

Friday, 3 July 2020

Angela Penfold
Wellington Water Ltd
PO Box 39071
Wellington Mail Centre
Lower Hutt 5045

Dear Angela

Re: Omaroro Reservoir – Request for Variation to Licence Agreement

Thank you for the application Wellington Water Limited has made pursuant to Licence Condition LC.6 of the Omaroro Licence agreement for the following works:

- Widen the existing access from Dorking Road to allow emergency and infrequent vehicle access to the reservoir once constructed;
- Construction of two buried flow meter chambers and one buried control valve chamber and realignment of the existing water mains, and
- Relocation of the existing stormwater inlet resulting in construction works encroaching within 5m of the Waitangi Stream tributary.

These proposed works would change the licence area in two locations, including the top of Dorking Road and the top of Rolleston Street. These two areas are shown in **Attachment 1**.

The proposed changes to the licence area were submitted along with a Notice of Requirement to alter the Omaroro Reservoir Designation 135, with an Assessment of Environmental Effects (AEE). This letter relates only to the variation to the Town Belt Licence Agreement.

To assess the variation to the license area the AEE was reviewed to determine and consider the extent and effects of the variation, and any positive, including net positive effects associated with the variation, as required by LC.6: Licence area variation. Under LC.6 any variations considered to be more than minor and not able to generate a net positive effect may require a new licence application process.

Please refer to **Attachment 2 – Licence Condition LC.6: Licence area variation**, for a summary of the assessment completed to vary the licence agreement.

It is considered the proposed variation to the licence agreement is localised and the potential and real temporary and long term effects on the Town Belt and environs are minor, or can be mitigated though the proposed offset planting, such as planting along the Waitangi Stream tributary.

Mitigation and off-setting for the variation shall include:

- **Access via Dorking Road not to be allowed during the construction of the Reservoir project.**
- **Implementation of a tree protection for the Totara tree on Dorking Road and planting in the area of Town Belt and Road reserve**

- **Additional planting along the edges of the Waitangi Stream tributary**
- **Implementation of mitigation and erosion and sediment control measures to ensure protection of the tributary of the Waitangi Stream.**

The details of these conditions are included in bold in **Attachment 2 - Schedule of Requirements of Licence Condition LC.6**. All works shall be done in accordance with the application/appendices, this letter of approval and attachments to it. Please ensure all appropriate draft management plans are updated to reflect these changes.

Please note this letter does not grant consent approval required by Greater Wellington Regional Council (GWRC) to carry out the necessary stream works, nor the variation to the Notice of Requirement, assessed separately by WCC Compliance Officers. Any consents granted by the GWRC or WCC will need to be implemented. When secured, please forward me a copy of the consent GWRC approval(s) for our records.

Notwithstanding this approval and conditions, the conditions of the Licence Condition shall prevail. Attention is drawn to the following;

- **Licence Condition 4: Where there is any conflict between any of the conditions of this licence and any conditions specified within any designation or resource consent, the more restrictive or stringent condition set shall prevail.**
- **Licence Conditions 14 – 25 Protection of streams, including stream damage, reinstatement, off-setting and costs.**

