

## Background

On the 8<sup>th</sup> of June 2017 the City Strategy Committee (CSC) approved 'in principle' an easement for a new reservoir and a licence for the construction phase. The application was publically notified and submissions heard by CSC on the 3<sup>rd</sup> of August 2017. On the 24<sup>th</sup> of August officers prepared a further report to CSC with a response to submissions and for the Committee to consider approval of the proposed easement and licence. CSC approved the proposal. Assessment of the application and the response to the submissions is contained within the reports to CSC.

This document outlines the terms and conditions of the licence that provides, under the Town Belt Act, land owner approval for work within the reserve to construct the proposed reservoir.

The conditions of this licence are intended to be read and apply in conjunction with conditions applied to the construction, management and operation of the proposed reservoir under the Resource Management Act (RMA).

The construction period is a maximum of three years from site establishment to completion of the landscaping works.

There will be a five year maintenance period for all planting and specific defects periods for other elements such as sports fields and tracks.

Physical works associated with delivering the project, including site enabling works, are scheduled to begin in late 2019.

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# Agreed Terms

## Land Owner Approval – Licence Conditions

### *General*

#### **LC. 1 Grant of Licence**

Wellington City Council grants to Wellington Water Limited a licence on the terms set out in this Licence.

#### **LC1 A Licence does not constitute a resource consent**

The Council is approving this licence as property owner. Nothing herein implies any regulatory consent or resource consent.

#### **LC1B Term of Licence**

The Licence will commence on the date Wellington Water begin work at the site and WCC PSR is notified in writing and (unless terminated earlier) shall cease on the date that the construction and landscaping works are completed (unless extended by the WCC Manager Open Space and Recreation Planning).

#### **LC. 2 Activities to comply with relevant laws, regulations and bylaws**

That all relevant laws, regulations and bylaws are complied with and relevant consents obtained. Wellington Water is responsible for ensuring that all work is carried out in accordance with all relevant Acts, Regulations and Bylaws, including the Health and Safety in Employment Act 1992, Building Act and the Resource Management Act 1991.

#### **LC. 3 Conflict of conditions**

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.

#### **LC. 4 General intent of this licence**

The intention is that Wellington Water will return the licence area to Wellington City Council to manage with no outstanding work to complete and no increase in maintenance levels of service (unless approved by the WCC Manager Open Space and Recreation Planning and the cost of this has been added to operational budgets). All areas disturbed by the project will be reinstated to function as intended as Wellington Town Belt reserves.

#### **LC. 4A WCC Manager Open Space and Recreation Planning**

Reference to WCC Manager Open Space and Recreation Planning means the Wellington City Council employed in that position, or his or her delegate.

## ***Licence Area***

### **LC. 5 Licence coverage**

The licence area:

- (a) Includes the area defined as 'Temporary Construction Area' in Figure 2, Appendix A, of the Application for Town Belt easement
- (b) Excludes any tracks not included in the 'Temporary Construction Area', notwithstanding that conditions of the licence or any resource consent may require the maintenance, modification, upgrade and/or construction of track areas outside of the licence area.

*Note: Any track works, including the installation, replacement and/or maintenance of any signage, that must be undertaken outside of the licence area, including new track construction, existing track upgrades and/or modifications required to comply with any terms and conditions included in this licence or under any resource consent condition(s), are not subject to this licence agreement but will be undertaken under terms and conditions as required by the Manager Open Space and Recreation Planning.*

### **LC. 6 Licence area variation**

The licence area may be varied with the written approval of the WCC Manager Open Space and Recreation Planning. 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. 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. Any proposal to vary the licence area must be in writing and must include the following information:

- (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
- (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
- (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
- (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)
- (e) A summary of consultation undertaken with and feedback received from the Community Reference Group (CRG).

The parties acknowledge that the Wellington Town Belt Act 2016 (WTBA) governs the granting of licences within the Wellington Town Belt. No term of the licence or any variation proposed by it in accordance with this clause LC6 may breach any provision of the WTBA. If 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.

## ***Licence Conditions in Contract Documents***

### **LC. 7 Requirement for licence conditions to be included in contracts**

Wellington Water must provide evidence to the WCC Manager Open Space and Recreation Planning that the requirements of this licence are clearly articulated in all contract documents prepared by Wellington Water for the engagement of any contractors associated with the development and delivery of the Omāroro reservoir project.

## ***General Duty of Care***

### **LC. 8 Wellington Water and contractor duty of care**

Wellington Water and all its contractors and employees shall, at all times, take all practicable measures to:

- (a) Avoid any disturbance to the reserve land and vegetation outside of the licence area both during the construction and maintenance periods for the licenced works,
- (b) Minimise any disturbance to members of the public within the Town Belt, outside of the licence area, both during the construction and maintenance periods for the licenced works,
- (c) Avoid any disturbance to any streams within the Town Belt.

## ***Health and Safety***

### **LC. 9 Health and safety responsibilities**

It is the responsibility of Wellington Water to ensure all its contractors and employees shall take all practicable measures to ensure the Health and Safety of all persons at the site and to identify all hazards associated with the site.

## ***Easement Document to be Produced Prior to the Completion of Construction***

### **LC. 10 Requirement for easement document**

At least 40 working days prior to the completion of construction, which includes the restoration of the reservoir site and sports fields including the completion of any landscape works and planting (not including any further planting that may be required as part of the maintenance and monitoring period), Wellington Water will be required to prepare and submit a draft easement document to the Manager Open Space and Recreation Planning for review and negotiation.

### **LC. 11 Easement document content**

The draft easement document shall include (as determined by WCC Manager Open Space and Recreation Planning):

- (a) The reservoir's proposed operation, management and maintenance site or footprint area, including associated pipework, vehicle access and related landscape management and maintenance areas
- (b) The proposed terms of the easement.



## **LC. 12 Easement provisions**

The proposed easement area and terms of the easement produced under LC 11 shall have the provisions determined by the WCC Manager Open Space and Recreation Planning which may include (without limitation) the following provisions :

- (a) Not have any unreasonable impact on the function of the reserve, including the use, operation, management and maintenance of the upper and lower Prince of Wales Sports fields
- (b) Not have any unreasonable impact on the ecological function of any part of the reserve
- (c) Not have any unreasonable impact on public access through the site, including the management and maintenance of that access
- (d) Outline procedures to be followed to allow Wellington Water access to the site
- (e) Outline requirements and methods to manage or where appropriate record and monitor keeping undesirable vegetation clear of engineered slopes and/or underground infrastructure as required
- (f) Outline requirements and methods to manage or where appropriate record and monitor keeping vehicles and machinery clear of any sensitive engineered slopes, underground infrastructure as required
- (g) Unless otherwise agreed with the Manager Open Space and Recreation Planning provide for any new maintenance and management costs to be fully met by Wellington Water for activities within the finished easement area, that are a change to the levels of service for the maintenance of this area from what existed prior to the construction of the reservoir.

## **LC. 13 Easement document costs to be met by Wellington Water**

All costs associated with preparing, reviewing, finalising and lodging any easement document, including any survey, legal and easement lodgement costs, will be met by Wellington Water, unless otherwise agreed by the Manager Open Space and Recreation Planning.

*Note: This condition set recognises that the final easement area required for the long term operation, management and maintenance of the reservoir won't be fully determined until the completion of detailed design and reservoir construction and site reinstatement. At this point it will then be appropriate to finalise the easement area 'footprint' and formally register the easement.*

*The final easement area must be as small as practical and the terms and conditions of occupation and management finalised so as to minimise any impact on existing or future use or development of Town Belt land for recreation, ecological enhancement or other open space values.*

## ***Protection of Streams***

### **LC. 14 Stream damage to be reinstated and offset**

Any damage to the Papawai Stream or Waitangi Stream tributary bed or margins within the Town Belt, not otherwise provided for within the application documents or any consents

obtained from Greater Wellington, will be subject to a requirement for reinstatement and offsetting by Wellington Water, in accordance with LC15-LC24.

