of significant risks from natural hazards".

Section 6(h) is of relevance to this proposal. The land will be left in a stable state with enhanced planting. The overall outcome is consistent with the relevant provisions of Section 6 for this reason.

Section 7 of the Act sets out Other Matters that all persons "shall have particular regard to". The relevant matters in Section 7 are clauses (b), (c), (d) and (f), as set out below:

"(b)the efficient use and development of natural and physical resources:
(c)the maintenance and enhancement of amenity values:
(d)intrinsic values of ecosystems:
(f)maintenance and enhancement of the quality of the environment:"

The use of fill material will contribute to the construction of a Road of National Significance. The extent of mitigation planting and site stabilisation will ensure the quality of the environment, amenity and intrinsic values of ecosystems will be maintained.

Overall, it is considered that the proposal is consistent with the relevant provisions of Section 7 of the Act.

Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi)".

The site is not known to contain any historic areas which would be of cultural or spiritual value to Maori. However, the applicant is aware of their obligations under the Treaty of Waitangi and an accidental discovery protocol (ADP) consent condition will be required.

It is noted that downstream waters of Duck Creek and Pāuatahanui Inlet are significant waterbodies to Maori. Any discharge to water has been considered under Regional Consent WGN200085.

On the above basis it is considered the proposal is consistent with Section 8 of the Act.

Overall Part 2 Conclusion

Overall, it is considered that the proposal is consistent with Part 2 of the Resource Management Act 1991 as it meets the purpose of the Act in Section 5 and relevant clauses in Sections 6-8.

7.0 CONCLUSION

The earlier analysis has established:

- The environmental effects, adverse or otherwise, of allowing the activity to proceed, beyond the subject land and adjacent land will not be minor or more than minor; and
- The proposal is not inconsistent with the relevant objectives and policies of the Porirua City District Plan.

In addition, an assessment of the proposal in terms of any relevant provisions of a National Policy Statement, the New Zealand Coastal Policy Statement, and Regional Policy Statement and Part 2 of the Resource Management Act has been carried out. It is concluded that the proposal would not be inconsistent with any of these instruments. There are no other matters relevant to this application.

On the above grounds, it is therefore recommended that the Team Leader Resource Consents grant approval to the resource consent application.

8.0 <u>RECOMMENDATIONS</u>

That the application by **1010 Homes Limited** to undertake earthworks at 272 Belmont Road and Designation K0408 (being Sections 1, 3 and 4 SO 475751 (RoT 720458) and Lot 5 DP 426821 (RoT 505671) be considered as a non-notified application under sections 95A, 95D and 95E and that resource consent **be granted** for a Discretionary activity pursuant to sections 104, 104B, 108 and 108AA of the Resource Management Act 1991 for the following reasons:

- 1. It is considered that the activity will not have or be likely to have adverse effects on the environment that are minor or more than minor beyond the subject land and adjacent land (where affected party approvals have been provided);
- 2. That all persons identified as persons upon whom the adverse effects of the activity will be minor or more than minor have given their written approval;
- 3. That due regard has been given to the objectives and policies of the District Plan and it is not inconsistent with those provisions; and
- 4. The proposal satisfies s104B, and achieves the purpose of the Resource Management Act 1991 (Part 2).

That this consent be subject to the following conditions:

<u>General</u>

- That the development be in general accordance with the information and plans submitted with the revised application (prepared by Cardno, dated 13 February 2020) and held on Council file RC8002 - LU0150/19 and stamped 'Approved Plans for Resource Consent RC8002 -LU0150/19' prepared by Orogen, (6/11/2019) and Boffa Miskell (9 March 2020):
- W17008-08-CN011 Earthworks and Erosion Sediment Locality/Location Plan/Site Plan;
- W17008-08-CN201 Erosion Sediment Control Borrow Area Phase 1 and 2 Plan;
- W17008-08-CN202 Erosion Sediment Control Borrow Area Phase 3 Plan;
- W17008-08-CN203 Erosion Sediment Control Borrow Area Phase 4 Plan;
- W17008-08-CN231 Erosion and Sediment Control Typical Details Silt Fences;
- W17008-08-CN232 Erosion and Sediment Control Typical Details;
- W17008-08-CN234 Erosion and Sediment Control Silt Retention Pond Plan and Section;
- W17008-08-CN301 Earthwork Borrow Area Cut and Fill;
- W17008-08-CN341 Earthwork and Erosion and Sediment Control Typical Sections; and

• Boffa Miskell Proposed Replacement TG Project Mitigation Planting, Figure 4, Rev 0, 9 March 2020.

Minor alterations may be approved upon request providing the development is not materially different, the scale and intensity of adverse effects will be no greater, and no approval from affected persons is needed. If the conditions of Greater Wellington Regional Council (GWRC) Consent (Ref: WGN200085) supersede any of the above mentioned plans relating to earthworks erosion and sediment controls, the GWRC approved plans will take precedence.

Prior to Commencement

- 2. The consent holder shall notify the Council's compliance monitoring team (compliance.monitoring@poriruacity.govt.nz) at least 48 hours prior to any physical work commencing on the site and advise the date upon which such works will commence.
- 3. The consent holder shall provide a copy of this consent and any documents referred to in this consent to each operator or contractor undertaking works authorised by this consent, before that operator or contractor starts any works.
- 4. The consent holder shall ensure that a copy of this consent is kept on site at all times and presented to any Porirua City Council officer on request.
- 5. Prior to the commencement of any works on the site, the applicant shall provide evidence to the Resource Consent Monitoring and Enforcement Team that a suitably qualified Chartered Professional Engineer, or an engineer with a similar qualification from a country that has a reciprocal professional qualification agreement with New Zealand, has been appointed to carry out the design, monitoring, and (if considered necessary under Condition 16 of this consent) certification of the earthworks.
- 6. The consent holder shall ensure that prior to the commencement of any works on the site that all silt and sediment control measures are in place in accordance with the Erosion and Sediment Control Plans approved by Greater Wellington Regional Council (GWRC).
- 7. For the duration of construction, the consent holder shall ensure that a person is available to respond to any reasonable requests and/or complaints made by the public and the phone number at which that person can be contacted shall be advised to Council's compliance monitoring team (compliance.monitoring@poriruacity.govt.nz).

Accidental Discovery Protocol

8. If Koiwi (human skeletal remains), taonga Māori (Māori artefacts), wāhi tapu or other archaeological material is discovered in any area during the works, works shall immediately cease and the consent holder shall notify Porirua City Council, Greater Wellington Regional Council, Te Rūnanga o Toa Rangatira, and Heritage New Zealand as soon as possible but within 24 hours. If human remains are found, the New Zealand Police shall also be consulted. 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.

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, Resource Consents, Porirua City Council.

Note 1: Notification should be emailed to:

- o Porirua City Council, <u>compliance.monitoring@poriruacity.govt.nz</u>
- Greater Wellington Regional Council, <u>notifications@gw.govt.nz;</u>

- *Heritage New Zealand, information@heritage.org.nz;*
- Te Rūnanga o Toa Rangatira Inc, <u>resourcemanagement@ngtatitoa.iwi.nz</u>

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

Note 2: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

During Construction

- 9. All earthworks must proceed in accordance with the GWRC approved Construction Management Plan, for the duration of works.
- 10. All development and construction work shall comply with the provisions of New Zealand Standard NZS 6803: 1999 *Acoustics Construction Noise.*
- 11. The consent holder shall take all practicable steps to ensure that all storm water run-off from the site is treated so that sediment is retained on site and the discharge does not cause adverse effects on the environment by entering a natural watercourse.
- 12. Land disturbed by earthworks shall be regularly wetted or otherwise stabilised to ensure that dust nuisance is maintained within the site.
- 13. All cut areas exposed by earthworks (other than bare rock) are to be re-grassed/hydro-seeded or planted (in accordance with the approved Transmission Gully Landscape and Urban Design Management Plan LUDMP) at the earliest possible opportunity following excavation or at the latest within 3 months after completion of each phase of earthworks.
- 14. The consent holder shall generally conform to the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region, September 2002 (reprinted 2006), when designing sediment control options for the earthworks on this site.
- 15. During the construction of the works the excavated cut batter shall be inspected by an appropriately qualified person experienced in soil stability. The final cut batter shall not be steeper than 1V:1H in rock and 1V:1.5H in the overlying soils. The batter slopes shall be monitored during construction and flattened if the nature of the soils encountered is such that a flatter batter is required to achieve a stable batter slope suitable for the soils encountered.

Following Earthworks Construction

16. On completion of each phase of the earthworks (or, if deemed necessary by Council, during the earthworks period of any phase) the consent holder shall provide to the satisfaction of the Manager Resource Consents, a report from a Chartered Professional Engineer with geotechnical experience (or an engineer with a similar qualification from a country that has a reciprocal professional qualification agreement with New Zealand) addressing the stability of the constructed cut batters. This report shall give specific reference to section C2.6 of Porirua City Council's Code of Land Development 2010.

Where the report identifies development limitations, the Manager Resource Consents may require that a memorandum of encumbrance on the title shall be entered into giving notice of the limitations or specific development requirements relating thereto. This shall be prepared to the satisfaction of the Council, by the consent holder. The cost associated with the preparation and registration of any memorandum of encumbrance is to be met by the consent holder.

Transporting Materials

17. In the event that unsuitable material needs to be disposed of in a location other than the fill area known as Fill 8, and if such disposal requires the fill to be transported via public roads, then the consent holder shall provide a Traffic Management Plan (TMP) to Porirua City Council (<u>compliance.monitoring@poriruacity.govt.nz</u>) for its approval. PCC undertakes to approve the TMP within one week of a suitable TMP being submitted to PCC. The TMP must be approved by PCC before any unsuitable material is transported off-site via public roads. The plan must include details of the frequency of trucks movements, hours of operation, and measures to be adopted to avoid significant adverse effects in terms of noise, dust and safety. Any transportation of unsuitable material via public roads must be undertaken in accordance with the approved TMP.

Transmission Gully Mitigation Planting Replacement

18. Replacement of the Transmission Gully mitigation planting shall be undertaken in accordance with the Boffa Miskell Plan (Figure 4, Rev 0, dated 9 March 2020) titled 'Proposed Replacement TG Project Mitigation Planting'. The species composition and programme for planting shall be in accordance with the approved Transmission Gully Landscape and Urban Design Management Plan (Council ref: DN0004/14), unless otherwise agreed by the Manager of Resource Consents.