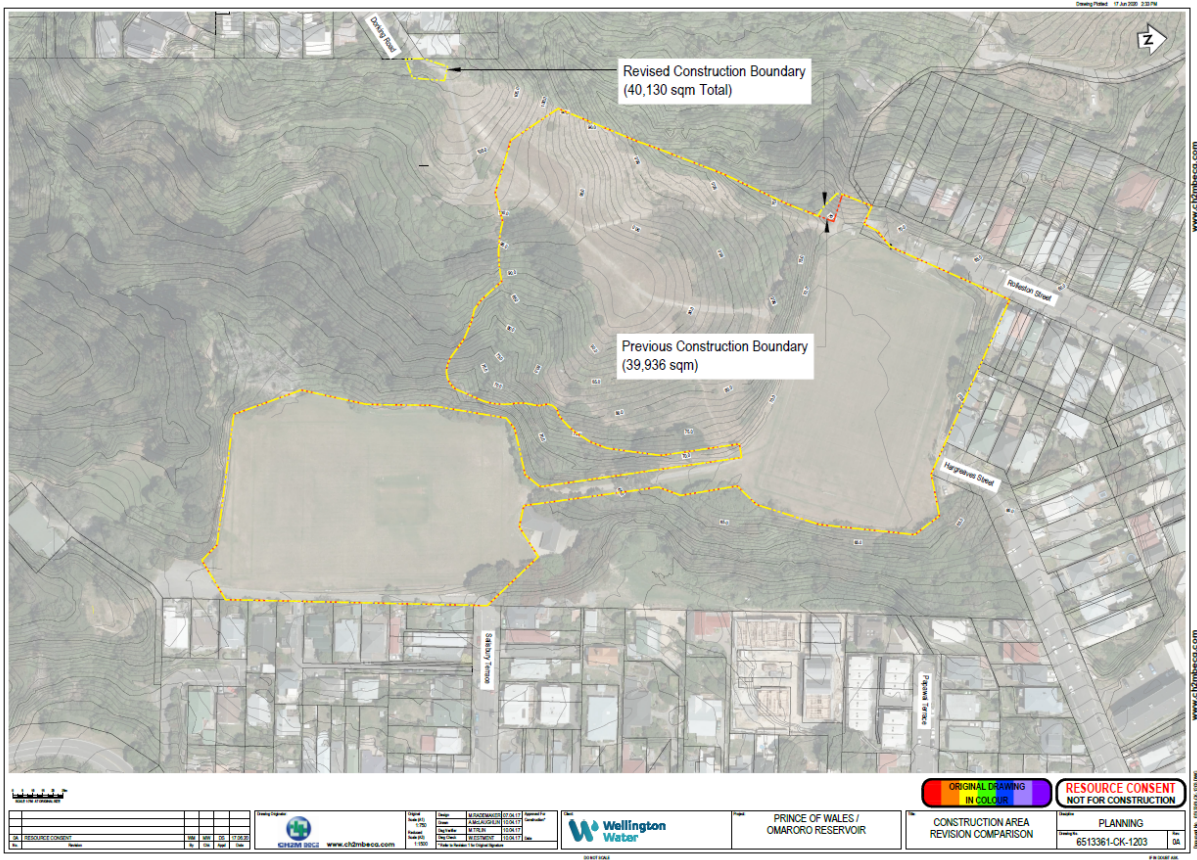
It is also noted that the Manager Open Space and Recreation Planning will, on behalf of WCC as Town Belt Trustee, reserve the right to require, where it is considered any licence breach is significant, a modification to the licence or even additional licencing for any activity encroachment outside of the agreed licence area.

Yours sincerely,



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Attachment 1: Locations of Variation Areas



Attachment 2 - Schedule of Requirements of Licence Condition LC.6

The table below (namely Column 2) summarises and discusses an assessment against the submitted variation of the licence agreement, including the proposed activities, mitigation/offsetting and alternatives. This is set out against Licence Condition LC.6: Licence area variation points a) to e) (*in italics*).

<i>Licence Condition LC.6: Licence area variation</i>	
<p><i>The licence area may be varied with the written approval of the WCC Manager Open Space and Recreation Planning.</i></p> <p><i>Any variation proposal will be assessed to consider the extent and effect of the variation, and any positive, including net positive, effects associated with the variation.</i></p> <p><i>Any variation that is considered by the WCC Manager Open Space and Recreation Planning to be more than minor and not able to generate a net positive effect may require a new licence application process.</i></p> <p><i>Any proposal to vary the licence area must be in writing and must include the following information (refer left column):</i></p>	
<p><i>(a) A written proposal, with a clear map(s) and/or diagram(s), outlining the need for the variation, the proposed variation area, any activities proposed to be undertaken within the variation area, and an appropriate assessment of the effect(s) of the licence area variation</i></p>	<p>The proposed changes to the licence area are outlined in the variation to Notice of Requirement - refer Section 3 for a description of the proposed designation and Section 4 an Assessment of Environmental Effects (AEE). The variation documentation and associated appendices provide more than adequate information about the proposed activities, the reason for them and the potential effects. These are summarised below.</p> <p>The variation to the licence area will enable:</p> <ol style="list-style-type: none"> 1. Dorking Road entrance upgrade The existing pedestrian entrance into the Town Belt from Dorking Road needs widening to allow vehicular access to the reservoir roof for essential maintenance (estimated to be once every 10 years) and emergency works eg chemical treatment. The proposed works include the installation of a vehicular gate (lockable), timber pole retaining wall approximately 1 high by 15 metre long, with compacted hard fill material, topsoil and grass suitable for vehicle access. The physical works are temporary and have minor effects. The traffic impacts are considered minimal as the new entranceway will not be used during the project construction works and only occasionally, but vital for the maintenance of the reservoir. The widened access will also allow Parks, Sport and Recreation to maintain the grass area above the reservoir. The proposed access is specifically addressed in Proposed Alterations S3.1 and AEE S4.1.1, as well as Drawing No. 3262332–CE–1101 and 3262332–CE–4003 in Appendix A. 2. Rolleston Street valve chambers and pipework Construction of two buried flow meter chambers and one buried control valve chamber and realignment of the existing water mains at the top of Rolleston Road. The proposed location follows the steps of the City to Sea Walkway from the upper field (at Prince of Wales Park) up to Bell Road/Bidwell Street. New steps will be upgraded and relocated slightly north to accommodate the chambers and pipe work. Earthwork will be required to bury the chambers and pipes, with concreting around the chambers, backfilling and grassing/planting. The chamber tops will be exposed for easy access. Again the