*Note: The intention of this condition is to set a high bar for avoidance of ANY stream disturbance or damage. While a high bar is set, if damage does occur, the remediation will be commensurate with the damage as determined by professionals (refer condition 16). For example, damage to vegetation at the bank will require replanting of that area and an offset area but will not mean that the offset area needs to be completely redeveloped as a comprehensive stream restoration project.*

**LC. 15 Stream reinstatement and offset works**

Any reinstatement and offset works required by LC.14 shall, unless otherwise agreed by the Manager Open Space and Recreation Planning, be three times the length of the stream bed or margin that is damaged.

**LC. 16 Reinstatement and offset works plan to be produced by landscape architect and/or ecologist**

Wellington Water must employ a suitably qualified landscape architect and/or ecologist, to produce a reinstatement and offset works plan, and supervise implementation of any reinstatement works under LC.15.

**LC. 17 Reinstatement and offset works plan consultation**

If required by the Manager Open Space and Recreation Planning the planning and implementation of works required under LC. 15 shall occur in consultation with any landscape architect and/or ecologist appointed by the Manager Open Space and Recreation Planning.

**LC. 18 Damage documentation and reporting**

Wellington Water must also formally document any damage incident under LC.14, and include details of this incident on a breach register and provide an update of this breach and its response to this in a report to the next available CRG, or CLG, meeting.

**LC. 19 deleted**

**LC. 20 Reinstatement and offset works plan approval**

The reinstatement and offset plan shall be provided to the Manager Open Space and Recreation Planning for approval 20 working days prior to commencement. Works shall not commence prior to receipt of written approval.

**LC. 21 Reinstatement and offset works completion**

Any reinstatement and offset works required under LC. 15 must be completed within three months of the damage, or within an appropriately suitable reinstatement period set out in the reinstatement and offset plan.

**LC. 22 Reinstatement and offset works certification**

Any agreed reinstatement and offset works under LC. 20 must be inspected by the Manager Open Space and Recreation Planning, or by any appointee of the Manager, and certified in writing as being completed.

**LC. 23 Reinstatement and offset maintenance**

Any reinstatement and offset works must be maintained by Wellington Water or its contractor to establish as intended. Any reinstatement and offset works plan and reinstated or offset works stream area/s must be added to any draft or final Landscape and Ecology Management Plan (LEMP) required under the designation conditions to ensure the area is subject to ongoing management and maintenance under the LEMP.

**LC. 24 Reinstatement and offset works consenting responsibilities**

Wellington Water or its contractor will have responsibility for obtaining any consents required from Greater Wellington Regional Council for any stream damage or stream reinstatement and offset works.

**LC. 25 Reinstatement and offset costs**

Any costs associated with LC. 14- LC. 24 will be met by Wellington Water or its contractor, unless otherwise agreed with the Manager Open Space and Recreation Planning.

*Note: The two streams in or immediately adjacent to the licence area (Papawai Stream, and Waitangi Stream tributary) have acknowledged and significant ecological values. The intention of all conditions is to avoid any disturbance to these streams, and protect the stream habitat, environment and function. Any damage to these stream must be reinstated and appropriately offset.*

*If damage occurs, notwithstanding any other RMA consenting or NOR implications that this may have for Wellington Water, it is anticipated that Wellington Water will provide for the reinstatement and offsetting of any disturbance that occurs. Wellington Water will advise the Manager Open Space and Recreation Planning and the CRG or CLG of any breach, and the actions that it proposes to take to address any damage.*

*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 damage to Town Belt streams.*

## ***Protection of Land or Vegetation Outside of the Licence Area***

### **LC. 26 Land and vegetation damage to be reinstated and offset**

Any damage to any land or vegetation outside of the licence area will be subject to a requirement for both the reinstatement of the damage and the provision of offset planting by Wellington Water, in accordance with LC. 27- LC. 37.

### **LC. 27 Offset planting area**

Any offset planting area required by LC. 26 shall, unless otherwise agreed by the Manager Open Space and Recreation Planning, be:

- (a) Three times the size of the area of land disturbed, or
- (b) In the case of the disturbance of vegetation three times the area of land contained within the drip line of any damaged or removed vegetation, or
- (c) Whichever is the greater of (a) or (b).

### **LC. 28 Damage documentation and reporting**

Wellington Water must also formally document any damage incident under LC.26, and include details of this incident on a breach register and provide an update of this breach and its response to this in a report to the next available CRG, or CLG, meeting.

### **LC. 29 Reinstatement and offset planting plan to be produced by landscape architect and ecologist**

Wellington Water must employ a suitably qualified landscape architect and ecologist, agreed to by the Manager Open Space and Recreation Planning to produce a draft reinstatement and offset planting plan, and to plan and implement any reinstatement and offset planting works required under LC.27.

### **LC. 30 Reinstatement and offset planting plan consultation**

If required by the Manager Open Space and Recreation Planning the preparation of the plan and any planning and implementation of works required under LC.27 shall occur in consultation with any landscape architect and/or ecologist appointed by the Manager Open Space and Recreation Planning.

### **LC. 31 Review of draft reinstatement and offset planting plan**

Any draft reinstatement and offset planting plan required under LC. 29 must be provided to the Manager Open Space and Recreation Planning for review and feedback at least **20 working days** prior to the commencement of any reinstatement works, unless otherwise agreed by the Manager.

### **LC. 32 Reinstatement and offset plan approval**

Reinstatement works required under LC. 27 shall not commence until a final reinstatement plan is approved by the Manager Open Space and Recreation Planning.

**LC. 33 Reinstatement and offset planting works completion**

Any reinstatement and offset planting works required under LC. 27 must be completed within three months of the damage, or within an appropriately suitable period agreed with the Manager Open Space and Recreation Planning.

**LC. 34 Reinstatement and offset works certification**

Any agreed reinstatement and/or offset works under LC. 32 must be inspected by the Manager Open Space and Recreation Planning, or by any appointee of the Manager, and certified in writing as being completed.

**LC. 35 Reinstatement and offset planting maintenance**

Any reinstatement and offset planting works must be maintained by Wellington Water or its contractor to establish as intended. Any reinstated or offset planting area/s must be added to any draft or final Landscape and Ecology Management Plan (LEMP) to ensure the area is subject to ongoing management and maintenance under the LEMP.

**LC. 36 Reinstatement and offset planting works consenting responsibilities**

Wellington Water or its contractor will have responsibility for obtaining any consents required from Greater Wellington Regional Council and/or Wellington City Council for any land or vegetation damage or reinstatement or offset planting works required outside of either the licence or designation area.

**LC. 37 Reinstatement and offset planting costs**

Any costs associated with LC. 26- LC. 36 will be met by Wellington Water or its contractor, unless otherwise agreed with the Manager Open Space and Recreation Planning.