This landscape mitigation planting shall be implemented within the next planting season (May – August) or within 6 months of completion of the earthworks, whichever is first. The landscape planting shall be maintained for a period of four years and protected in perpetuity (see condition 19).

Memorandum of Encumbrance

19. Appropriate covenants and/or encumbrances (or similar legal mechanism) must be registered on the record/s of title of all the land comprising landscape mitigation planting to ensure that, regardless of current land ownership or any future ownership/tenure changes, the areas of land required for landscape planting mitigation works approved by Condition 1 of this decision are protected and managed in a manner that achieves at least the mitigation works and planting in perpetuity. The details of the covenant/encumbrance must be agreed to by the Manager Resource Consents. The Consent Holder shall report progress on meeting the requirements of this Condition upon request from the Manager.

The consent holder shall comply with this condition within 3 months of completion of landscape mitigation planting.

Advice Note: Consultation with NZTA may be undertaken (where appropriate) to ensure that this condition is satisfied.

THE APPLICANT IS TO NOTE:

Regional Consent

All conditions of the Greater Wellington Regional Consent (Ref: WGN200085) shall be met throughout the construction period.

Section 357

Under section 357 of the Resource Management Act 1991 you have the right to object in writing to all or part of this decision. Notice of this objection must be received by the Council within 15 working days of your receipt of this decision letter.

Building Act

This is NOT a Building Consent. The Building Act 2004 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.

Section 125

This consent is subject to section 125 of the Resource Management Act 1991 which states that a resource consent lapses on the expiry of 5 years after the commencement of the consent, unless an extension on time is granted by the Council prior to lapsing of the consent.

Earthworks

The consent holder should generally conform with the Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region September 2002, when designing sediment control options for any earthworks on the site.

Traffic Management Plan

If the intended work that is covered by this consent includes any activities within the road reserve, then a Temporary Traffic Management Plan is to be prepared by a person who is certified in accordance with 'Temporary Traffic Management for Local Roads – Supplement to NZTA COPTTM', and submitted to the Roading Administration Officer – City & Community Infrastructure for review and approval before any physical works within the road reserve are started.

Fees and charges

Should any additional fees charged for the processing of this application or any financial contributions, levies or bonds required by conditions of this consent not be paid within the deadlines set either through invoicing or consent conditions, this could ultimately lead to Council seeking to recover money owed through the debt collection agency. Should the need arise to use a debt collection agency then the consent holder will be liable for and charged any extra expense that the debt collection service incurs.

Private Covenants

This resource consent does not excuse you of any legal obligations that you may have to comply with any private (non-Council related) covenants that apply to your property. If there are any Private Covenants relevant to your property these will be listed on your Record of Title (formerly known as a Certificate of Title). These covenants may place restrictions on developments and activities that can be undertaken on your property. Please check your Record of Title and the content of any covenants to see if there are any restrictions relevant to your proposal. Copies of your Record of Title and any private covenants that may apply can be obtained through Land Information New Zealand.

19 March 2020

Susan Jones
CONSULTANT PLANNER

Decision of Council

That consent be granted and be subject to the conditions specified in the above recommendation.

19 March 2020

Derek Vos RESOURCE CONSENTS MANAGER under Delegated Authority



File No: WGN200085 [36465], [36604], [36605], [36606], [36607] & [36608] 6 March 2020

1010 Homes Limited C/- Cardno Limited

Sent via email to Brian Warburton, Brian.Warburton@cardno.com

Wellington office Shed 39, 2 Fryatt Quay Pipitea, Wellington 6011 PO Box 11646 Manners Street Wellington 6142 T 04 384 5708 F 04 385 6960 www.gw.govt.nz

Dear Brian

WGN200085 non-notified resource consent application: notice of decision

I am pleased to inform you that on 6 March 2020 your client's applications to;

- undertake bulk earthworks associated with a borrow site consisting of a maximum of 140,050m³ of cut (including stripping and unsuitable material) over an area of 19,100m² including the discharge of sediment laden and chemically treated water to land and to land where it may enter tributaries of Duck Creek and the permanent diversion and reclamation of intermittent streams (consent ID's [36465], [36604], [36605], [36606], [36607]); and
- undertake works to restore fish passage through a perched culvert (consent ID [36608]);

were granted. I have enclosed a copy of the report outlining the reasons for this decision¹. If you or your client have any questions or concerns about any aspect of your client's consents, I would be happy to discuss them with you or your client.

Consent term and conditions

Your client's consents expire on the following dates:

- [36465], [36604] & [36605]: 6 March 2023
- [36606]: unlimited
- [36607] & [36608]: 6 March 2055

It is important that your client familiarises themselves with all of the conditions on their consents.

WGN200085-774717130-4

The Greater Wellington Regional Council promotes Quality for Life by ensuring our environment is protected while meeting the economic, social and cultural needs of the community

¹ You have the right to object to our decision under section s357A of the Resource Management Act 1991. Your objection must be in writing and be made within 15 working days of receiving this letter.

Charges to expect

1. Consent processing charges

The costs of processing your client's resource consent application are still being determined. It is likely that the cost of processing this application has exceeded the application fee paid.

All final processing costs will be determined by the 20^{th} of the following month. An invoice will be issued after this time.

2. Consent monitoring charges

There are three components to your client's consent monitoring charge. Your client's customer service charge is fixed at \$40, and your client's state of the environment monitoring charge is fixed at \$1,680.00. Your clients' compliance monitoring charge will based on the actual and reasonable amount of time spent monitoring their resource consent.

The Resource Management Charging Policy is reviewed on an annual basis. As a result of this process the charges associated with the monitoring of your client's consents may alter.

Consent transfers

If your client sells or transfer management of the property, it is important that they complete a Transfer of Permit form so that future owners can take responsibility for the consents. If they do not complete a transfer, they will continue to be liable for the annual consent monitoring charges associated with the consents.

Please feel free to contact me on 021 667 801 or Richard Percy, Project Leader, Statutory Projects if you have any questions or concerns.

Yours sincerely

Gwenyth Stewart Resource Management Consultant for Environmental Regulation

- Copy: Ray O'Callaghan <u>ray@ocallaghandesign.nz</u> & 1010 Homes Limited, <u>profactionist@gmail.com</u>
- Encl: Decision Report


Resource Consent RESOURCE MANAGEMENT ACT 1991

Summary of decision

Consent No.	WGN200085					
Consent ID(s)	[36465]: Land use consent to undertake bulk earthworks exceeding 1,000m ³ on erosion prone land associated with the operation of a borrow site.					
	[36604]: Discharge permit to discharge sediment laden and chemically treated sto land and to land where it may enter water from an area of bulk earthworks 3000m ² associated with the operation of a borrow site.					
	[36605]: Land use consent to undertake bulk earthworks exceeding 3000m ² associated we the operation of a borrow site.					
	[36606]: Land use consent for the reclamation of u bed in the Duck Creek Catchment associated with	up to a total of 130m of intermittent stream the creation of a new borrow site.				
	[36607]: Water permit to divert the full flow of water from intermittent streams in the Creek Catchment into new permanent overland flow paths/ channels and a storm retention system associated with the creation of a borrow site.					
	[36608]: Land use consent, water permit and discharge permit to undertake works in the bed of a tributary to the Pauatahanui Stream to improve fish passage through an existing culvert including additions to an existing culvert, placement of new structures diversion of water during the works period and any disturbance, discharges and deposition to the streambed during the works period.					
Name	1010 Homes Limited					
Address	Level 5, 203-209 Willis Street, Wellington 6142					
Decision made under	Sections 104B, 105, 107 and 108 of the Resource Management Act 1991 (the Act)					
Duration of consent	Granted: 6 March 2020	Expires:				
		 [36465], [36604] & [36605]: 6 March 2023 				
		• [36606]: unlimited				
		• [36607] & [36608]: 6 March 2055				
Purpose for which consent(s) is granted	 To undertake bulk earthworks associated with a borrow site consisting of a maximum 140,050m³ of cut (including stripping and unsuitable material) over an area of 19,100 including the discharge of sediment laden and chemically treated water to land and land where it may enter tributaries of Duck Creek and the permanent diversion a reclamation of intermittent streams; and To undertake works to provide fish passage through a perched culvert. 					

Location	272 Belmont Road and Transmission Gully Designation K0408 at or about map reference NZTM 1759751.5444998 (cut/borrow site)			
	272 Belmont Road at or about map reference NZTM 1759874.5444773 (culvert works)			
	272 Belmont Road at or about map reference NZTM 1759973.5444887 (biodiversity off set works)			
Legal description of land	Section 1, 3 and 4 SO 475751 and Lot 5 DP 426821			
Conditions	See below			

Decision recommended by:	Gwenyth Stewart	Resource Management Consultant	Ø
Decision peer reviewed by:	Olivia Vorwerk	Senior Resource Advisor	A when
Decision approved by:	Richard Percy	Project Leader, Statutory Projects	AD

Processing timeframes:

Application lodged:	23/09/19	Application officially received:	23/09/19
Returned under S88:	04/10/19	Re submitted:	13/11/19
Application stopped (S95E & S92(1)):	21/11/19	Application started:	24/02/20
Applicant to be notified of decision by:	16/03/20	Applicant notified of decision on:	06/03/20
Time taken to process application:	14 working	days	

Consent conditions

INTERPRETATION

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

Bulk pioneer indigenous riparian planting/revegetation means planting consisting of a continuous area of new plants, not enrichment planting among existing plants.

Commencement of the works means the time when the works that are the subject of this consent commence.

Heavy Rainfall Event means any rainfall event that is predicted to meet or exceed 20mm in one 24 hour period.

Stabilisation Trigger Event means any rainfall event that is predicted to meet or exceed 50mm in one 24 hour period.

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, Environmental Regulation, Wellington Regional Council 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, Environmental Regulation, Wellington Determined to the Manager, Environmental Regulation, Wellington Regional Council, an 80% vegetative cover has been established.

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

WRC Officer means any officer working for, or on behalf of Environmental Regulation, Wellington Regional Council.

General notes

Note 1: Where conditions require the submission of information to the **Manager** information can be emailed to *notifications@gw.govt.nz*. Please include the consent reference WGN200085 and the name and phone number of a contact person responsible for the information submitted.