	<p>physical work is temporary and effects can be mitigated. The exposed chamber covers (at ground level) will be the only visible feature. The valves chambers are an essential part of the reservoir and have little environmental impacts as they will be buried. This infrastructure will improve the functionality of the reservoir and allow connection to the wider network. This work was envisaged as part of the reservoir construction. The location of the proposed chambers has now been finalised following an assessment of alternative locations - refer point (d) below.</p> <p>This is addressed in Proposed Alterations S3.2 and AEE S4.1.2, as well as Drawing No. 3262332-CE-1101 and 3262332-NA-2011_Rev0A in Appendix A.</p> <p>3. Relocation of the existing stormwater inlet</p> <p>Works within the Waitangi Stream tributary are required to allow for the locations of the above chambers. This includes the installation of wingwalls and a 3 metres extension to the new culvert into the existing open stream. This will also involve encroaching within 5m of the stream, excavating about 100mm into the stream bed and apply compacted hard fill under the wingwall and culvert. Installation includes debris barrier and allowance for fish passage. During the works the stream will be dammed and pumped to the closest outlet. It is important to note the existing culvert (375mm) will be replaced with a culvert of the same diameter. The replacement culvert and wingwalls were already approved by Greater Wellington Council (GWRC) with existing conditions. The extension to the culvert will again need to be assessed and consented by Greater Wellington Regional Council.</p> <p>An ecological assessment was completed and shared with GWRC as part of the consideration of this variation. The assessment of the stream near the culvert is considered substantially poorer and degraded relative to the upstream habitat. The lower area of the open stream where the culvert is partly proposed is obstructed with <i>Tradescantia</i>, which is resulting in silt accumulation, while excluding upstream gravels. The open stream above the existing culvert is 140mtrs long. Closing 3 metres will reduce the open stream by 2%. Though any loss is undesirable, this needs to be weighed up against the alternatives, as well as any improvements that can be made to the existing condition of the stream. Refer Memorandum April 15 2020 from Jeremy Garrett-Walker to Mel Wykes, Omaroro – Rolleston Street Pipework and Value Chamber – Effects on the Waitangi Stream Tributary (Appendix D).</p> <p>This is addressed in Proposed Alterations S3.3 and AEE S4.1.3, as well as Drawing No. 3262332-CE-K3303 Appendix A.</p>
<p><i>(b) Details, if any, of any proposed work(s) or activity(ies) that may be used to offset or mitigate any effect(s) of the proposed licence area variation</i></p>	<p>Measures to mitigate the effects of the proposed activities include the following:</p> <ul style="list-style-type: none"> <p>Dorking Road entrance upgrade</p> <p>A small retaining wall is needed within the Town Belt, this has been designed in conjunction with Council to ensure it is not intrusive ie less than 1 metre high. Subsoil outlet drainage at the base of the wall is proposed to help improve drainage. Vegetation proposed to be removed is not significant or ecologically important. Native planting is proposed in front of the retaining wall (within the Town Belt) including: Austroderia Fulvida; Brachyglottis Repanda; Hebe Stricta; and Phormium Cookianum.</p> <p>Sitting on road reserve (outside the Town Belt) is a healthy 10mtr high Totara tree. An arboricultural report was completed and includes a requirement for a Tree Protection Zone (TPZ) during both pre-construction and construction stages. This is in line with other large tree work associated with this project. An arborist will be employed to help ensure mitigation works are strictly followed, including TPZ protection, methodology, removal of existing vegetation, installation of retaining wall</p>

and planting, mulching, fencing and signage. Native planting within road reserve will include: *Chonochloa Beddiei*; *Hebe Elliptica Var Crassifolia*; and *Phormium Cookianum*.