*Note: The intention of this condition set is to recognise that any encroachment of reservoir site clearance or construction activities outside of the agreed licence area is not anticipated in the licence terms.*

*However should this occur, notwithstanding any other RMA consenting or NOR implications that this may have for Wellington Water, it is anticipated that Wellington Water will provide for the reinstatement of any disturbance that occurs, and provide suitable 'compensatory' offset planting for this licence breach. Wellington Water will advise the Manager Open Space and Recreation Planning and the CRG or CLG of any breach, and the actions that it proposes to take to address any damage.*

*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.*

## ***Community and Stakeholder Engagement and Relationship Management***

### **LC. 38 Contractor assessment, appointment and stakeholder engagement**

Prior to commencing any process to select and engage a contractor for the construction of the reservoir (including any site preparation and construction enabling works), Wellington Water must provide evidence to the WCC Manager Open Space and Recreation Planning that the contractor assessment and appointment process, and any proposed terms of engagement for any contractor/s to deliver the Omāroro reservoir project, has provided for the following:

- (a) **Contractor attribute assessment:** The appropriate recognition, evaluation and consideration of any prospective contractor's expertise, experience, capability and track record in successfully engaging and working with key stakeholders, including successfully developing and managing relationships with community and special interest groups and individuals. This must be incorporated within any contractor attribute evaluation process.
- (b) **Community Liaison Person:** A requirement for a Community Liaison Person (CLP), required by Designation Condition 7, to be appointed prior to the commencement of construction to lead and coordinate any community and stakeholder engagement and communication processes, including any engagement required under (c) and (d) below,
- (c) **CRG feedback:** A requirement for any appointed contractor, through the CLP, to seek feedback from the Community Reference Group (CRG), appointed under LC. 39, or from any Community Liaison Group (CLG), appointed under designation conditions, at least 7 working days prior to finalising and lodging any draft management plan/s, outline plan/s or any draft amendment/s to the designation with either the Manager Open Space and Recreation Planning or the CMO, as may be required either under designation conditions or the terms of this licence,.
- (d) **CRG engagement and programme milestones:** A requirement for any appointed contractor, through the CLP, to engage with the Community Reference Group (CRG) prior to commencing any management plan development or community engagement to advise the CRG of its schedule of milestones for draft management plan development, CRG engagement and feedback under (c), management plan finalisation, and construction commencement, and completion
- (e) **Circulation of materials to CRG:** A requirement for any appointed contractor, through the CLP, to ensure material circulated to the CRG for feedback under (c), (d) and (f), is pre-circulated prior to any scheduled CRG meeting and provides an appropriate, fair and reasonable time period for CRG members to review and respond to the material being provided. In considering an appropriate pre-circulation period, the contractor must consider the nature, scope, complexity and importance of any materials being circulated. In setting an appropriate pre-circulation period for any materials to be reviewed by the CRG at a minimum pre-circulated material must be received by CRG members at least 3 working days prior to any scheduled CRG meeting.
- (f) **Response to CRG feedback:** A requirement for any appointed contractor, through the CLP, to report back to any CRG, or CLG as the case may be, with the contractor's and/or Wellington Water's response to any feedback provided by the CRG or CLG on any document consulted on under (c), along with any amended draft or final documentation lodged with the Manager Open Space and Recreation Planning or the CMO. This shall occur either within 20 working days of lodging any material with the Manager Open Space and Recreation Planning or the CMO, or within any other time frame that is agreed with the CRG or CLG.

*Note: The intention of this condition is to ensure that the principal contractor appointed to deliver the Omāroro reservoir is appropriately skilled and experienced to build strong and effective working relationships with the community, the CRG and other key stakeholders.*

*The condition is also intended to ensure that the CRG, or CLG as the case may be, is appropriately informed by WWL's contractor of key milestone timelines for management plan development and finalisation, and is appropriately consulted by the contractor and Wellington Water prior to any draft management plan or outline plan documents being formally lodged with the Manager Open Space and Recreation Planning or the CMO for review.*

*The CRG or CLG as a reference group is expected to be consulted on any draft management plan/s and/or outline plan/s prepared by the contractor or Wellington Water and provided with a reasonable opportunity to directly comment and provide feedback on these documents, prior to these documents being finalised for submission to the Manager and/or the CMO for review.*

*Where feedback is provided by the CRG or CLG on any document, the contractor or Wellington Water is also expected to acknowledge and summarise any feedback received, and respond with how this feedback has been considered and responded to in finalising any plans. This can include the contractor or Wellington Water providing an explanation on how any feedback received has or has not been considered and used to amend any plan.*

## **Community Reference Group and Terms of Reference**

### **LC. 39 Community Reference Group (CRG) formation**

Immediately following the confirmation of the designation for the Omāroro reservoir (including the resolution of any appeals on the designation) and the issue of this licence, and prior to the engagement of any contractor and commencement of any construction activity, Wellington Water shall arrange with the Manager Open Space and Recreation Planning and the CMO to establish a Community Reference Group (CRG) in accordance with the requirements of Appendix 1 and any additional conditions or terms contained in this licence and requirements of the confirmed designation.

*Note: For the avoidance of any doubt, this licence will not permit Wellington Water to commence any construction activity (including any site clearance or enabling work) within the licence area in the absence of having established a CRG under the terms set out in this licence.*

*To meet the terms of this licence the CRG must be in place in time to be consulted on the development of any management plans, in accordance with the requirements of this licence, the TOR in Appendix 1 and any designation conditions.*

### **LC. 40 Community Reference Group costs**

All costs associated with establishing and running the CRG, including the engagement of an independent chairperson, venue hire, preparing and supplying materials for any meetings, and any incidental costs and expenses for CRG members to attend any CRG meeting will be met by Wellington Water, unless otherwise agreed by the Manager Open Space and Recreation Planning.

#### **LC. 41 Community Reference Group chairperson selection, appointment and remuneration**

Prior to the first meeting of the CRG, Wellington Water will work with the Manager Open Space and Recreation Planning and the CMO to produce a draft job description for the CRG chairperson and to appoint a suitable independent CRG Chairperson. Unless otherwise agreed in writing by Manager Open Space and Recreation Planning, Wellington Water will be responsible for:

- (a) **Chairperson job description drafting and finalisation:** Coordinating the preparation of a job description, and job tasks for the CRG chairperson. The final job description must be approved in writing by the Manager Open Space and Recreation Planning and the CMO prior to engaging a chairperson
- (b) **Chairperson selection:** Managing any process agreed with the Manager Open Space and Recreation Planning and the CMO to advertise, interview and appoint an independent chair to the CRG including, if required, appointing any replacement to the position
- (c) **Chairperson contract:** Managing any contract for the CRG chairperson.

*Note: The job description for the Chairperson will need to include a first task for the Chair of preparing of a draft code of conduct for the CRG meetings and presentation of this draft code to the CRG for comment and endorsement.*

#### **LC. 42 Community Reference Group Terms of Reference**

The Terms of Reference (TOR) for the CRG is set out in Appendix 1. In addition to the matters contained in the TOR the following additional requirements set out in LC 43- LC 49 shall also apply to the establishment and operation of the CRG.

*Note: The TOR included in Appendix 1 is the TOR agreed to by Wellington City Council and key stakeholders in November 2017. In response to matters considered through submissions on the Omāroro NOR, including tabled evidence and material presented by submitters, a range of additional requirements have been added to the establishment and operation of the CRG as part of the licence agreement.*

#### **LC. 43 Community Reference Group membership invitations**

In addition to the specific parties identified in the TOR to join the membership of the CRG, Wellington Water shall, working with the Manager Open Space and Recreation Planning and the CMO, invite representatives from the following parties to also join the membership of the CRG:

- (a) **Te Rūnanga o Toa Rangātira Inc**
- (b) **Local Business Community.**

*Note: Membership of the CRG is open to all interested people and organisations within project area. This condition is intended to ensure that consistent with the intent of the Designation Condition DC8 for establishing a Community Liaison Group, a specific invitation is extended to Ngati Toa and to the local business community to have representatives join the CRG.*



#### **LC. 44 Community Reference Group attendance by Wellington Water and contractor**

Wellington Water shall ensure that the CLP attends every CRG meeting.