General condition

- 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:
 - 13 November 2019 (application);
 - 12 December 2019 (further information received via email including a S92 Response letter, further information relating to the stormwater basins, Flocculation Management Plan, Fish Passage Site Plan and Construction Management Plan);13 January 2020 (further information received via email including confirmation that the following consent is sought as part of the package of consents sought to enable the proposed activity "Land use consent, water permit and discharge permit to undertake works in the bed of a tributary to the Pauatahanui Stream to improve fish passage through an existing culvert including additions to an existing culvert, placement of new structures, diversion of water during the works period and any disturbance, discharges and deposition to the streambed during the works period");
 - 14 January 2020 (further information received via email including confirmation relating to the design of the Sediment Retention Pond);
 - 28 January 2020 (further information received via email including map references for the biodiversity offset site and culvert works); and
 - 14 February 2020 (amended application to remove references to the works providing for an access way into the applicants property).
- 2. 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 concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

- 3. The Consent Holder shall give the Manager a minimum of two working days (48 hours) notice prior to the:
 - Commencement of earthworks; and
 - Commencement of works to address the perched culvert.
- 4. 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 the works authorised by this consent, prior to the works commencing.

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

- 5. The consent holder shall ensure that 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.
- 6. The Consent Holder shall permit any WRC Officer to have access to relevant parts of the property subject to this consent/permit at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

Pre-construction meeting

7. 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 10 working days' notice, the Greater Wellington Regional Council 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.

Incidents

- 8. The consent holder shall immediately and within 1 working day notify the Manager and the relevant Territorial Authority if any contaminants (including sediment) or material are released in the undertaking of the Work and enters any watercourse due to any of the following:
 - a) Discharges from non-stabilised areas that are not treated by erosion and sediment control measures required under this consent; and/or
 - b) Failure of any erosion and sediment control measures; and/or
 - c) Any other incident which either directly or indirectly causes or is likely to cause adverse ecological effects in any watercourse that is not authorised by a resource consent held by the consent holder.

If any of these incidents occur, the consent holder shall:

- d) Re-establish control measures as soon as practicable where these have failed or have not been implemented in accordance with the requirements of this consent;
- e) Liaise with the Manager to establish what remediation or rehabilitation is required and whether such remediation or rehabilitation is practical to implement;
- f) Carry out any remedial and/or mitigation action as required by and to the satisfaction of the Manager;
- g) Maintain a permanent record of the incident at the site, which shall include the date and time of the incident; the nature, manner and cause of the contaminants; weather conditions at the time of the incident; and the steps taken to contain any further release and to remedy any adverse ecological effects on the watercourse; and
- h) Provide written reporting to the Manager covering the above matters (d)–(g) within five working days of the incident, unless another timeframe is agreed in writing with the Manager.

This notification shall be either by telephone or email, or via an alternative electronic method as agreed with the Manager.

- 9. In the event of a failure of any erosion and sediment control device, where a discharge occurs to a freshwater body, including a wetland, or estuarine/marine environment the Consent Holder shall (in addition to the requirements set out in Condition 8 of this consent):
 - a) Ensure that the Manager is notified immediately (within 1 working day of identification of the failure);

- Engage a suitably qualified ecologist(s) who shall inspect the relevant area within 24 hours of the Consent Holder becoming aware of the discharge and monitor the ecological values where and when appropriate;
- c) Either repair or replace the device as soon as practicable;
- Review the reasons for the failure and, as soon as practicable following the failure, carry out a review of, and any appropriate repair works on, all other erosion and sediment control and devices;
- e) Where the ecologist considers there has been an adverse effect that is more than minor and is not temporary, confirm an appropriate course of action in consultation with the Manager and implement the course of action as required by and to the satisfaction of the Manager; and
- f) Provide written reporting to the Manager covering the above matters (a)-(e), including the full written report by the suitably qualified ecologist, within five working days of the incident, unless another timeframe is agreed in writing with the Manager.

Complaints

- 10. At all times from the commencement of works until the works authorised by this consent /permit 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/permit. This record shall include:
 - a) The name and address of the complainant;
 - b) Identification of 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 Holder's investigation into the complaint;
 - f) Measures taken by the Consent Holder to respond to the complaint; and
 - g) Any other activities in the area unrelated to the works authorised by this consent that may have contributed to the complaint, such as unrelated construction, fires, traffic accidents or unusually dusty conditions generally.

The Consent Holder shall also keep a permanent record of any remedial action undertaken. This record shall be maintained on site and shall be made available to the Manager, upon request. Complaints received shall be forwarded to the Manager within 24 hours of receiving the complaint. This notification shall be either by telephone or email, or via an alternative electronic method as agreed by the Manager.

Discovery of artefacts

11. If koiwi, taonga, waahi 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, 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, <u>notifications@gw.govt.nz</u>
- Heritage New Zealand, information@heritage.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatitoa.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 condition

- 12. 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:
 - To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent.
 - 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 that time.
 - To review the adequacy of the construction operating and maintenance processes and the monitoring requirements for this consent so as to incorporate any modifications to the construction operational and maintenance procedures or monitoring that may be necessary to deal with any adverse effects on the environment arising from the exercise of this consent.
 - 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.
 - 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.

Stormwater management

13. The consent holder shall construct and maintain stormwater infrastructure (stormwater detention basins) in accordance with the information received on 12 December 2019 to ensure that stormwater neutrality is achieved in up to a 1 in 100 year flood event.

Earthworks limits

14. The Consent Holder shall ensure that the total earthworks footprint associated with the borrow area (excluding erosion and sediment controls as shown in the document titled *1010 Home*

Limited, Designation Earthworks, Construction Management Plan, version 2, 29 November 2019) does not exceed a maximum area of 19,100m² consisting of 140,050m³ of cut.

Progressive stabilisation

- 15. The consent holder shall progressively stabilise any disturbed areas as sections of work are completed to minimise sediment runoff. The progressive stabilisation shall be in accordance with the document titled *1010 Home Limited, Designation Earthworks, Construction Management Plan, version 2, 29 November 2019* received 12 December 2019 and shall be to the satisfaction of the Manager.
- 16. Upon achieving the desired completion levels (as identified in the application) the consent holder shall ensure that all areas subject to works are stabilised to the satisfaction of the Manager.
- 17. All erosion and sediment control measures shall remain the responsibility of the consent holder and no erosion and sediment control measures shall be removed prior to receiving written agreement from the Manager.
- 18. Prior to diverting discharges from any stabilised area or earthworks stage away from the Sediment Retention Pond, the Consent Holder shall arrange a site meeting to inspect the adequacy of the stabilisation and invite, with a minimum of 48 hours' notice, the Greater Wellington Regional Council 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.

Winter works

- 19. No works authorised by this consent shall take place during the winter period of 1 June to 30 September inclusive each year unless approved by the Manager.
- 20. In order to obtain approval from the Manager for works during the winter period of 1 June to 30 September inclusive each year, no less than 20 working days prior to the start of the winter period, the Consent Holder shall submit to the Manager for certification details of erosion and sediment control measures that will be employed to address seasonal weather variations.
- 21. Works during the winter period of 1 June to 30 September inclusive each year shall not commence until the Consent Holder has received notice in writing that the proposed erosion and sediment control measures required by condition 13 have been certified by the Manager.
- 22. The Consent Holder shall ensure that all erosion and sediment control measures employed to address seasonal weather variations are installed, operated and maintained in accordance with the *Wellington Regional Council Erosion and Sediment Control Guidelines for the Wellington Region*, (and any subsequent approved amendments) and to the satisfaction of the Manager.

Construction Management Plan (CMP) and Flocculation Management Plan (FMP)

23. The consent holder shall undertake all works including but not limited to the construction, management, maintenance and monitoring of erosion and sediment control devices and chemical flocculation in accordance with the document titled 1010 Home Limited, Designation Earthworks, Construction Management Plan, version 2, 29 November 2019 (CMP) and the document titled 1010 Homes Limited: Earthworks Flocculation Management Plan, November 2019 (FMP) received 12 December 2019 and any approved amendments made to the CMP or FMP in accordance with condition 24 of this consent unless otherwise agreed to in writing by the Manager.

24. The Consent Holder may request amendments to the CMP and /or the FMP 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 amendment has been certified by the Manager.

Certification and operation of the Erosion and Sediment Controls

25. Prior to bulk earthworks commencing the consent holder shall provide to the Manager a certificate signed by an appropriately qualified and experienced engineer to certify that the erosion and sediment controls have been constructed in accordance with the CMP received 12 December 2019 and the current version of the *Erosion and Sediment Control Guidelines for the Wellington Region* as a minimum standard.

Certification shall include, but not be limited to, the following:

- a) Contributing catchments, dimensions and storage volumes of sediment retention ponds, decanting earth bunds, silt fences and diversion channels/bunds as applicable, and
- b) As-built plans of the key erosion and sediment controls measures; and
- c) Any other details that will facilitate assessment of compliance with the authorised CMP and the current Erosion and Sediment Control Guidelines for the Wellington Region.

The certificate shall be submitted within 5 working days of completing the audit and to the satisfaction of the Manager.

Note: The consent holder is advised to complete the sediment control device as-built check sheets available on the Greater Wellington Regional Council's website and to submit these with the certification required under this condition).

- 26. All necessary perimeter controls shall be operational before earthworks (or relevant stage of earthworks) begin. The diversion channels shall have surface lining or protection to avoid surface erosion.
- 27. All 'cleanwater' runoff from stabilised surfaces, including catchment areas above the site, shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion.

Erosion and sediment control treatment requirements

- 28. The consent holder shall ensure that all sediment retention ponds within the site are chemically flocculated in accordance with the FMP or subsequent certified amendment under condition 24 of this consent/permit from the time the ponds are operational until the ponds are decommissioned.
- 29. The consent holder shall ensure that all stormwater contaminated with sediment from the site is treated by erosion and sediment control measures as detailed in the CMP, required by condition 23 of this permit.
- 30. The consent holder shall ensure that prior to the completion of operations each working day that all necessary erosion and sediment control measures are reinstated as detailed in the approved CMP, required by condition 23 of this permit.
- 31. All erosion and sediment control measures shall remain the responsibility of the consent holder. No sediment retention device, silt fence, chemical treatment systems or perimeter controls shall be removed or decommissioned prior to receiving written confirmation that the relevant phase is stabilised to the satisfaction of the Manager.