The planting proposed is considered suitable. No off setting is proposed or deemed necessary. The alternatives and benefits of this option are discussed in point (c) and (d) below.

- **Rolleston Street valve chambers and pipework**

The proposed location was selected in consultation with Council and it is considered to be the best alternative. There will be no above ground structure, so off-setting or mitigation is not deemed necessary at this location. The existing steps will be upgraded and moved slightly to accommodate the chambers and pipes. There will be full reinstatement of the distrusted areas and surrounding area to leave the steep slope in better condition with low native vegetation cover around the stairs and grass around the chamber holes. **Levels will ensure the area can be practically maintained with plants rather than grass wherever possible. The hard surface will be kept to an absolute minimum. The top of the chamber shall be a non-slip surfacing.**

- **Relocation of the existing stormwater inlet**

A review by GWRC of the proposal was considered important to evaluate aspects of the ecological assessment and consider appropriate mitigation. It is considered that the 3 metre loss of open stream is of poor ecological value and the proposed mitigation and offsetting will improve the stream ecology near this location. It is also considered that potential adverse effects on aquatic fauna during construction works can be avoided though proper mitigation, such as ensuring fish passage and retrieval of aquatic life during works/deviation. Though already partly provided for in the Draft Landscape Drawings, additional mitigation planting is proposed 25-30 metres upstream of works. This will help extend native bush canopy over Waitangi Stream in the lower stream and by the culvert entry point. This will help offset negative effects of the proposed work. **This planting is outlined below and in the table - Native Revegetation – Waitangi Stream above Stream Extension of the Memorandum from Steve Dunn to Mel Wykes 1st April 2020.**

Carex - a single row of plants at 0.5m centres, be planted immediately beside the stream. This equates to a total of 120 plants. These grasses will overhang the waterway, as requested by WCC.

Seral trees with bulking plants – a double row of plants at 1.0 metre centres. This equates to 120 plants. These small trees and large shrubs will be planted behind the Carex, to form a vegetation mass that will overtop and shade out the weeds; creating a similar environment that is found further up the stream. Close planting densities will ensure a dense canopy cover in a relatively short period. Where there is vegetation already growing in the proposed planting area, plants will be reallocated to adjoining open areas on the west bank of Waitangi Stream.

Enrichment trees – a single row of tall growing canopy species spaced at approximately 5.0 metre centres will be planted amongst the Seral trees. This equates to a total of 12 trees. These slow, tall growing trees will ultimately grow through the smaller trees and shrubs to form a large canopy at upper levels and give a wider range of species for the area in the long term.

- Planting shall occur in the planting season following completion of works.

- This planting shall occur on both sides of the stream and have at least two rows of plants at 1m spacing.

- The additional plants shall be planted directly into the Tradescantia along with protective sleeves to prevent

smothering.

- The existing Tradescantia, rank grass and bracken vegetation shall be left in place during the construction phase as it will provide a barrier in the event of sediment discharge from the site reducing any entry to the stream channel (and downstream pipe network).
- Existing harakeke (flax; Phormium tenax) shall be salvaged and provided to restoration groups for their use at other sites within Prince of Wales Park.
- The approved LEMP shall note that the goal of this planting is to provide shading over the stream channel which, in time, will reduce encroachment by Tradescantia as well as the areas of rank grass and bracken. A reduction in Tradescantia coverage throughout the streambed will encourage flushing of the muds and silts currently choking the stream bed, allowing gravel into the lower reaches, creating better and more complex habitat opportunities.
- An additional planting review clause/requirement should be added to the LEMP to ensure the planting is achieving its goal of shading weeds and restoring the stream channel. If the shading of the Tradescantia isn't apparent at the time of planting review, then the potential for manual removal will be considered.
- Success in relation to the mitigation planting in the Waitangi Stream Tributary shall be sufficient canopy closure and canopy density to shade out the existing weeds. If this is not achieved and in the opinion of the project ecologist is unlikely to be achieved in the near future mechanical methods of weed clearance will be considered in discussion with WCC.

The recommendations will be included in the approved LEMP and Appendix 4 Landscape Drawings so all planting is contained within one document.

All the proposed works as part of this variation will be managed in accordance with the approved and updated Management Plans, including the Construction Environmental Management Plan, Construction Traffic Management Plan and Construction Noise and Vibration Management Plan, and Erosion and Sediment Control Plan.