#### **LC. 45 Community Reference Group purpose**

In addition to those matters already agreed in the CRG Terms of Reference, the purpose of the CRG will also include:

- (a) To provide a forum for community and stakeholder involvement through which any issues of community interest or concern can be raised and responded to in relation to the construction of the reservoir.
- (b) To provide a forum for Wellington Water to inform the CRG and its members about progress with management plans and to provide the primary opportunity for feedback on any draft management plan or outline plan prior to submission to the CMO or WCC.
- (c) To consider issues relating to compliance with designation and licence conditions, including management plans and outline plans
- (d) To consider education opportunities associated with the project.

#### **LC. 46 Community Reference Group administration and CLP responsibilities**

Wellington Water shall be responsible through the CLP for CRG administration and co-ordination working alongside the CRG Chairperson and the CMO. The CLP shall be responsible for:

- (a) **Meeting minutes:** Taking and producing minutes and supplying these back to the CRG in an acceptable timeframe agreed to by the CRG
- (b) **CRG coordination:** Working with the CRG Chair and coordinating all CRG meetings, and coordinating any Wellington Water and Wellington City Council responses to issues raised by the chair or through the CRG. This shall include but not be limited to gathering of information, arranging site meetings and pre-circulating agenda and meeting materials to be received by CRG members at least 3 working days prior to each meeting or in accordance with any longer timeframe as directed by Wellington Water or any contractor.
- (c) **CRG meeting feedback to contractor:** Ensuring that the CRG chair and members are aware:
  - i. **CRG feedback to contractor at CRG meetings:** That CRG meetings will act as the primary opportunity for CRG feedback to any draft plans or documents prepared by Wellington Water or any appointed contractor, and capturing and relaying any feedback received to Wellington Water and/or any contractor
  - ii. **Wellington Water and Contractor milestone schedule:** Of any milestone schedule and critical path milestones that Wellington Water and/or the contractor is working to, to assist with meeting planning and scheduling and feedback management and coordination on any draft management plans
  - iii. **Late feedback and contractor discretion:** That response to late feedback from CRG members will be at the discretion of the contractor.

#### **LC. 47 Community Reference Group Meetings**

The CLP working with chairperson shall work to provide for CRG meetings to be held at times and locations that maximise representation and attendance, and that are appropriately aligned with Wellington Water's and its contractor's key milestone schedule for approvals process/es that are required as a condition of this licence or related to any designation or resource consents related to the project.

*Note: The location and frequency of meetings will need to be agreed to both ensure members are able to attend meetings as required, and to ensure that the timing of meetings appropriately ties into the timeline requirements for the receipt, review and feedback on plans and other materials required under conditions of this licence and the designation. At the time of producing this licence document the Friends of the Town Belt had also indicated that they did not want the CRG meeting to coincide with their regular meeting schedule as it may affect their ability to undertake their business as usual.*

#### **LC. 48 Community Reference Group Attendance Requirements**

Wellington Water and WCC as landowner shall not be in breach of the terms of this licence or the TOR, if any one or more of the CRG members or invited parties either do not wish to be members of the CRG or do not attend particular meetings.

#### **LC. 49 Community Reference Group Dis-establishment**

Unless otherwise agreed in writing by the Manager Open Space and Recreation Planning and Wellington Water, the CRG shall be immediately dis-established following the completion of construction, including site and playing field remediation, and the expiry of any related defect liability and landscape/planting maintenance period associated with the Project. The completion of construction and expiry of any defect liability and landscape/planting maintenance period will be confirmed in writing to Wellington Water by the Manager Open Space and Recreation Planning and the CMO.

### ***Schedule of Milestones for PSR Approvals***

#### **LC. 50 Draft milestone schedule to be reviewed and confirmed**

As soon as practicable after the confirmation of this licence agreement, and prior to submitting any draft management or outline plans to the WCC CMO and/or Manager Open Space and Recreation Planning for feedback or approval, and prior to commencing any work on the site, Wellington Water or its contractor must provide the Manager Open Space and Recreation Planning with a draft schedule of milestones for review, negotiation and confirmation.

#### **LC. 51 Milestone schedule details**

Any draft milestone schedule must:

- (a) Outline key milestones and timeframes at which feedback or approvals will be required from the Manager Open Space and Recreation Planning, and
- (b) Clearly define any critical path milestones that the Manager Open Space and Recreation Planning must be aware of.

(c)Align with any information or approvals process/es that are required as a condition of this licence or as part of any designation or resource consent related to the project.

*Note: This condition set is needed to assist the Manager Open Space and Recreation Planning in appropriately planning, scheduling and managing resources for responding to any input required into management plan and outline plan approvals required under either the designation or licence condition set.*

*Any draft milestone schedule must be reviewed and confirmed with the Manager Open Space and Recreation Planning*

## ***Landscape and Ecological Management Plan (LEMP) and Playing Fields Management Plan (PFMP)***

### **LC. 52 Draft LEMP consultation**

The draft Landscape and Ecological Management Plan (LEMP) required by Designation condition DC 32 or any proposed variation to any approved LEMP must be prepared in consultation with the Manager Open Space and Recreation Planning.

### **LC. 53 Draft PFMP consultation**

A draft Playing Fields Management Plan (PFMP), required by Designation condition DC 38, or any proposed variation to any approved PFMP, must be prepared:

- (a) **Sports Turf Specialist:** With input from a suitably qualified sports turf specialist agreed to, in writing, by the Manager Open Space and Recreation Planning
- (b) **Consultation:** In consultation with the Manager Open Space and Recreation Planning.

### **LC. 54 Draft LEMP and PFMP design detail**

In addition to the matters listed in the designation conditions, the LEMP and PFMP management plans must include the details set out in LC. 55- LC. 61 for approval by the Manager Open Space and Recreation Planning.

### **LC. 55 Earthworks and ground preparation**

Earthworks and ground preparation design and management must include the following:

- (a) **Upper and Lower playing field reinstatement:** The lower and upper fields will be reinstated to function for sports fields use
- (b) **Proposed finished ground levels:** Proposed ground levels across the site that will result in all areas of the park, including any playing or sports fields, being fit for purpose
- (c) **Proposed finished ground and land drainage:** Anticipated final overland flow paths for stormwater including details of how final ground levels and slope treatment will manage site run-off into the stream environments and not exacerbate sediment discharge to streams or result in erosion.

- (d) **Reinstatement Areas:** Details illustrating how areas disturbed or impacted by the construction project will be reinstated to be fit for purpose, and will be designed to be able to be practically and cost effectively maintained and managed
- (e) **Topsoil management:** Methods for ensuring that topsoil used for reinstating areas will be weed free
- (f) **Compaction areas:** Methods to be employed to repair compacted ground and ensure new ground material build up is suitable for the intended end use and long term sustainability and maintenance of that use. Methods must ensure that areas subject to compaction or backfilling do not create areas that will not drain and/or will not allow new planting to successfully establish and grow in the long term or ground conditions that result in sports fields or walking tracks that do not drain or function properly
- (g) **Backfill inspection and monitoring:** An inspection and monitoring programme for backfilled areas to be undertaken by the project landscape architect to ensure that suitable material is being used for the intended end result

*Note: This condition set is intended to ensure that methods and details of ground stabilisation, ground surface finishing, and reinstatement of engineered and/or compacted areas have taken account of and addressed landscaping and ecological enhancement requirements, long term park function and use, along with the appropriate management of permanent surface run off and long term reinstatement stability and planting reestablishment success. This applies to both reinstated 'natural' slope and backfill areas, and finished track and sport field surfaces.*