Site auditing requirements

32. The consent holder shall ensure that the site is audited by a suitably qualified and experienced person on a minimum of a weekly basis to ensure that the erosion and sediment control devices and methods are being maintained in accordance with the CMP and FMP referred to in condition 23 of this consent/permit or subsequent certified amendment under condition 24 of this this consent/permit.

The weekly audits shall include, but not be limited to, the following information:

- a) Date;
- b) Name of auditor;
- c) Site condition;
- d) Weather conditions;
- e) Sediment management (including identification of problem areas that are not being treated by sediment control measures, and any measures put in place to treat these areas);
- f) Runoff control (check of diversion channels and check sediment retention ponds);
- g) Condition of sediment control measures, including silt fences, contour drains and sediment retention ponds;
- h) Maintenance required and the date this will be completed by;
- i) Contractor responsible for the maintenance; and
- j) General comments.

The frequency of the audits may be reduced if agreed in writing by the Manager.

33. The results of the audits as required by condition 32 shall be submitted to the Manager within 5 working days of the audit being undertaken.

Rainfall and flocculation monitoring

34. The consent holder shall sample and record the following parameters at the Sediment Retention Pond (SRP), as soon as practicable after a rainfall event of greater than 7mm in 1 hour or 20mm in a 24 hour period as measured at the Wellington Regional Council James Cook reservoir rain gauge station.

Deremeter	Location					
Falamelei	Inflow	Forebay	Pond	Decant Outlet		
рН	\checkmark	\checkmark	\checkmark	\checkmark		
Temperature (°C)			\checkmark			
Turbidity (NTU)	\checkmark	\checkmark	\checkmark	\checkmark		
Dissolved aluminium			\checkmark	\checkmark		
(g/m³)						

Note: The consent holder is only required to undertake outlet monitoring if the SRP is discharging.

35. In addition to the monitoring undertaken in accordance with condition 34, the consent holder shall arrange for no less than **weekly** site visits to be undertaken by an independent flocculation specialist who shall sample and record the following parameters for each of the chemically-treated sediment retention ponds at the following locations:

Doromotor	Location					
Falameter	Inflow	Forebay	Pond	Decant outlet		
рН		\checkmark	✓	\checkmark		
Temperature (°C)			\checkmark			
Turbidity (NTU)	\checkmark			\checkmark		
Dissolved aluminium			✓	\checkmark		
(g/m ³)						

Note: The monitoring of pH and dissolved aluminium is dependent on which flocculant the consent holder uses on site. For example, these levels can only be measured if Poly-aluminium Chloride (PAC) is used.

36. The results of the monitoring undertaken in accordance with condition 34 and 35 shall be submitted to the Manager within 5 working days of the date the sampling is undertaken.

Management triggers

- 37. In the event that the monitoring required under condition 34 and/or 35 indicate that the pH of any chemically-treated sediment retention pond outflow is at or below 5.5 or above 8.5, and/or the NTU value is 170 NTU or greater, the consent holder shall take the following actions:
 - i. Immediately notify the Manager that the exceedance has occurred;
 - ii. Immediately undertake onsite investigations to determine the cause of the exceedance and what changes can be made to onsite management to prevent re-occurrence;
 - iii. Record the date, time and weather condition when the sample was taken, details of the onsite investigations, probable cause of exceedance and actions taken or to be taken to prevent re-occurrence; and
 - iv. Within 5 working days of the exceedance being recorded, provide the information required by (iii) above to the Manager.

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

The consent holder's requirements under condition 34 to 37 shall cease when the catchment has been completely stabilised and the pond decommissioned or with the written authorisation of the Manager.

Biodiversity off- set

- 38. To offset the effects of the loss of a maximum of 130 lineal metres of intermittent stream in the Duck Creek Catchment the consent holder shall undertake and ensure the maintenance, management and protection in perpetuity of no less than:
 - 240m of bulk¹ pioneer indigenous riparian biodiversity offset planting/revegetation with a width of 20m each side of the perennial flowing section of stream; and

¹ "bulk" means planting consistoing of a continuous area of new plants, not enrichment planting among existing plants.

- 200m of bulk pioneer indigenous riparian biodiversity offset planting/revegetation with a width of 20m each side of the intermittent section of stream; and
- 235m² of bulk pioneer wetland biodiversity offset planting/revegetation over three sites

in the locations identified in further information to the application received via email on 28 January 2020.

The Consent Holder shall ensure that the offset enhancement area, as identified in the further information to the application received via email on 28 January 2020, is fully fenced with stock-proof fencing prior to the bulk pioneer offset planting/revegetation being carried out.

- 39. The consent holder shall ensure that the stock proof fencing and all bulk indigenous riparian and wetland biodiversity offset planting/revegetation is complete within one (1) year of grant of the consent unless an alternative timeframe is agreed by the Manager in writing prior to the end of the 1 year time period specified in this condition.
- 40. The consent holder shall undertake works to provide fish passage at the perched culvert identified in further information to the application received 12 December 2019 between approximate map references NZTM 1759874.5444773 and NZTM 1759876.5444777 such that fish passage for indigenous species is provided for within 1 year from the date of the grant of this consent.
- 41. The consent holder shall submit an Ecological Offset Enhancement Plan (EOEP) to the Manager for certification within 3 months of the grant of this consent. The EOEP shall be in accordance with the consent application and documents outlined in condition 1 of this consent.

The EOEP shall include, but not be limited to:

- A detailed description of measurable biodiversity off-set goals and measurements for success relating to the proposed planting/revegetation and restoration of fish passage through an existing perched culvert (note that these are required to be measured in accordance with condition 45);
- Plan(s) to scale showing the location, lengths and widths of all proposed areas to be planted (including the proposed species mix) and fencing;
- The indigenous species that are proposed to be planted, the size of the plants, grade and the density of planting (including pioneer and enrichment species);
- Details of eco-sourcing;
- A detailed timeline for proposed planting (including for pioneer and enrichment planting);
- Details of pre-planting site preparation (clearing, mulching, fertilising);
- Details of the on-going maintenance of the planting including, but not limited to, the replacement of plants, future management, and eradication of pest plants;
- Details of enrichment and replacement planting, including a programme/timeframe to ensure a plant success rate of at least 80% canopy cover is achieved within 5 years;
- Details of how stock will be excluded from the planting area (including the specifications of the fencing);
- Details of how plants will be protected from pest animals;
- Details of the proposed monitoring regime which is in accordance with the requirements of condition 45 of this consent;
- What species of fish passage will be provided for; and
- Detailed drawings and a works methodology outlining how fish passage will be provided for through the culvert. This must include, at a minimum, addressing the culvert perch and providing baffles though the culvert.

Note 1: For the purpose of this condition, eco-sourcing refers to plants that have been sourced and propagated from those that grow naturally in the same ecological district.

Note 2: Fish passage design through the culvert must be in accordance with the NZ Fish passage guidelines https://niwa.co.nz/freshwater-and-estuaries/research-projects/new-zealand-fish-passage-guidelines).

The biodiversity offset works shall not commence until the EOEP has been certified by the Manager.

- 42. The consent holder shall undertake all biodiversity offset works in accordance with the certified EOEP required by condition 40. The Consent Holder may request amendments to the certified EOEP 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 EOEP has been certified by the Manager.
- 43. Pioneer planting, as detailed in the EOEP certified in accordance with condition 40 shall be fully fenced and completed within one year of the grant of this consent unless an alternative timeframe is agreed by the Manager in writing prior to the end of time period specified in this condition.

The consent holder shall notify the Manager, when the pioneer planting is complete.

Within 1 month of completing the pioneer planting the consent holder shall provide the Manager the geographic location coordinates of the boundaries of the planting areas and electronic shape files for entry into a GIS database.

44. Enrichment planting, as detailed in the EOEP certified in accordance with condition 40 shall be completed within five years of the grant of this consent unless an alternative timeframe is agreed by the Manager in writing prior to the end of time period specified in this condition.

The consent holder shall notify the Manager when the enrichment planting is complete.

45. The planting/revegetation required by condition 38 shall be monitored and maintained by the consent holder to achieve a plant success rate of at least 80% canopy cover within 5 years; unless an alternative timeframe is agreed by the Manager.

Note: Canopy cover is defined as 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).

Ecological success/outcome monitoring

46. All biodiversity off-set planting/revegetation that is required to be undertaken under condition 38 of this consent shall be subject to a three year maintenance period which shall commence from the time planting is completed. At the completion of the three year maintenance period, the Consent Holder shall engage a suitably qualified ecologist to carry out a full review of the success of the planting to ensure it has met the offset requirements set out in the EOEP.

The results of the review shall be provided to the Manager for certification:

- a) That the planting has met the requirements of the EOEP; and/or
- b) To identify any remedial actions that need to be carried out.

Where any remedial actions are required, the Consent Holder shall provide a programme and description of remedial actions to the Manager for certification within a timeframe agreed to in writing by the Manager. These actions shall be carried out as soon as practicable having regard to weather and appropriate planting seasons.

The Consent Holder shall undertake all remedial actions in accordance with the certified description and programme and within the timeframe specified by the Manager.

47. A further review of the biodiversity off-set planting (both pioneer and enrichment) shall be carried out by a suitably qualified ecologist after 10 years of completion of the pioneer planting to determine whether further actions are required to achieve the offset success criteria as set out in the EOEP. At the year 10 review, the pioneer and enrichment planting shall be assessed against the offset success criteria. If necessary the EOEP shall be amended to incorporate any agreed additional works relating to achieving offset success.

Where any remedial actions are required, the Consent Holder shall provide a programme and description of remedial actions to the Manager for certification within a timeframe agreed to in writing by the Manager. These actions shall be carried out as soon as practicable having regard to weather and appropriate planting seasons.

The Consent Holder shall undertake all remedial actions in accordance with the certified description and programme and within the timeframe specified by the Manager.

48. The Consent Holder shall review the success of the works undertaken to provide fish passage at the perched culvert identified in further information to the application received 12 December 2019 to ensure that fish passage for indigenous species is provided for and/or to identify any remedial actions that need to be carried out to ensure fish passage is provided.

Where any remedial actions are required, the Consent Holder shall provide a programme and description of remedial actions to the Manager for certification within a timeframe agreed to in writing by the Manager. These actions shall be carried out as soon as practicable having regard to weather.

