

## Consent conditions

### Standard conditions

1. The location, design, and implementation of the streamworks shall be in general accordance with:
  - i. the consent application and its associated plans and documents lodged with the Wellington Regional Council on 7 May 2020; and
  - ii. the further information relating to the sizing of the riprap, the design of the culvert, and the NZTM coordinates, received on 29 June 2020.

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

2. 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.
3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference WGN200317 and the name and number of a contact person responsible for the works.*

### Construction methodology

4. The consent holder shall undertake the works in accordance with the Construction Methodology provided with the consent application.

If any changes are proposed to the Construction Methodology, the consent holder shall provide an updated plan that has been prepared in consultation with the contractor undertaking the works to the Manager, Environmental Regulation, Wellington Regional Council prior to the works commencing. No works shall commence until the consent holder has received written notification that the updated Construction Methodology is to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note: The updated construction methodology can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz).*

5. The consent holder shall prepare, in consultation with the contractors and engineers undertaking the works, a final Erosion and Sediment Control Plan (ESCP).

The ESCP shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council for certification at least 20 working days prior to any works starting onsite.

The ESCP must be prepared in general accordance with the current *Erosion and Sediment Control Guidelines for the Wellington Region* and include, but not be limited to, the following:

- Responsibilities and contact details of all parties responsible for the operation and maintenance of the erosion and sediment control structures.
- A description of the methods used to dam and divert the stream, to put erosion and sediment control measures in place, and to rehabilitate the site. This does not need to include information about the native planting as this has already been well-detailed.
- Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control and to minimise the potential for sediment discharge.
- The design criteria and dimensions of all key erosion and sediment control measures.
- A plan that clearly identifies the locations where erosion and sediment control measures will be installed. This will include locations of the equipment used to divert the stream.

#### **Temporary diversions within the channel**

6. The consent holder shall ensure a diversion of water is in place prior to any excavation or construction works commencing onsite, to separate all construction activities from flowing water.

The temporary diversion shall remain in place for the duration of the works and shall not be removed and the stream flow reinstated, until the construction of the stormwater inlet has been completed.

#### **Reducing effects on water quality**

7. The consent holder shall take all steps to minimise sedimentation and increased turbidity of the Waitangi 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; and
  - e) Installing appropriate sediment control and treatment measures (e.g., silt fences).
8. The consent holder shall ensure that:
- a) All machinery is thoroughly cleaned of vegetation (e.g., weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site;
  - b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be 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 in such a manner so as 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.
9. The consent holder shall ensure that all vehicles, mobile plant, or machinery is inspected for the presence of invasive or pest aquatic plants including didymo. In the event that an invasive or pest aquatic plant or didymo is discovered upon the vehicle, mobile plant, or machinery it shall be

cleaned to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*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/>.*

10. 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 an authorised landfill. The consent holder shall also immediately notify the Manager, Environmental Regulation, Wellington Regional Council of the spill and actions to be taken.
11. The consent holder shall ensure that no dry cement product, unset concrete, concrete wash water or any water contaminated with concrete enters the flowing channel of the Waitangi Stream or any water during, or as a result of, the works.
12. Upon completion of the works all unused material from the works shall be immediately removed from the bed and banks of the stream and disposed of in an appropriate manner that is to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

#### **Freshwater fish**

13. Prior to commencing works, the consent holder shall arrange for a suitably qualified freshwater ecologist to undertake fish rescue in accordance with the Wellington Regional Council document "Fish Rescue Protocol for Minor Streamworks" (see **Appendix A**) using methods deemed appropriate by the freshwater ecologist.
14. The consent holder shall arrange for a suitably qualified and experienced freshwater ecologist to inspect and certify that the design of the culvert inlet and rock rip rap to confirm that fish passage has been provided for. The consent holder shall provide a copy of this certification to the Manager, Environmental Regulation, Wellington Regional Council, within 10 working days of the works being complete.  
  
*Note: The certification must be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include consent reference WGN200317.*
15. The consent holder shall ensure that fish passage is maintained through the site following the completion of works.

#### **Erosion and scour**

16. 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, Environmental Regulation, Wellington Regional Council.