*Any areas of engineered fill or geotextile or any other products designed to enable planting into steep slopes or difficult ground conditions must be clearly identified on landscape plans to enable effective monitoring of planting associated with those areas.*

## **LC. 56 Landscape design and management**

Landscape design and management must include the following:

- (a) **Landscape and planting strategies:** A landscape and planting strategy for the site, including:
  - i. Use of planting that is varied in height and scale to disguise any uniform slope areas
  - ii. The identification and intention of area specific planting strategies and landscape design treatments, including species selection and maintenance requirements, for reference in monitoring the success of planting and landscape works
  - iii. Any planting or planting areas to be planted outside the standard planting seasons that will require maintenance to address potential plant stress (for example irrigation)
  - iv. Any areas where planting may need to be delayed until a suitable planting period (to maximise planting success), and that may need to be suitably maintained and stabilised in the interim period
  - v. Eco-sourced native plants and providing sufficient lead times to supply and where necessary harden plants, to achieve the quantities needed.
- (b) **Landscaping of backfill areas:** Plans and details that show earthworks backfilling methods and materials have been tested and approved by a suitably qualified landscape architect who can confirm that the landscaping and vegetation proposed will be able to grow in the materials proposed

- (c) **Landscaping of reservoir 'top' and identified areas to be kept clear of trees:** Final design of the top of the reservoir and any areas identified by Wellington Water that must be kept clear of trees must:
  - i. Clearly define areas that must be kept clear of vegetation in perpetuity
  - ii. Limit open grass area as far as possible to try and achieve a character similar to that which existed pre construction
  - iii. Within any open space area on the top of the reservoir, create an informal lookout space
- (d) **Track network planning:** Plans and details that show the location and design specification for the final track network, including reinstatement of closed tracks. This shall be integrated with temporary track planning and design requirements ( LC 72 (b))
- (e) **Landscape treatment integration:** Specific landscape treatments that will be applied at the edge of the reinstated licence area to integrate new ground levels and associated landscape treatments within the licence area into the undisturbed landform and vegetation patterns outside of the licence area in a way that provides for the intended use and management of that land and minimises visual effect
- (f) **Landscape modification and review:** If proposed landscaping fails or is compromised by either the methods and materials of backfilling, and must be changed, a landscape review and amendment process, involving a suitably qualified landscape architect and ecologist, for presenting changes to Manager Open Space and Recreation Planning that will achieve the same outcome anticipated for mitigating the effects of the reservoir project

#### **LC. 57 Maintenance and management schedule and costs**

The LEMP and PFMP must include a long term maintenance and management plan and schedule for the licence area and surrounding landscape that has been disturbed or used by the project. The finished site must be maintained and managed for the primary purpose of Wellington Town Belt Reserve while allowing for the operation of the reservoir and associated infrastructure. The maintenance and management schedule must outline all changes in level of service from the preconstruction site state and clearly define costs associated with the change.

*Note: The Landscape Design and Management condition set is intended to ensure that strategies and methods are developed for appropriately landscaping and planting cleared and re-engineered remediated licence areas, and integrating modified and re-landscaped areas with adjacent undisturbed areas of the Town Belt.*

*These strategies need to be supported by examples or evidence, including appropriate expert advice, which show that the proposed solutions and methods for landscaping and planting areas that have been stabilised, re-topsoiled and have been tested and will be sustainable and successful in the long term.*

*Particular methods to replace or provide for alternative methods in these areas, where initially preferred methods or solutions have not worked, must be outlined in the planting specification.*

*The intention is that Wellington Water will return the licence area to Wellington City Council to manage with no outstanding work to complete and no increase in maintenance levels of*

*service (unless the cost of this has been added to operational budgets). All areas disturbed by the project will be reinstated to function as intended as Wellington Town Belt reserves.*

#### **LC. 58 Exposed Reservoir Infrastructure**

The design and look of any exposed above ground infrastructure associated with the reservoir and associated pipe work must provide for the following:

- (a) **Integration with landscape:** Design, materials and colours must be selected to integrate the infrastructure into the park and the natural landscape as far as practical. Opportunities to create bespoke solutions that can also serve a recreation or amenity purpose must be considered in design.
- (b) **Reservoir service tunnel access door area:** In preparing a draft landscape design for the reservoir service tunnel access door area attention shall be given to preparing a reasonable selection of design alternatives for this area, prior to final design selection.
- (c) **Reserve maintenance:** Design and infrastructure installation must enable easy and practical access for ongoing maintenance of the area/s around any structure/s.

#### **LC. 59 Reservoir Service Tunnel Access Way Track**

Landscape design and management of the service access way to the reservoir service tunnel must provide for the following:

- (a) **Service tunnel access track design:** The tunnel access way track must be as narrow as practicable and comprise a permeable surface that blends into the natural park landscape and functions primarily as a walking track
- (b) **Service tunnel access track use:** Alignment, design and materials used on the service tunnel access way track will ensure the track can only be accessed by WCC, Wellington Water or approved contractor vehicles for normal reservoir and park maintenance, servicing and management activities
- (c) **Culvert for Waitangi Stream:** Provision for the safety of track users in the final design of the Waitangi Stream tributary stream culvert that goes underground into the stormwater network.

#### **LC. 60 Access Track between Upper and Lower Playing Fields**

Landscape design and management of the access track between the upper and lower playing fields must provide for the following:

- (a) **Access way use for walkway and maintenance vehicles:** A final reinstatement design for the access way track between the upper and lower field that provides for the use of the access way as part of the park's walking track network and as a route for park maintenance vehicles.
- (b) **Stability and erosion control:** An access way design and construction that avoids erosion of the access way surface and any erosion and sedimentation impact on the Papawai stream environment
- (c) **Access way stream edge planting:** Planting along the access way stream side edge that protects and strengthens the top of the stream bank adjacent to the access way and the stream crossing at the bottom of the access way.

## LC. 61 Licence Area Park Entrances and Edge Design

Landscape design and management of the licence area's park entrance areas and edges (both with adjacent Town Belt land and residential areas) must provide for the following:

- (a) **Rolleston Street park entrance design:** Design of the Rolleston Street road entrance and western upper field edge that provides for access to the pipe tunnel entrance, walking access to the track network and improved sports field parking and vehicle manoeuvring space while not impacting sports field and sideline activity, function and maintenance.
- (b) **Upper field northern and southern edges:** The northern and southern edges of the upper field may require ground level changes and new planting to successfully integrate the uncompacted and resurfaced field into the undisturbed field edges and incorporate any new drainage and sideline areas for spectators.
- (c) **Reinstatement of the Hargreaves Street entrance**
- (d) **Lower playing access from southern car park area:** Reinstatement of the driveway and entrance to the lower playing field at the south eastern corner. Access for maintenance is required while stopping public vehicle access onto the field. Parking and manoeuvring space will be designed to maximise public parking for visitors to the park
- (e) **Fencing plan and reinstatement:** A fencing plan and list of all fencing to be reinstated and/or newly installed across the site that is fit for purpose and meets WCC parks infrastructure specifications. The fencing will be located, specified and installed in such a way that the maintenance of the fences and the land around them has been considered and is practical.

## LC. 62 Lower playing field flood management, final field design and Papawai Stream edge

Prior to commencing construction Wellington Water shall investigate (in consultation with the Manager Open Space and Recreation Planning) whether:

- (a) **Flood management:** Any feasible options may exist to improve the management of flood events in the Papawai Stream that could avoid or reduce the flow of stormwater over the stream's bund edge onto the field and general seepage through the bund into the field
- (b) **Papawai Stream ecological enhancement:** Any feasible options may exist to enhance the ecological function of the stream in conjunction with any flood management enhancements
- (c) **Stream enhancement incorporation in lower playing field reinstatement:** Any design solutions arising from (a) and/or (b) could be practically incorporated into works associated with reinstating the lower playing field following the completion of reservoir backfilling.