The Consent Holder shall undertake all remedial actions in accordance with the certified description and programme and within the timeframe specified by the Manager.

Legal and physical protection of biodiversity offset planting

49. The Consent Holder shall enter into an appropriate covenant and/or encumbrance (or similar legal mechanism) approved by the Manager that ensures that, regardless of current land ownership or any future ownership/tenure changes, the areas of land required for biodiversity offset works and planting required by condition 38 of this consent are physically protected and managed in perpetuity.

The consent holder shall:

- a) Report progress on meeting the requirements of this condition upon request from the Manager; and
- b) Not take active steps for the sale of any of the land required for offset planting/revegetation as identified in Condition 38 of this consent until a legal mechanism approved by the Manager is in place.

The legal mechanism shall:

- i. Detail how the protection and ongoing management of the biodiversity offset works and planting specified in Condition 38 of this consent will be achieved in perpetuity; and
- ii. As a minimum, include all the items listed in Condition 51 of this consent; and
- iii. Not be terminated or varied without the prior approval of the Manager.

50. The Consent Holder shall ensure that the legal mechanism approved by the Manager is in place and registered in relation to all the land required for biodiversity offset planting under condition 38 of this consent within one (1) year from the date of granting of this consent, unless an alternative timeframe is agreed to by the Manager.

Physical protection and management of the biodiversity offset planting

- 51. To achieve management and physical protection of the biodiversity offset planting/revegetation required by Condition 38 of this consent, the Consent Holder shall in perpetuity:
 - i. Prevent the felling, damaging, removal, burning or taking of any native trees, shrubs, plants or native fauna;
 - ii. Ensure the planting of any trees, shrubs, or plants be undertaken with specimens sourced from the ecological district in which the land is situated;
 - iii. Prevent the introduction of any noxious substance or substance otherwise injurious to plant life except as required for the control of pests;
 - iv. Prevent access by stock by ensuring that fences and gates are installed and maintained except where the provisions of the Fencing Act 1978 apply;
 - Control deer, goats and pigs to achieve the conditions of this consent and the ecological success criteria set out in the EOEP, and to prevent significant loss of existing natural values; and
 - vi. Notwithstanding the requirements of (v.) above, ensure that all weeds and pests are controlled to the extent required by any statute and in particular comply with the provisions of, and any notices given under the Biosecurity Act 1993 and the Wild Animal Control Act 1977.

Works in the bed of a stream to resolve fish passage through an existing, perched culvert

- 52. The consent holder shall minimise sediment discharges and effects on instream habitats and ecology of the unnamed tributary to the Pauatahanui Stream 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 the number of crossings of the streambed
 - g) Keeping crossings to one path only; and
 - h) Minimising machinery in the streambed and undertake works from the banks where practicable.
- 53. The consent holder shall ensure that:

- All machinery is thoroughly cleaned of vegetation, seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site;
- b) No contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid, sediment) are released into water, or to land where it may enter water, from equipment being used for the works;
- c) All contaminant storage or re-fuelling areas are bunded or contained to prevent the discharge of contaminants to water or to land where it may enter water; and
- d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system.
- 54. 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/.

- 55. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to contain the spilt contaminant. The spilt contaminants and any material used to contain it shall be removed from the site and disposed of at authorised landfill. The consent holder shall also immediately notify the Manager of the spill and actions to be taken.
- 56. The consent holder shall ensure that no dry cement product, unset concrete, concrete wash water or any water contaminated with concrete enters water.
- 57. The consent holder shall remove all excess material from the bed and banks of the stream and dispose of it in an appropriate manner, to the satisfaction of the Manager.

Freshwater fish

- 58. The consent holder shall undertake fish rescue in accordance with the Wellington Regional Council document '*Fish Rescue Protocol for Minor Streamworks*' (see Appendix A of this condition set).
- 59. The consent holder shall ensure that any fish found stranded as a result of the works are immediately placed into a clear flowing section of the unnamed tributary to the Pauatahanui Stream upstream of the works.
- 60. No instream works shall be carried out in the active channel (i.e., flowing water in the stream bed) during the key recruitment migration period for native fish species between 1 August to 31 December inclusive.
- 61. The consent holder shall ensure that fish passage is maintained at all times during and after construction.

Erosion and scour

62. Any areas of the stream banks that are cut or disturbed as a result of the works shall be stabilised and grassed/replanted as soon as practicable, following completion of the works, to prevent erosion and scour. These works shall be to the satisfaction of the Manager

Maintenance of works

63. The works shall remain the responsibility of the consent holder and shall be maintained to the satisfaction of the Manager, including ensuring that fish passage for indigenous fish species is maintained to the satisfaction of the Manager.

Consent lapse and expiry

- 64. Pursuant to section 123 of the Act, the following consent durations apply to consent WGN200085:
 - Soil disturbance on erosion prone land [36465] shall expire 3 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);
 - Discharge permit [36604] shall expire 3 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);
 - Bulk earthworks consent [36605] shall expire 3 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);
 - Reclamation consent [36606] is unlimited and does not expire. The conditions on this consent will endure in perpetuity.
 - Water permit [36607] shall expire 35 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);
 - Land use consent, water permit and discharge permit [36608] shall expire 35 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);

Conditions 1-63 apply to Consents WGN200085 [36465], [36604], [36605], [36606], [36607] & [36608].

Appendix A - Fish Rescue Protocol for Minor Stream Works

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 bund 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 number WGN200085.
- 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 shall 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.

Reasons for decision report

1. Background and proposal

The New Zealand Transport Agency (NZTA) holds resource consents and designations for the construction and operation of the Transmission Gully Motorway Project (TGP, "the Project"), which was authorised by a Board of Inquiry (BoI) in June 2012. CPB HEB Joint Venture (CPB HEB JV,) is the sub-contractor responsible for the design and construction phase of the project.

The resource consents granted for the Project include discharge permits, water permits (including diversions) and land-use consents for overall earthworks and specific activities in each of the streams along the alignment. Since the Project consents were granted, the construction methodology for the Project has been further developed based on better geotechnical and ground condition information. The CPB HEB JV has identified that much larger areas and volumes of unsuitable material needs to be disposed of (i.e. additional to that provided for by the BoI consent). Conversely, as more material has been identified as unsuitable and is required to be removed more material which is suitable for beneath the road is now required.

The works subject to this report involve the excavation of material (soil and rock) which is suitable for TGP road construction.

2. Proposal

The proposed borrow site is shown on the drawings included in Appendix G of the application document.

The proposal involves earthworks over an area of 19,100m² with a total approximate cut volume of 140,050m³ (including stripping and unsuitable material). Approximately 136,650m³ of the excavated material is anticipated to be generally suitable for road construction.

There is expected to be some over burden material which is not suitable for road construction and this is anticipated to be disposed of on the applicant's property at an existing fill site operated by CPB HEB JV (consented under WGN180038 - consent holder; the New Zealand Transport Agency). The applicant has advised that the will be seeking consents relating to the disposal of overburden in a separate application.

A construction methodology can be found in Section 3.1 of the Construction Management Plan (1010 Homes Limited: Designation Earthworks Construction Management Plan, Orogen, 29 November 2019) received 12 December 2019 (CMP).

Specific Erosion and Sediment Controls (ESC) are outlined in section 3 of the CMP. A drawing showing the location of devices is provided in Appendix A of the CMP.

The receiving environment for sediment laden and chemically treated stormwater discharges from the site will initially be the TGP stormwater system which then discharges into the Duck Creek Catchment. Land form changes will result in the reclamation of two intermittent streams. Water from the intermittent streams will be diverted into overland stormwater flow paths and into two stormwater detention basins, which the applicant has confirmed will be designed to provide stormwater neutrality in up to a 1 in 100 year flood event.

The applicant is proposing to provide biodiversity offsets to offset adverse effects resulting from the loss of the aquatic habitat associated with the intermittent streams. The proposed biodiversity offset is discussed in section 6 of this report. In summary, the proposal includes riparian and wetland planting/revegetation, legal protection of the offset enhancement area and associated planting and providing fish passage through a perched culvert.

Upon the completion of works subject to this consent the site will be topsoil and stabilised. Where the works will displace landscape planting associated with the TGP, the applicant has confirmed that this will be provided in alternative locations as shown in Appendix J of the application document. Landscape planting is within the jurisdiction of Porirua City Council and is not discussed further in this application.

3. Reasons for resource consent

3.1 Operative Regional Plans

RMA section	Plan	Rule	Status	Comments
Soil disturb	ance on eros	ion prone la	nd	
9	Regional Soil Plan (RSP)	2	Restricted Discretionary	Rule 2 of the RSP provides for soil disturbance on erosion prone land that involves the disturbance of greater than or equal to 1,000m ³ of soil within any 10,000m ² area (calculated using a minimum width of 10m) and within any continuous 12 month period.
				The applicant has stated that the earthworks associated with the borrow site will exceed the limits of soil disturbance on land classed as erosion prone (as defined in the RSP) set by this rule.
				Therefore, this aspect of the proposal has been considered to be a Restricted Discretionary Activity pursuant to Rule 2.

RMA section	Plan	Rule	Status	Comments			
Discharge of stormwater to water and to land where it may enter water							
15(1)	Regional Freshwater Plan	2 3 5	Permitted Controlled Discretionary	Rule 2 relates to the permitted discharge of stormwater to water. The proposed activity cannot meet the conditions of Rule 2 because the proposed borrow site could discharge chemically treated and sediment laden stormwater during heavy rainfall events and the discharge will originate from an area of bulk earthworks greater than 0.3ha (thus the activity cannot comply with conditions 3 (a) and (b)). Rule 3 is not applicable to this application as it provides for stormwater discharges from stockyards and industrial trade premises. The proposed discharge is not provided for by any other rule. As such, it is considered to be a Discretionary Activity pursuant to Rule 5 which provides for all remaining discharges to freshwater			
Reclamatio	n of the bed c	of streams					
13(1)	Regional Freshwater Plan	49	Discretionary	The proposal includes the reclamation of intermittent stream beds. The reclamation of the bed of any river that is not included in Policy 4.2.10 is a Discretionary Activity pursuant to Rule 49. Duck Creek and its tributaries are not included in Policy 4.2.10.			
Diversion o	f water						
14(3)	Regional Freshwater Plan	9 16	Permitted Discretionary	The proposal will result in the diversion of water from intermittent stream beds into new overland flow paths and stormwater retention basins. This will result in the permanent diversion of water. The proposal will affect intermittent streams. I consider the activity to be outside the scope of rule 9 which provides for minor diversions in intermittent streams as a permitted activity.			
				Therefore the proposal must be assessed as a Discretionary Activity pursuant to Rule 16 which provides for the taking, use, damming or diversion of water.			