Full details are provided within the AEE within the following sections:

- Section 3.6 Proposed Arboricultural Condition and Planting Shown in 3262332-CE-4003
- Section 3.3.3 Proposed Planting and Appendix D: Ecology Memorandum: Rolleston Street Chambers and Stormwater Inlet Relocation.
- Section 4 Assessment of Environmental Effects (notably 4.1 Ecology, 4.2 Arboricultural and 4.5 Erosion and Sediment Control)

<p><i>(c) Details, if any, of any temporary or permanent positive effect(s), including net positive effects, on the Town Belt that may be associated with the licence area variation</i></p>	<p>1. Dorking Road entrance upgrade The Dorking Street entrance way will become a more formally established and safer entrance way for all users of the area. From an ecological perspective the new planting below the lower retaining wall provides positive effects. Widening of the entrance is also necessary for Parks, Sport and Recreation to gain access for maintenance of the areas above the reservoir. On balance the effects are permanent positive effects, with net positive effects for the Town Belt by way of a more formed and well-designed access point.</p> <p>2. Rolleston Street valve chambers and pipework The location of the chambers means a new set of stairs and handrails are built on the City to Sea Walkway, providing a net positive effect on a well-used walkway. A small area of planting will also provide some positive amenity and reduce the area of grass to be mown. These are considered permanent positive effects. In considering the positive effects of the location for the chambers, the alternative locations would have adversely impacted on the size of the upper playing field, so the overall impact of this location is positive for the wider Town Belt and recreational activities.</p> <p>3. Relocation of the existing stormwater inlet Though it is not desirable to lose any open stream anywhere in the city, the proposed mitigation along the stream banks will have a positive effects on the Waitangi Stream tributary by enabling a reduction of siltation and noxious weeds within and around the lower stream and culvert inlet area. From a consenting perspective the proposed planting listed in the section above provides a net positive effect by improving the ecology of the lower area on the open stream remaining.</p>
<p><i>(d) A summary and assessment, appropriate to the scale and effect of the proposed licence area variation, of any alternative options considered to avoid or reduce the need for any variation to the licence area, including any reasonable licence area variation alternative(s)</i></p>	<p>Alternative approaches considered for the for the Dorking Road access, valve chambers and pipework, and Waitangi Stream tributary stormwater inlet are detailed in Section 6.1 of the AEE.</p> <p>1. Dorking Road entrance The AEE includes alternatives that were investigated and were worked through with Wellington City Council for Dorking Road access. The alternative access (by way of circular track around the outside of the reservoir) would have impacted adversely on the landscape, require retaining walls and reduce the amount of planting provided as part of the project (refer page 24 and 25 off the AEE). The proposed access at Dorking Road is considered to have the least environmental impacts, with better visual and ecological outcomes.</p> <p>2. Rolleston Street valve chambers and pipework This work was envisaged as part of the reservoir construction project, however the location of the proposed chambers was amended following an assessment of alternatives. One of the alternatives was the upper playing field. This was not acceptable to Council as it would significantly reduce the area of the existing playing field, effectively making it unusable for sports currently played here. The proposed location was again determined in consultation with Council and it is considered to be the best alternative. The additional area to be included in the licence agreement is considered necessary. This location of the chambers leads to the need to extent the existing culvert by 3 metres, as discussed below.</p> <p>3. Relocation of the existing stormwater inlet Though any loss of stream is undesirable, this needs to be weighed up against the alternatives, as well as the existing condition of the stream. In comparison to the overall project these works are consider minor. Access to the chambers is required, therefore the option to fully bury the chambers was not considered to be practical, and hence having the chamber</p>