*Note: The intention of this condition is to ensure that Wellington Water investigate opportunities for improving the flood management of Papawai Stream and the lower playing field edge design and drainage prior to finalising the PFMP and LEMP. Where a feasible option is identified to address these matters, it is expected that this will feature in the final reinstatement design for the lower playing field.*

### **LC. 63 Draft LEMP and PFMP feedback**

A draft LEMP and PFMP, including any proposed variation to an approved LEMP or PFMP, must be submitted to the WCC Manager Open Space and Recreation Planning for comment and feedback at least 20 working days prior to the final management plan/s being lodged with the CMO for certification.

*Note: The intention of this condition set is to ensure that the Manager Open Space and Recreation Planning is consulted prior to preparing any draft LEMP and PFMP for the site, and prior to these draft documents being lodged with the Manager for formal review and feedback.*

*The Manager Open Space and Recreation Planning will have the opportunity to formally comment and provide feedback on any draft LEMP and PFMP prepared by Wellington Water or its contractor/s, prior to these draft documents being finalised and submitted to the CMO for final Manager assessment and approval through the designation condition management plan certification process (DC11).*

*In providing feedback or comment on any draft management plans, the Manager will focus on the matters outlined in LC LC. 55- LC. 61 , and can request that any draft management plan is amended or redrafted and/or can require further detail or information to be included in the draft plan prior to it being either resubmitted as a draft plan or submitted for certification.*

*It is expected that the Manager will be informed of any CRG feedback received on any draft plan, and how this has been considered in the draft. This should include details of where feedback has or has not been addressed or incorporated in the draft document, and the reasons for this action.*

*The Manager in responding to any draft management plan must be satisfied that the final outcome of the proposal on the Town Belt is as intended when approval was granted to the licence and easement.*

## **Construction Management Plan (CMP) and Earthworks Management Plan (EMP)**

### **LC. 64 Draft CMP and EMP consultation**

A draft Construction Management Plan (CMP) and Earthworks Management Plan (EMP), required under designation condition DC 11, or any proposed variation to an approved CMP or EMP, must be prepared in consultation with the Manager Open Space and Recreation Planning.

### **LC. 65 Draft CMP and EMP feedback**

A draft CMP and EMP, or any proposed variation to an approved CMP or EMP, must be submitted to the WCC Manager Open Space and Recreation Planning for comment and feedback at least 20 working days prior to the final management plan/s being lodged with the CMO for certification under Designation Conditions DC 16 and 18.



*Note: The intention of this condition set is to ensure that the Manager Open Space and Recreation Planning is consulted prior to preparing any draft CMP and EMP for the site, and prior to these draft documents being lodged with the Manager for formal review and feedback.*

*In providing feedback or comment on any draft management plans, the Manager can request that any draft management plan is amended or redrafted and/or can require further detail or information to be included in the draft plan prior to it being either resubmitted as a draft plan or submitted for certification.*

*It is expected that the Manager will be informed of any CRG feedback received on any draft plan, and how this has been considered in the draft. This should include details of where feedback has or has not been addressed or incorporated in the draft document, and the reasons for this action.*

*The Manager in responding to any draft management plan must be satisfied that the final outcome of the proposal on the Town Belt is as intended when approval was granted to the licence and easement.*

*This condition set is necessary to ensure that the development of construction and earthworks management planning does not compromise the final landscape strategy detail, and appropriately provides for the management of all earthworks, material stockpiles and erosion and sediment control measures used within the licence area.*

*The condition is also necessary to ensure that the requirements of any conditions within this licence are appropriately considered and addressed in any CMP. In particular minimising vegetation clearance and suitable protection of identified vegetation and streams will need to be incorporated into the CMP and EMP.*

## **Temporary Construction Site Area: site fencing**

### **LC. 66 Fencing plan**

In conjunction with preparing a draft Construction Management Plan (CMP), as required under designation conditions DC11, 12, 16 and 17, Wellington Water must include in its draft CMP for CMO feedback a plan of all perimeter fencing that will mark or enclose the total extent of site used, or licenced for use, during the construction period. This plan shall include the following information:

- (a) **Location and Type:** Fence location, and fencing typology and form (i.e. security fencing, acoustic screening, silt fencing etc)
- (b) **Staging:** Fencing staging, where it is anticipated that fencing may be shifted or altered or amended over the course of the reservoir excavation, construction, backfill, remediation and site landscape and sport field remediation phases,
- (c) **Installation and removal method:** Installation and removal methodology for fencing, intended to minimise damage to vegetation, tree roots and land outside of the licence area
- (d) **Inspection and maintenance:** An inspection and maintenance regime to ensure that fencing is maintained in good order and functioning at all times as intended.
- (e) **Final removal:** A requirement for all fencing to be removed within 20 working days of the completion of construction.

- (f) **Fencing retention approval:** Any fencing proposed to be retained within the licence area beyond this period must be approved in writing by the Manager Open Space and Recreation Planning.

### ***Litter Management***

#### **LC. 67 Responsibility for litter manager adjacent to licence area**

Immediately following the commencement of construction through to the completion of construction and removal of all project related fencing, Wellington Water or its contractor shall be responsible for undertaking regular inspections of all areas immediately adjacent to the licence area and any perimeter fence and collecting and removing any windblown material or rubbish from these areas in accordance with its Duty of Care under LC 8.

### ***Traffic Management, Site Access and Public Access Arrangements***

#### **LC. 68 Draft CTMP, SSTMP and preparation of a draft pedestrian management plan**

In conjunction with preparing a draft Construction Traffic Management Plan (CTMP), and/or any draft Site Specific Traffic Management Plan (SSTMP) in accordance with designation conditions DC 22 and DC26, a draft Pedestrian Management Plan (PMP) must also be prepared and be incorporated within any CTMP and address the matters within LC 69, 70 and 72.

#### **LC. 69 Draft Pedestrian Management Plan consultation**

Any draft Pedestrian Management Plan (PMP) must be prepared in consultation with the Manager Open Space and Recreation Planning.

#### **LC. 70 Draft pedestrian management plan and CTMP and SSTMP feedback**

The draft Pedestrian Management Plan must be submitted to the WCC Manager Open Space and Recreation Planning, along with any draft CTMP or SSTMP, for comment and feedback **at least 20 working days** prior to any final CTMP and SSTMP management plan/s being lodged with the CMO for certification under Designation Conditions DC. 22 and DC. 26.

#### **LC. 71 Matters to be included in any CTMP and SSTMP**

Any draft CTMP and SSTMP must, in addition to any designation condition requirements, address:

- (a) **Public safety:** All traffic management planning must provide for public safety within and adjacent to the licence area at all times while providing the least possible disruption to public access and use of the walkways within and around the general area.
- (b) **Harrier Club access:** Maintenance and management of access to the Harriers Club and lower playing field car parking area, off Salisbury Terrace, along the eastern edge of the lower field, over the course of project and/or during each project stage

to provide pedestrian access and public vehicle access to the Harriers Club building. This requirement is detailed further in LC 73.

- (c) **Contractor access to lower playing field:** Arrangements for contractor access and parking to the lower playing field area and how this will be managed to avoid disruption of public access to the Harriers Club building, and public walkway access between Westland and Dorking Streets.
- (d) **Exclusion of contractor parking from lower field public car parking area:** The exclusion of contractor parking in the public parking area to the south of the lower field.