RMA section	Plan	Rule	Status	Comments			
Culvert works							
9	Regional Freshwater Plan	22 49	Permitted Discretionary	Works to address the perched culvert will require additions to the existing culvert. It is likely that this will include rock rip rap at the outlet and the installation of flexible baffles within the culvert (see section 6 of this report).			
				Rule 22 provides for (amongst other things) additions and alterations to existing structures provided the activity can comply with the specifications and conditions of that rule.			
				There is no specific rule which provides for the addition of rock rip rap to a structure as a permitted or controlled activity rule.			
				It is likely that much (if not all) of the work will comply with the requirements of Rule 22. However as the detailed plan for the works has not yet been developed the applicant is applying for consent for this aspect of the works on a precautionary basis under Rule 49.			
				Rule 49 provides for all other uses of river and lake beds as a Discretionary activity .			
14(3)	Regional Freshwater Plan	9 16	Permitted Discretionary	Works proposed to the culvert to restore fish passage may require the temporary diversion of water.			
				I consider the activity to be outside the scope of Rule 9 which provides for minor diversions in intermittent streams as a permitted activity.			
				Therefore the proposal must be assessed as a Discretionary Activity pursuant to Rule 16 which provides for the taking, use, damming or diversion of water.			
S15 – discharges	Regional Freshwater Plan	1 5	Permitted Discretionary	There may be a temporary discharge of stream bed material to water during construction activities. Particularly during the "first flush" when any stream diversions are removed. Rule 1 provides for the discharge of water and minor contaminates as a permitted activity provided the conditions of the rule can be met including that the suspended solid concentrations in any discharge may			

RMA section	Plan	Rule	Status	Comments
				not be more than 50g/m ³ . At times discharges from the works areas may exceed this on a temporary basis. Rule 5 provides for all other discharges as a discretionary activity .

3.1.1 Streams of significance in the Regional Freshwater Plan

As stated in section 2 of this report the receiving environments for sediment laden discharges is the Duck Creek catchment. Duck Creek and its tributaries are identified as follows in the RFP:

• Appendix 3, Part A: Waterbody with nationally Threatened Indigenous Fish Recorded in the catchment.

3.2 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, their activity status, and the substantive assessment of the proposal under section 104(1)(b) of the Act. The provisions of the PNRP as notified on 31 July 2015 have been superseded by the decisions version of the PNRP for assessing this proposal.

This is in addition to any consents required under the operative plans. [Noting that 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			
Bulk earthw where it ma	Bulk earthworks (including the discharge of stormwater into water or onto or into land where it may enter water)					
9	R99	Permitted	Rule R99 provides for earthworks within a			
	R101	Discretionary	contiguous area up to 3000m ² per property per 12 month period as a permitted activity.			
			The proposal will exceed the limits set by this rule and as such cannot be considered within the ambit of Rule R99.			
			Rule R101 provides for earthworks that are not permitted by Rule R99 as a Discretionary Activity .			
			Discharges associated with bulk earthworks are provided for by Rule R101 as such this aspect does not require consideration under any other rule.			

RMA section	Rule	Status	Comments				
Reclamatio	Reclamation of streambeds						
13(1)	R127 R129	Non- complying	There are no permitted or controlled activity rules that provide for reclamation of stream beds.				
		Discretionary	Rule R127 provides for reclamation as a non- complying activity when the reclamation in a site identified in Schedule A1 (outstanding rivers) or is located in a site identified in Schedule C (mana whenua).				
			Rule 129 provides for all other activities in rivers as a discretionary activity.				
			The streams subject to this application are not identified in Schedules A1 or C as such the proposal can be considered under Rule R129 as a Discretionary Activity .				
Diversion o	fwater						
14(3)	R131	Discretionary	R131 provides for the damming and diversion of water within or from a river that does not meet Rules R112-R123 or R140, subject to condition (a) which requires that the diversion does not cause the rivers flow to fall below minimum flows and condition (b) which requires that the diversion is not within an outstanding river identified in Schedule A1.				
			It is not anticipated that the diversion associated with works will cause streams in the receiving environment downstream of the works site to fall below minimum flows as defined in the PNRP and the streams subject to this application are not outstanding rivers.				
			I therefore consider the diversion of water associated with the works to be a Discretionary Activity pursuant to R131.				
Culvert wor	ks to provid	le fish passage)				
9	112	Permitted	Works to address the perched culvert will require				
	117	Permitted	additions to the existing culvert. It is likely that this will include rock rip rap at the outlet and the				
	129	Discretionary	installation of flexible baffles within the culvert (see section 6 of this report).				
			Rule R112 provides for (amongst other things) the upgrade of existing structures provided the activity can comply with the specifications and conditions of that rule.				
			Rule 117 provides for (amongst other things) the placement of erosion protection structures as a permitted activity provided the activity can comply with the specifications and conditions of that rule.				
			It is likely that the works will comply with the requirements of Rules R112 and R117. However as the detailed plan for the works has not yet been				

RMA section	Rule	Status	Comments
			developed the applicant is applying for consent for this aspect of the works on a precautionary basis.
			Rule R129 provides for all other uses of river and lake beds as a Discretionary activity .
			Rule R129 provides for disturbance, deposition and discharges to water during the works period but does not include and diversions of water.
S14 – restrictions relating to water	R131	Discretionary	The final design for culvert works may require the diversion of water. The diversion of water if provided for by Rule R131 as a discretionary activity.

3.2.1 Streams of significance in the Proposed Natural Resource Plan

As stated in section 2 of this report the receiving environments for sediment laden discharges is the Duck Creek catchment. This waterway is identified as follows in the PNRP:

- Schedule C3: Sites of significance to Ngāti Toa Rangatira (only applicable to the lower reaches of the Duck Creek main stem i.e. significantly downstream of the proposed site).
- Schedule F1: Ecosystems and habitats with significant indigenous biodiversity values.
- Schedule F1b: Known rivers and parts of the coastal marine area with inanga spawning habitat (only applicable to the length of stream between the mouth and NZTM 5447610.1759575 which is significantly downstream of the works site.)

3.3 Overall activity status

In accordance with the principal of consent bundling (where the most restrictive activity status applies to the proposal as a whole) the activity status for each activity relevant to this proposal is considered to be;

Bulk earthworks (including the discharge of stormwater into water or onto or into land where it may enter water)

- **Discretionary** under the Regional Freshwater Plan;
- **Restricted Discretionary** under the Regional Soil Plan; and
- **Discretionary** under the Proposed Natural Resources Plan.

Culvert works

- Discretionary under the Regional Freshwater Plan; and
- **Discretionary** under the Proposed Natural Resources Plan.

Reclamation and associated diversion of water

- **Discretionary** under the Regional Freshwater Plan; and
- **Discretionary** under the Proposed Natural Resources Plan.

This results in an overall activity status of **Discretionary** when all the relevant plans are considered.

4. Consultation

lwi authority	Comments
Ngāti Toa Rangatira (Ngāti Toa)	GWRC forwarded a copy of the application to Ngāti Toa for their assessment in accordance with the agreement between GWRC and Ngāti Toa on resource consent applications. Ngāti Toa has not provided any comment on the application.
Other parties or persons	Comments
New Zealand Transport Agency (NZTA	The applicant's proposal will result in discharges from their site entering the stormwater system and Erosion and Sediment Control (ESC) devices associated with the TGP; the consents (and Management Plans) for which are held by the NZTA. As such, the applicant's activities have the potential to affect NZTA's ability to comply with their existing consents relating to the TGP. As such NZTA were considered to be an affected party to this application. The applicant undertook consultation with NZTA and the affected party approval of NZTA was received 24 February 2020.
PCC	The applicant is seeking the required consents from PCC concurrently. GWRC has kept PCC informed throughout the processing of this application, about environmental effects assessments and outcomes upon resolution.
Department of Conservation (DoC)	In accordance with the MoU between DoC and GWRC, DoC was provided with a copy of the application. No comment was received.
Sue Ira, consultant Stormwater and Hydrological specialist, Koru Environmental Limited and Andres Roa, Consultant Hydrologist, AR & Associates	Specialist comments/input has been included in Section 6 of this report.
Ants Ransley, consultant Erosion and Sediment Control specialist, SouthernSkies Limited	Specialist comments/input has been included in Section 6 of this report.
Dr Alex James, Senior Freshwater Ecology Scientist, EOS Ecology	Specialist comments/input has been included in Section 6 of this report.

5. Notification decision

A decision was made to process the application on a non-notified basis on 24 February 2020. Further information on the notification decision is provided in document #WGN200085-774717130-6.

6. Environmental effects

6.1 Existing environment

The proposed earthworks are located partly within the property at 272 Belmont Road owned by the applicant, 1010 Homes Limited, and partly within land which is designated in the District Plan as being part of the corridor for the TGP.

The proposed borrow/cut site is bound by the future main alignment of TGP to the west (currently under construction) and rural land to the east, owned by the applicant.

The applicant has provided an Ecological Assessment in Appendix D of the application. Section 3.2 of the Ecological Assessment provides a detailed description of the watercourses affected by the proposed cut. In summary, there are two ephemeral flow paths and two intermittent streams located within the borrow area.

The ecological assessment states that the two ephemeral water courses have no evidence of a natural formed channel or active bed and have been extensively modified by works associated with the TGP. In this case, the ephemeral flow paths are not considered to constitute aquatic habitat.

With regards to the intermittent streams, referred to as Watercourses 1A and 1B the assessment states that Watercourse 1A supports a short reach (40 m) of stream, most of which has been considerably modified through works associated with TGP. The lower 30m has been excavated out, a rock-lined channel created and the surrounding area hydroseeded. The assessment states that the top 10 m of the headwater section has an active bed and banks (0.3 m wide) before it grades to an ephemeral flow path.

Watercourse 1B is described as being similarly modified in its lower reaches immediately above the formed motorway corridor, however in its upper reaches the assessment states that the stream exhibits a well-formed channel with flow and pools. The length of stream from the headwater down to the culvert beneath Transmission Gully motorway is 90m, the last 20m of which has been excavated back, lined with erosion cloth and hydroseeded.