*Note: For the purposes of this condition, "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, 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 Regional Council, an 80% vegetative cover has been established.*

### **Offset planting**

17. During the planting season following the completion of works, or other timeframe as agreed by the Manager, Environmental Regulation, Wellington Regional Council, the consent holder shall plant an area of approximately 30m length x 3m width alongside both sides of the Waitangi Stream in native vegetation. This native tree planting shall be in accordance with the documents provided to the Wellington Regional Council on 7 May 2020 with the consent application and approved by Wellington City Council, particularly: “Omāroro Reservoir Technical Specification – Waitangi Stream Mitigation Planting” and the Memorandum of 1 April 2020 entitled “Stormwater Inlet Ecology Memo Part 2”.

Any amendment proposed to the “Omāroro Reservoir Technical Specification – Waitangi Stream Mitigation Planting 16 April 2020” shall be submitted for certification, in writing, to the Manager, Environmental Regulation, Wellington Regional Council.

18. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council, when the planting as required by condition 16 of this consent is complete.
19. All offset planting must be maintained for at least 5 years or until 80% canopy cover over the planted area is achieved.

*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).*

### **Maintenance of works**

20. The works shall remain the responsibility of the consent holder and shall be maintained to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council so that:
- a) Any erosion, scour or instability of the stream bed or banks that is attributable to the works carried out as part of this consent is remedied by the consent holder; and
  - b) Any adverse effects caused by the presence of the structure that limit or restrict fish passage shall be rectified by the consent holder; and
  - c) The structural integrity of the stormwater inlet remains sound in the opinion of a Professional Chartered Engineer.

*Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the bed of the watercourse) following completion of the construction works as proposed in the application, may require further resource consents.*

### **Photographic record**

21. The consent holder shall compile photographic records of the area of works authorised by this consent. These photographic records shall include photographs of the following items:
- a) The location of the proposed works: incorporating the works area and the stretches of the Waitangi Stream that may be affected by the works (i.e., prior to the works commencing);

- b) The site during the works: incorporating the works area and stretches of the Waitangi Stream identified in (a); and
- c) The site immediately upon the completion of the works (within one week): incorporating the works area and stretches of the Waitangi Stream identified in (a).

The photographic record of items identified in (a), (b) and (c) shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council as soon as possible but within one week of the photographs being taken.

All submitted photographs shall include:

- The date the photographs were taken
- The time the photographs were taken
- The site location (e.g., map reference, address) of where the photograph was taken, and
- A description of what aspect of the works the photograph relates to

The photographs and details shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

*Note 1: The photographic record should demonstrate compliance with the conditions of this consent.*

*Note 2: Photographic records, i.e., electronic picture files from digital cameras can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent number WGN200317 date and time photographs were taken and a description of the site location (e.g., map reference, address).*

## **Complaints**

22. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from or related to the works. This record shall include:
- The name and address of the complainant (if provided);
  - The date and time that the complaint was received;
  - Details of the alleged event;
  - Weather conditions at the time of the complaint; and
  - Any measures taken to mitigate/remedy the cause of the complaint.

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

## **Discovery of artefacts**

23. If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Trust, Te Rūnanga o Toa Rangatira 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 should occur before work resumes.

Notification must be emailed to:

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

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

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

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

### **Removal of structure**

24. If the structure is no longer required, and/or is not being maintained in accordance with condition 20 of this consent, or sustains irreparable damage then the structure shall be removed, within a timeframe that is to the satisfaction of the Manager, Environmental Regulation.

*Note: Rule 33 of the Regional Freshwater Plan, and rule R118 of the proposed Natural Resources Plan, provides for the removal of structures as a permitted activity provided certain conditions are met. Prior to the removal of the structure the consent holder must ascertain whether the removal of the structure can comply with the conditions of Rule 33 and Rule R118. If not, a resource consent will be required from the Wellington Regional Council.*

### **Review condition**

25. The 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, at any time for the duration of this consent, for the following purposes:

- a) To review the adequacy of any report and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To 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.

### **Notes:**

- a. A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.

- b. The Wellington Regional Council shall be entitled to recover from the consent holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.
- c. Please note that the granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.

## **Appendix A: Fish Rescue Protocol for Minor Stream Works**

This protocol applies to:

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

### **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](mailto:notifications@gw.govt.nz) within five working days, including the location, date and consent number (WGN200262).
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.