## **LC. 72 Matters to be included in any draft Pedestrian Management Plan**

Any draft Pedestrian Management Plan (PMP) prepared must provide for the following:

- (a) **Maintenance and management of public access:** The maintenance and management of public access to and around the work site, during construction, including provision for temporary track re-alignments and construction. This shall include a requirement for:
  - i. **Track condition and signage monitoring:** Temporary tracks and related signage to be inspected monthly
  - ii. **Track defects and repairs:** Any defects or repairs to temporary tracks or signage to be fixed by Wellington Water, or its contractor, within 10 working days of identification by either monitoring or receipt of a complaint
  - iii. **Reporting:** A record of temporary track and signage inspection and repair to be provided to the CLP, including any response to any request for track or signage inspection or repair made by the CLP in response to community or stakeholder feedback
  - iv. **Track signage plan:** The development of a track signage plan with details of signage information and signage locations displaying public information and directions for any track detours. This shall include information that will be made available on the Wellington Water and/or WCC websites.
  - v. **Track signage installation:** Signs to be required at all tracks that lead to or around the site and at any junctions, with signage to be installed and in place when tracks are available for use.
  - vi. **Track signage management:** A sign management plan for regular maintenance and updates of the signs for the different phases of the project.
  
- (b) **Temporary track planning and design coordination:** New track alignments and construction specifications, approved in writing by the Manager Open Space and Recreation Planning, with specific consideration given to ensuring that:
  - i. **Damage minimisation:** Realigned track design and location is subject to assessment of effects on existing reserve values. Alignment, specification and construction methodology will be used to limit effects.
  - ii. **Fit for purpose:** New or realigned tracks are fit for purpose. The minimum standard will be “walking track standard” as defined within the Wellington City Council Open Space Access Plan.
  - iii. **Disruption minimisation:** New, realigned or upgraded tracks provide for the least possible disruption to public access through any agreed pedestrian access or track areas at all times throughout the construction phase

- iv. **Integration with track network:** Temporary track planning has considered the potential for temporary tracks to become the new tracks at the end of the project to improve alignment, connectivity, gradient and general condition of existing tracks. The LEMP will identify all final tracks and any integration between track network planning and site remediation landscape design.
- v. **Track location and redesign:** Any requirement to amend the agreed location or design of a track is agreed by the Manager Open Space and Recreation Planning
- vi. **Track construction and maintenance:** Wellington Water shall be responsible for all temporary track construction, reinstatement and maintenance throughout the construction period.
- vii. **Temporary track removal and reinstatement:** All temporary tracks are removed and reinstated to the satisfaction of Manager, Open Space and Recreation Planning prior to completion of the project (unless otherwise agreed by Manager, Open Space and Recreation Planning through the final approval of the Designation LEMP).

***Maintenance and reinstatement of access way between Salisbury Terrace and Harriers Club Building***

**LC. 73 Maintenance of access way to lower playing field.**

Wellington Water, or its contractor, will be entirely responsible over the duration of the project for the maintenance of the public vehicle access from Salisbury Terrace to the Harriers Club building located on the east side of the Prince of Wales Park lower playing field (the lower field public access way). This will include a responsibility for ensuring that any potholes and other damage resulting from construction of the works are identified and fixed.

**LC. 74 Preconstruction condition survey: access way and car parking area**

At least 20 working days prior to construction commencing Wellington Water, or its contractor, shall carry out a preconstruction condition survey of the lower field public access way and the public car parking area to the south of the lower field, using an appropriately qualified engineer. A report of this survey will be supplied to the Manager Open Space and Recreation Planning.

**LC. 75 Timeframes for repairing project damage to access way and/or car parking area**

Wellington Water or its contractor shall repair pot holes or other damage resulting from the project to the lower field public access way and/or car parking area either within 10 working days of being notified to the CLP, the CMO or the Manager Open Space and Recreation Planning, or within any other timeframe otherwise agreed in writing with the Manager Open Space and Recreation Planning.

**LC. 76 Access way and car parking area inspection following lower playing field remediation**

Unless otherwise agreed in writing by the Manager Open Space and Recreation Planning, within 20 working days of the completion of the remediation of the lower playing field, Wellington Water or its contractor shall organise with the Manager a joint inspection of lower field public access way and public car parking area to determine and agree whether remedial/repaving work, if any, are required, as a result of the project, to reinstate the access way and/or car parking surface.

**LC. 77 Access way and car parking area remedial works**

Any agreed remedial or reinstatement works, including repaving, shall be completed and certified by the CMO, prior to the Manager, Open Space and Recreation Planning and the Manager, Sports and Recreation Operations and Contracts, confirming in writing, under designation condition DC42 that the reinstated lower field, and related tracks, retaining walls, fencing and drainage are suitable for organised sports use and public activities to commence.

**LC. 78 Access way and car parking area remedial works costs**

Wellington Water shall meet all fair and reasonable costs of undertaking any agreed remedial and/or reinstatement work/s.

***Preconstruction and New Work Phase Briefings***

**LC. 79 Works contractor 'start up' briefing**

Prior to commencing any work on site, Wellington Water, the site manager and the Community Liaison Person (CLP) must coordinate with the Manager Open Space and Recreation Planning to meet, on site, for a briefing that must be attended by any subcontractors on the site.

**LC. 80 New work phase and new sub-contractor briefings**

In addition to the requirements of LC 79, Wellington Water, the site manager and the CLP must also coordinate with the Manager Open Space and Recreation Planning to meet, on site, prior to each new phase of the project beginning, including where any new subcontractor team/s are being mobilised. The following work phases shall involve a contractor briefing prior to commencement, unless otherwise agreed in writing by the Manager Open Space and Recreation Planning:

- (a) Site clearance and enabling works (including fencing and temporary track planning) phase
- (b) Reservoir site excavation and associated earthworks
- (c) Reservoir construction
- (d) Reservoir backfill earthworks
- (e) Reservoir site and playing field remediation
- (f) Site closure and defects period

## **LC. 81 Record of briefings to be kept**

Wellington Water, the site contractor or the CLP shall provide a written summary of any site meeting and key issues or matters raised in any briefing, to the Manager Open Space and Recreation Planning and the Community Reference Group (CRG), or CLG as the case may be, for their information and record.

*Note: The purpose of this condition set is to ensure all parties working on the site are directly informed about the open space and recreation values associated with the site and its surrounds, and of Wellington Water and any contractor's duty of care relating to the management of the site and adjacent areas, including:*

- *The location and significance of the stream environments running through or adjacent to the site and duty of care to protect these areas*
- *The significance of any vegetation within or adjacent to the site, including any areas that must be retained and duty of care to avoid damage to identified areas*
- *Any specific management requirements for fauna or avifauna within or adjacent to the site, and duty of care to avoid disturbance to any identified sensitive areas*
- *Reporting requirements for any incidents*
- *Litter management requirements*
- *Any requirements for maintaining and protecting walking tracks and public access around the site edges*
- *Any requirements for maintaining access to the Harriers' Club building*

## **Signage- Licence Area and Site Management Responsibilities**

### **LC. 82 Signage installation and removal**

(a) **Installation:** Prior the commencement of site clearance works, Wellington Water or its contractor shall, unless otherwise agreed in writing by the Manager Open Space and Recreation Planning, install signs on all site boundaries at regular intervals along the site's perimeter fencing (on the inside of any installed site fence) which include the following visible information:

- i. **Purpose:** The purpose of the fence, in demarcating either the extent of the licence area, or the extent of any approved clearance, construction, fill or erosion and sediment control management area
- ii. **Land status:** Status of any land beyond the fenced area (i.e. Town Belt reserve land, residential land etc)
- iii. **Values:** Specific values, if any, of any reserve area beyond the fence that need to be specifically recognised (this information shall be provided by the Manager Open Space and Recreation Planning and included in any approved CMP)
- iv. **Duty of Care:** Wellington Water and the contractors Duty of Care to areas beyond the fence line including:
  - That no materials related to the construction activity shall be stored or allowed to encroach beyond the fence
  - A requirement to collect and remove litter in any area immediately adjacent to the site, without damage to that area
- v. **Contact Details:** Contact details for immediately reporting any issues or damage to the fence, any construction activity encroachment beyond the

fence line and/or any damage to reserve land or vegetation beyond the fence.