6.2 Effects to aquatic habitat

Adverse effects to aquatic habitat have the potential to occur as a result of:

- The loss of a total of 130m habitat due to the diversion of water and reclamation of intermittent stream bed; and
- Sediment released from the area of bulk earthworks to streams.

Water quality is discussed in section 6.3 below.

The applicant is proposing a biodiversity off-set to offset adverse effects resulting from the loss of aquatic habitat due to stream reclamation and the diversion of water.

The offset proposed is set out in detail in the Ecological Assessment provided with the application at Appendix D. In summary; it is the applicant's assessment that in order to provide a no-net loss to aquatic biodiversity the following offset is required:

• Fencing off from stock and undertaking riparian planting on 240m (linear length) of perennial stream located within the applicants property, within the Pauatahanui Stream Catchment (referred to as Stream 2 in the Ecological Assessment).

In addition to providing for no net loss to aquatic biodiversity the applicant is also proposing to:

- Fence off from stock and undertake riparian planting on 200m of intermittent stream (tributaries to the Stream 2) located within the applicants property (130m on the stream referred to as 2E and 70 m on the stream referred to as Stream 2F); and
- Resolve the existing perched culvert at the head of Stream 2 restoration reach, such that native fish passage is provided (the proposal to address this involves placing rock rip rap to form a fish ladder, in the location shown in further information received 12 December 2019 and as described in information received 28 January 2020); and
- Fencing off from stock and planting 235m² of seepage wetland over three sites (two within the Gully referred to as Gully 2E and one within the Gully known as Gully 2F).

The Ecological Assessment also outlines effects to terrestrial vegetation and how these will be offset. The conclusion reached in the Ecological Assessment is that there is a net gain to terrestrial biodiversity. The effects to terrestrial ecology are not discussed in any further detail in this report because they are outside of GWRC jurisdiction.

The proposed offset area is shown in figure 1 below.



Figure 1: Proposed riparian margin planting along streams (pink dotted lines) within proposed fenced offset area (white dotted line), and terrestrial planting 1.05 ha total) between streams and existing kanuka shrubland to reconnect forest areas. Seepage gully wetlands to be restored are shown by green circles. (source, figure 5 of the Ecological Assessment).

The ecological assessment has been reviewed by Dr Alex James, Senior Freshwater Ecology Scientist, EOS Ecology.

In summary Dr James concurred with the findings of the Ecological Assessment and agreed that the proposal would result in a net gain to biodiversity.

Regarding the proposal to provide for fish passage through a perched culvert, Dr James's comments are summarised as follows:

- The rock ramp solution is appropriate for this particular fish passage solution. However, it will need to be designed and constructed properly to function adequately as these can be built incorrectly and result in the loss of continuous flowing water during low flow periods, especially in small streams; and
- The pipe itself looks to predominantly have a bare concrete base and it is recommended that flexible baffles are installed primarily to increase water depths, but also to reduce water velocity.

Dr James's comments in this regard have been incorporated into a condition of consent which requires the final design of the culvert works to be submitted to GWRC within the Ecological Offset Enhancement Plan (EOEP) for

certification by the Manager within 3 months of the grant of this consent and prior to the works being carried out.

Taking into account the review comments of Dr. James and the information provided by the applicant, I am satisfied that the environmental effects on aquatic ecology from the proposed works can be appropriately mitigated through the recommended consent conditions in Attachment 1, particularly:

- Implementation, maintenance, management and protection of 240 lineal metres of bulk pioneer indigenous riparian biodiversity offset planting/revegetation with a width of 20m each side of the perennial stream;
- Implementation, maintenance, management and protection of 200 lineal metres of bulk pioneer indigenous riparian biodiversity offset planting/revegetation with a width of 20m each side of the intermittent section of stream;
- Implementation, maintenance, management and protection of 235m² of bulk pioneer wetland biodiversity offset planting/revegetation over three sites;
- Fencing of the offset enhancement area, with stock-proof fencing, prior to the bulk pioneer offset planting/revegetation being carried out. Bulk pioneer indigenous riparian biodiversity offset planting/revegetation, to be completed within one year of the grant of this consent and enrichment planting, to be completed within five years of the grant of this consent;
- Location and details and design of biodiversity offset works, including for fish passage, to be submitted for certification by GWRC within three months of the grant of this consent and prior to any offset works commencing;
- All biodiversity offset planting to be legally and physically protected in perpetuity within one year of the date of grant of the consent.
- Monitoring and maintenance of the biodiversity offset to achieve a plant success rate of at least 80% canopy cover.

It is GWRC's expectation that the bulk pioneer indigenous riparian planting/revegetation to be provided and completed within one year of the date of grant of this consent comprises planting consisting of a continuous area of new plants, not enrichment planting among existing plants.

6.3 Effects on water quality

There is potential, if appropriate measures are not put in place, for a temporary reduction in water quality associated with earthworks, especially during heavy rainfall events. There is also potential for contaminants to enter surface water from the proposed Erosion and Sediment Control (ESC) devices. The devices will be subject to chemical treatment (e.g. rainfall activated chemical dosing) and when water is discharged, it may still carry residual contaminants.

The receiving environment for discharges from the area of bulk earthworks is firstly the TGP stormwater system. After passing through the TGP stormwater system the discharge will mix with other discharges from TGP (including within TGP erosion and sediment control devices) and will then discharge to the Duck Creek catchment. Within the ultimate receiving environment it may not be possible to distinguish between the discharges associated with this consent from the discharges associated directly with TGP activities. The TGP consents (and Management Plans) are held by the New Zealand Transport Agency (NZTA). As such, the applicant's activities have the potential to affect NZTA's ability to comply with their existing consents relating to the TGP. As such NZTA were considered to be an affected party to this application.

The affected party approval of NZTA was received by GWRC on 24 February 2020. As NZTA have provided their written approval under section 95E of the RMA, all adverse effects arising from the activities subject to this consent on NZTA have been disregarded i.e. for the avoidance of doubt NZTA are required to comply with all conditions on existing NZTA-held consents regardless of discharges originating from activities which are the subject of this application entering their site.

On 12 December 2019 the applicant provided a final Construction Management Plan (CMP) which contains an Erosion and Sediment Control Plan (ESCP) detailing how sediment laden discharges will be managed.

The CMP and ESCP received on 12 December 2019 has been reviewed by Ants Ransley, Erosion and Sediment Control Specialist, SouthernSkies Ltd who sought clarification regarding the design of the SRP. Further information in this regard was received 14 January 2020.

Overall, Mr. Ransley considers that adverse effects on water quality as a result of sedimentation and contaminant discharges (from chemical treatment) will be appropriately managed provided the applicant implements, operates, monitors and maintains the erosion and sediment control measures as described in the CMP and ESCP received 12 December 2019 and 14 January 2020.

Mr Ransley recommended that standard GWRC conditions relating to the management of bulk earthworks areas including water quality monitoring conditions are included on this consent.

Overall, taking into account the review feedback from Mr. Ransley, I am satisfied that the environmental effects on water quality from the proposed works can be appropriately managed, such that they can be considered to be no more than minor, through the recommended consent conditions at the start of this Officer Report, particularly:

- Works to be undertaken in accordance with the application documentation lodged on 13 November 2019 and further information provided during the application process (in particular the CMP received on 12 December 2019 and information received 14 January 2020).
- Certification of ESC measures by a suitably experienced sediment control practitioner, to demonstrate they have been constructed in accordance with the CMP.

- Preparation of as-built plans for the erosion and sediment control measures, to be submitted to GWRC and kept on-site at all times. Any amendments will be required to be updated on the as-built plans as soon as practicable.
- Standard conditions relating to the installation and maintenance of erosion and sediment control measures until sites are stabilised, and monitoring of erosion and sediment control measures throughout the works.
- Standard GWRC conditions relating to undertaking earthworks in winter.
- Standard GWRC conditions relating to progressive stabilisation in accordance with the proposal.

6.4 Hydrology effects

The proposal will change the existing land forms, reclaim streams and alter flow paths. This in turn has the potential to result in adverse effects relating to flooding and erosion/sedimentation within the receiving environment.

To ensure the proposed works do not result in adverse flooding and erosion effects the applicant is proposing to install two stormwater detention basins. The applicant has confirmed that these basins will provide stormwater neutrality in up to a 1 in 100 year event. This design standard has been chosen to be consistent with the design standard for the TGP stormwater design standard.

The application and further information submitted during the course of processing the application was reviewed by Sue Ira, Stormwater and Hydrological Specialist, Koru Environmental Limited, and Andres Roa, Consultant Hydrologist, AR & Associates Ltd.

In summary Ms. Ira and Mr Roa initially sought further information relating to:

- Stormwater detention basin outlet controls; and
- The location of the basins.

Further design detail to address these points was received on 12 December 2019.

The further information was reviewed by Ms. Ira and Mr Roa who confirmed that their concerns had been addressed and they had no further questions.

Overall, taking into account the review of Ms. Ira and Mr Roa, I am satisfied that the flooding/hydrology effects associated with the proposed works can be appropriately managed, such that they can be considered to be no more than minor, through the recommended consent conditions included at the start of this Officer Report, particularly:

• Works to be undertaken in accordance with the application documentation and further information received on 12 December 2019; and

- Stormwater detention basins to be constructed and maintained so that they provide for stormwater neutrality in up to a 1 in 100 year event.
- All maintenance of the stormwater retention basins to be undertaken to the satisfaction of the Manager, GWRC.

6.5 Effects to Tangata Whenua values

The application was provided to Ngāti Toa by GWRC when it was received in accordance with the agreement between Ngāti Toa and consultation on consent applications. No comment was received.

The proposed works have the potential to reduce the water quality and biodiversity value of the Duck Creek catchment reducing its Mauri².

Effects to water quality and measures proposed to reduce sediment are discussed in section 6.4 of this report. Effects to aquatic habitat and measures to offset adverse effects to biodiversity are discussed in section 6.3. These sections conclude that adverse effects are likely to be no more than minor to these attributes.

Considering iwi have raised no specific concerns with this application, I consider that provided works are undertaken in accordance with the application and all recommended conditions of consent adverse effects to the mauri of the Duck Creek catchment will be no more than minor.