	<p>on the playing field would restrict the size of the field. Though the project now needs an additional 3 metres of culverting (and wingwalls), as well as works in the stream, the offsetting proposed will improve the ecology of the stream in this area that would not have otherwise occurred for this project. This is discussed in the Memorandum April 15 2020 from Jeremy Garrett-Walker to Mel Wykes, Omaroro – Rolleston Street Pipework and Value Chamber – Effects on the Waitangi Stream Tributary (Appendix D).</p> <p>In summary, the existing licence area is 3.937ha and the proposed is 3.980ha. The proposed change to the boundary adds approximately 430 metres of land to the designation – a change of approximately 0.1%. This is considered minor.</p>
<p><i>(e) A summary of consultation undertaken with and feedback received from the Community Reference Group (CRG).</i></p>	<p>Full details of the consultation undertaken and feedback received from the individual CRG members is provided within Section 6.1 of the AEE and within Appendix G: Consultation Responses and Appendix G: Response to CRG.</p> <p>1. Dorking Road entrance The residents located at numbers 2, 4 and 6 Dorking Road were consulted and did not oppose the works. Written approvals were provided by them with some minor suggested changes such as planting of native trees.</p> <p>Frank Cook provided feedback focusing on this matter. It is important to understand that when detail design began the impacts of the original access to the top of the reservoir for maintenance were going to have more negative impacts, such as landscape impacts and reduce planting, than the alternative now considered.</p> <p>John Bishop, Chair, Friends of the Wellington Town Belt wrote a letter with particular concern with this new access and requested further discussion and consideration of the current intentions. In a telephone discussion with John Bishop on the 26 May with Joel de Boer (Park and Recreation Planner, Parks, Sport and Recreation), further detail on the assessment of alternatives were given as well as an undertaking the new access would not be used for construction works of the reservoir projects.</p> <p>2. Rolleston Street valve chambers and pipework The installation of the chamber and pipework are not considered an issue, however the impact of the location and the subsequent culvert extension is discussed below.</p> <p>3. Relocation of the existing stormwater inlet Mary Hutching of the Papawai Stream Group endorsed Frank Cook and John Bishop concerns. The focus on her letter was Bell Rd Bypass Valve Chambers and the impacts Waitangi Stream Tributary Buffer Zone. Ms Hutchings submission considered the ecological assessment for these works underestimated the significance of the loss of open stream and subsequent modification. The submission requested a second ecological assessment. In light of this concern, GWRC's Senior Environmental Scientist was consulted and reviewed the Ecological Assessment. GWRC agreed with the assessment, including:</p> <ul style="list-style-type: none"> • The assessment completed was within the range of the habitat assessment they have done on site. • That an SEV is not possible in this stream type. The SEV is just one tool for assessing the stream habitat and in this

	<p>case the physical habitat assessment used is sufficient to characterise the stream habitat present.</p> <ul style="list-style-type: none"> • The offsetting of planting approx. 30m upstream would account for a 3mtr stream loss. <p>Though any stream loss within Wellington urban streams is undesirable, the decision to consent those works rests with the GWRC, hence the approach to have the variation application reviewed by GWRC before completing this assessment. GWRC consider the offsetting proposed more than adequately addresses the loss of open stream. Furthermore, any variation to the licence agreement needs to consider the impacts of the alternatives (ie loss of playing field area). To this ends the proposed variation includes improvements to the stream habitat along the 30m reach upstream of the culvert, as well as allowing for essential maintenance works on the Omaroro Reservoir.</p>
<p><i>The parties acknowledge that the Wellington Town Belt Act 2016 (WTBA) governs the granting of licences within the Wellington Town Belt.</i></p> <p><i>No term of the licence or any variation proposed by it in accordance with this clause LC6 may breach any provisions of the WTBA. If the WCC Manager Open Space and Recreation Planning determines (acting reasonably) that any proposed variation may breach the requirements of the WTBA then Wellington Water will be required to apply for a new licence in relation to such variation..</i></p>	<p>It is considered the variation, along with the proposed mitigation and offsetting, to the licence agreement to enable the construction, operation and maintenance of the Omāroro Reservoir meets the principles of Section 4 of the Wellington Town Belt Act (WTBA) and the rules and guidelines for use and development within the Town Belt within the Wellington Town Belt Management Plan (2018) (WTBMP).</p> <p>It is considered the proposed variation to the licence agreement is localised and the potential and real temporary and long term effects on the Town Belt and environs are minor, or can be mitigated and offset.</p> <p>Note: This variation does not grant consent approval required from Greater Wellington Regional Council (GWRC). A separate consent will be needed for that. When secured, please forward a copy of the consent GWRC approval(s) to WCC Manager Open Space and Recreation Planning.</p> <p>Notwithstanding this approval and conditions, the conditions of the Licence Condition shall prevail. Attention is drawn to the following;</p> <ul style="list-style-type: none"> • Licence Condition 4: Where there is any conflict between any of the conditions of this licence and any conditions specified within any designation or resource consent, the more restrictive or stringent condition set shall prevail. • Licence condition 14 – 25: Protection of streams, including stream damage, reinstatement, off-setting and costs.