6.6 Summary of effects

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

7. Statutory assessment

7.1 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.

7.2 Matters to be considered – Section 104-108AA

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

² An energy or life force that **mana whenua** consider exists in all things in the natural world, including people. **Mauri** binds and animates all things in the physical world. Without **mauri**, **mana** cannot flow into a person or object.

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 6 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	See section 6 of this report
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2014	The NPSFM is given effect to through policies 5.2.10A and 6.2.4A in the RFP and policies 66 and 110 in the RNRP (see below).
		Objectives A1 and B1 seek to protect the life supporting capacity of freshwater ecosystems whilst Part D relates to tangata whenua roles and interests.
		With regard to water quality, ESC measures implemented in accordance with proposed Management Plans, seek to ensure that longer term sedimentation effects are avoided where possible, or otherwise are appropriately mitigated.
		The diversion (and subsequent reclamation) of freshwater habitat is required for the establishment of the proposed borrow site. The applicant has proposed biodiversity offset measures outlined in section 6 of this report to ensure there is a net gain to biodiversity as a result of the works.
		The proposal has been reviewed by Dr James who concurs with the applicant's assessment.
		I consider that, significant values of streams and wetlands are at a minimum maintained and protected.
		Ngāti Toa have not raised any objections to the proposal and subject to compliance with conditions of consent the proposal will not adversely affect, to an unacceptable or more than minor degree, the freshwater ecosystems or mauri of the streams subject to this application.
		I therefore consider that, with the implementation of the recommended conditions of consent, the proposed activity is consistent with the NPSFM.
104(1)(b)(iv)	New Zealand Coastal Policy Statement	Whilst proposed works are located some distance from the CMA, the Pauatahanui Inlet and the Porirua Harbour are the eventual receiving waters so an assessment against the NZCPS is appropriate.
		In this regard, Policies 13, 14 and 22 are relevant.

RMA section	Matter to consider	Comment
		It is considered that appropriate erosion and sediment control measures will be implemented so that the works will not result in any material increase in sediment deposition in the coastal environment.
		Therefore it is considered the application is consistent with the NZCPS.
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	Objective/Policy	Comment
	Objectives 12 and 13 Policies 40, 41 and 43 (Freshwater)	The implementation of the ESCP and recommended conditions of consent will ensure that any effects on the quality of freshwater is minimised.
	Objective 16 Policy 47 (Indigenous ecosystems) Objective 28 Policy 49 (Resource management with cc)	The measures proposed to avoid, remedy and mitigate adverse effects are considered to be appropriate. Where adverse effects cannot be remedied or mitigated, biodiversity offsetting is proposed. Provided the works are undertaken in accordance with the application, information submitted during the course of processing the application and conditions of consent, I consider that overall any adverse effects in terms of aquatic ecosystem health are no more than minor.
		Consultation has been undertaken with tangata Whenua who have not raised any concerns with the proposal.
104(1)(b)(vi)	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/Policy	Comment
	Objectives 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.9, 4.1.10,	The RFP objectives and policies seek to manage the effects of activities on water quality, aquatic ecology, riparian margins and flow characteristics of natural waterbodies.
	4.1.11, 4.1.12, 4.1.17, 5.1.1, 5.1.2, 5.1.3, 6.1.1, 7.1.1, 7.1.2, 7.1.4 Policies 4.2.5, 4.2.9, 4.2.10, 4.2.11, 4.2.12, 4.2.18, 4.2.23, 4.2.24, 4.2.27, 4.2.28, 4.2.30, 4.2.33, 4.2.34, 4.2.35, 4.2.36, 5.2.1, 5.2.6	Regarding discharges to freshwater, Policy 5.2.10A requires a consent authority to have regard to the extent to which the discharge will have an adverse effect on the life-supporting capacity of freshwater ecosystems. Policies 5.2.13 and 5.2.14 encourage the discharge to land and the treatment of stormwater prior to discharge. The applicant proposes to use a number of sediment control measures and devices to limit the amount of contaminated stormwater (sediment-laden and chemical
RMA section	Matter to consider	Comment
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	5.2.8, 5.2.10, 5.2.10A, 5.2.13, 5.2.14, 6.2.4A, 6.2.14, 6.2.15, 7.2.2, 7.2.12, 7.2.15	treatment remnants) to water and land where it may enter water to avoid adversely affecting the receiving environments and aquatic ecology. I consider that adverse effects on ecology in the affected streams are able to be appropriately mitigated during the construction period and post construction so that effects are no more than minor.
		Policy 6.2.4.A requires a consent authority to have regard to the extent to which the damming and diverting of freshwater will have an adverse effect on the life-supporting capacity of freshwater ecosystems and the extent to which these effects can be avoided. With regard to the damming and diverting of streams, the effects on the natural values of these streams will be appropriately offset, and adverse effects on values of tangata whenua are avoided.
		The proposal will not result significant adverse effects on matters identified in Policy 7.2.2.
		In relation to Policy 7.2.15 which specifically addresses reclamation, the borrow is sited so as to obtain the most suitable material, to use in the construction of TGP which will provide a significant community benefit. In addition, the affected streams are already largely lost as a result of the TGP and the proposed offset will result in an overall net gain to biodiversity.
		The proposed offset is consistent with Policy 4.2.27 which encourages restoration of freshwater resources.
	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.
	Objectives	The proposal seeks to ensure that adverse
	4.1.3, 4.1.7, 4.1.8, 4.1.10,	effects of earthworks, particularly discharge of sediment laden and chemically treated
	4.1.11	stormwater to water and land, are managed
	Policies	via appropriate erosion and sediment control measures.
	4.2.1, 4.2.13, 4.2.14,	Provided the recommended conditions of
	4.2.15, 4.2.16	consent (which reflect these measures) are adhered to, I consider that the proposal is consistent with the objectives and policies of the RSP.

RMA section	Matter to consider	Comment
	Proposed Natural Resources Plan (decisions version)	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Proposed Natural Resources Plan (decisions version).
	Objective/Policy	Comment
	Objectives O1, O3, O12, O14,	The objectives and policies of the PNRP seek to manage the natural resources of the Region whilst managing the effects of activities.
	015, 023, 025, 027, 028, 029, 035, ,044, 046, 047	The proposed activity avoids the creation of new barriers to passage of fish & koura and will overall enhance fish passage (when off set measures are considered).
	Poincies P12A, P13, P17, P19, P31, P32, P33, P34, P38, P40, P41, P62, P66, P67, P72, P73, P79, P98, P101, P102, P129	Regarding discharges to freshwater, Policy 66 requires a consent authority to have regard to the extent to which the discharge will have an adverse effect on the life-supporting capacity of freshwater ecosystems. Policies 67, 62 and 73 encourage the discharge to land and the treatment of stormwater prior to discharge. The applicant proposes to use a number of sediment control measures and devices to limit the amount of contaminated stormwater to water and land where it may enter water to avoid adversely affecting the receiving environments and aquatic ecology. I consider that adverse effects on ecology in the affected streams are able to be appropriately mitigated during the construction period and post construction so that effects are no more than minor.
		P41 requires that by order of priority, adverse effects shall be avoided and where adverse effects cannot be avoided, these effects shall be remedied through mitigation or biodiversity offsets (in accordance Schedule G) where residual adverse effects remain.
		The biodiversity offset measures will enhance, protect and maintain perennial and intermittent stream as well as wetland. The proposal is likely to result in a net gain to biodiversity.
		The site cannot be avoided as it is the location at which the resource is located. Adverse effects associated with stream reclamation cannot be mitigated at the location where the adverse effect will occur as this is the location of the borrow site. As such residual adverse effects will remain. These residual effects are proposed to be offset as outlined in section 6. The offset proposed is consistent with

RMA section	Matter to consider	Comment
		Schedule G.
		Policy P102 requires that the reclamation or drainage of river beds and natural wetlands be avoided except in certain circumstances including:
		• The reclamation is of an ephemeral flow path; or
		• The reclamation is associated with the development of regionally significant infrastructure.
		The reclamations associated with the proposal are consistent with the above.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
104(2A)	Value of investment for existing consents	I have considered the value of existing investment associated with this application.
105(1)	Matters relevant to discharge permits	Based on the information provided, the applicant is committed to reducing sediment discharge through the implementation of erosion and sediment control measures.
		Overall it is assessed that the activities will be managed so that any adverse effects on the receiving environments will be no more than minor.
107	Restrictions on grant of certain discharge permits	The discharge associated with the proposed works is not anticipated to result in any of the effects listed in Section 107.
108 – 108AA	Conditions on resource consents	All recommended conditions of consent listed in at the start of this Officer Report have been assessed against the requirements of 108- 108AA and are considered to be compliant.

7.3 Weighting of the Proposed Natural Resources Plan

As the conclusions reached under the operative Regional Plans assessment is consistent with that reached under the Proposed Natural Resources Plan there is no need to undertake a weighting exercise between the two Plans.

8. 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 National Policy Statement for Freshwater Management 2014 (amended 2017), New Zealand Coastal Policy Statement, Regional

Policy Statement, the Operative Regional Freshwater Plan, Operative Discharges to Land Plan, Operative Regional Soil Plan and the Proposed Natural Resources Plan.

- 3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more 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 biodiversity offset measures, to ensure the adverse effects are or are likely to be no more than minor.

9. Duration of consent

The applicant has not requested a specific duration. The works are associated with TGP which is scheduled to be completed in 2020.

To provide for contingencies, consent durations of three years has been recommended for the land-use consents, bulk earthworks, and the associated discharge permits sought.

The works to facilitate fish passage as part of the biodiversity offset package are permanent. As such a duration of 35 years has been recommended for the consent relating to these.

The diversion of water and reclamation of streams is permanent. The maximum allowable duration for a water permit is 35 years. Consents for stream reclamations can be granted in perpetuity.

Accordingly, the following consent durations are recommended:

- Bulk earthworks and soil disturbance [36465] & [36605]: 3 years to expire on 6 March 2023
- Discharge of sediment laden and chemically treated stormwater and water to land and water [36604]: 3 years to expire on 6 March 2023
- Permanent diversion of water [36607]: 35 years to expire on 6 March 2055
- Reclamation [36606]: unlimited
- Works to facilitate fish passage [36608]: 35 years to expire on 6 March 2055.

10. Monitoring

Charges relating to this monitoring programme are outlined in the cover letter enclosed with this report.