- (b) **Removal:** All signage associated with the project must be removed from the reserves after final inspection by the Manager Open Space and Recreation Planning.

### ***Existing Park Infrastructure***

#### **LC. 83 Preconstruction inspection: parks infrastructure**

At least **40 working days** prior to commencing any work on site the site manager or CLP must, unless otherwise agreed in writing by the Manager Open Space and Recreation Planning, arrange a site walkover with the project landscape architect and the Manager Open Space and Recreation Planning to identify and inventory all existing park infrastructure (e.g. gates, barriers, seats, signs, fences, retaining walls, goal posts etc) that must be removed, stored, relocated or disposed of by Wellington Water or its contractor. Any items scheduled for relocation or disposal that will need to be replaced in conjunction with site remediation will be identified.

#### **LC. 84 Draft parks infrastructure inspection and inventory management report**

A draft report of the parks infrastructure inspection, including an inventory management schedule and plan must be produced by Wellington Water or its contractor, unless otherwise agreed in writing by the Manager Open Space and Recreation Planning, and supplied to the Manager Open Space and Recreation Planning for review at least **20 working days** prior to commencing any work on site. This draft report shall include

- (a) **Site map:** a map of the licence area,
- (b) **Asset schedule:** the location and schedule of all identified park assets,
- (c) **Images:** photographic images of all identified inventoried items, to assist with identification, tracking and management
- (d) **Management plan:** a management plan or schedule for each inventoried item, clearly identifying for each asset/s whether it will be:
  - i. Removed and relocated, and not replaced as part of future site reinstatement
  - ii. Removed and relocated, and scheduled for replacement as part of future site reinstatement
  - iii. Removed and stored by Wellington Water for future reinstatement
  - iv. Removed and disposed of, and scheduled for replacement as part of future site reinstatement
  - v. Removed and stored by Wellington Water, with a decision to be made by the Manager Open Space and Recreation Planning, prior to commencing site remediation, regarding asset relocation, disposal, reinstatement and/or replacement
  - vi. Retained and managed in situation, including any management plan for the monitoring, protection and maintenance of the asset.

**LC. 85 Parks infrastructure inventory report to be confirmed prior to construction commencing**

A final report of the infrastructure inspection and inventory management schedule must, unless otherwise agreed in writing by the Manager Open Space and Recreation Planning, be confirmed in writing by the Manager Open Space and Recreation Planning prior to the commencement of any site clearance, enabling works or construction related activity.

**LC. 86 Park asset removal, relocation, storage, reinstatement and replacement costs**

Wellington Water shall meet all fair and reasonable costs for removing, relocating, storing, replacing and/or reinstating any park assets within the licence area.

*Note: This condition set is required to ensure that parks assets within the licence area are jointly inspected by the Manager Open Space and Recreation Planning and Wellington Water, or its contractor, well in advance to the commencement of construction, and that an agreed management plan is developed for asset removal, relocation, storage, disposal, reinstatement and/or future replacement.*

*It is anticipated that some items will not be able to be removed in a way that would enable them to be appropriately and/or cost effectively reused or reinstated. In these cases, assets will need to be disposed of by Wellington Water.*

*The Manager Open Space and Recreation Planning will discuss and identify items that could be reused either at the site or on another site.*

*It is anticipated that in some instances, the reuse or replacement of some items will not be confirmed until LEMP and PFMP are developed and finalised. The Manager may require the delivery of any items surplus to requirement to the PSR Operations office/yard in Newtown.*

***Lower Playing Field Sports Pavilion***

**LC. 87 Confirmation whether lower playing field Sports Pavilion will be used**

Prior to commencing construction Wellington Water or its contractor shall confirm whether the sports pavilion building on the lower field will be needed in support of site operations.

**LC. 88 Sports Pavilion not required for use - subject to monitoring and management**

Where the sports pavilion is not required for use, Wellington Water or its contractor shall suitably monitor and protect the building from any use or damage during the construction period. The monitoring and management of the sport pavilion shall be included in the parks infrastructure inspection and inventory management report detailed in LC 84.



**LC. 89 Sports Pavilion potentially required for use- subject to monitoring and management**

Where the sports pavilion is identified is potentially being needed for use, but no timeline has been agreed for when this may occur, Wellington Water or its contractor shall suitably monitor and protect the building from any use or damage. The monitoring and management of the sport pavilion shall be included in the parks infrastructure inspection and inventory management report detailed in LC 84.

**LC. 90 Sports Pavilion identified for use- Licence variation required**

Where the sports pavilion is identified for use, either prior to construction or at any stage throughout the project, Wellington Water or its contractor shall apply in writing to the Manager Open Space and Recreation Planning to vary the licence agreement area to include the pavilion.

**LC. 91 Sports Pavilion identified for use- consenting approvals and costs**

Where the sports pavilion is identified for use, Wellington Water or its contractor shall meet all costs associated with varying this licence to include the use of this building, and shall be responsible for obtaining any other required statutory approvals to use the building and any associated costs.

*Note: The TBA application did not include use of the sports pavilion within the temporary construction area covered by this licence.*

*Acknowledging that the building could be used by the project team during the construction, this condition sets out the terms that would apply to the use of this building.*

*Terms and conditions of use (building inspection, maintenance, repair and/or reinstatement) would form part of any licence consideration and approval process.*

*Wellington Water or its contractor would also need to seek advice on whether any other statutory approvals or consents would be required to vary the development site area to include use of the pavilion.*

***Vegetation clearance***

**LC. 92 Certification of vegetation clearance**

Following the completion of programmed vegetation clearance from the licence area, described in the CMP, Wellington Water, or its contractor, shall provide certification to the Manager Open Space and Recreation Planning that vegetation clearance has been carried out in accordance with any approved LEMP, CMP and in accordance with any required designation and/or resource consent conditions.

## ***Monitoring, inspection and defects period***

### **LC. 93 Condition and site monitoring**

- (a) **Record of site monitoring:** The CLP must keep a record of site monitoring associated with the Designation and GWRC conditions and make this available to the CRG.
  
- (b) **Monitoring and inspection plan:** The LEMP and PFMP must include a monitoring and inspection plan prepared by the Wellington Water Project Landscape Architect with input from their specialists in maintenance of the various areas of the site (eg ecologists, sports turf specialist, landscapers, nursery managers, irrigation designers, engineers etc). The plan must outline:
  - i. key stages of the project where monitoring and inspection is required
  - ii. the intention of inspection and
  - iii. success measures.
  - iv. describe agreed processes for remedy of defects and failed planting including timeframes and reinspections.
  
- (c) **Monitoring and inspection parties:** Monitoring and inspections required under LC.93(b) will include, the CMO, CLP, the Manager Open Space and Recreation Planning and any others required to properly consider the issues being monitored or inspected, unless otherwise agreed in writing by the Manager Open Space and Recreation Planning.
  
- (d) **Monitoring and inspection frequency:** Monitoring and inspections will occur at a minimum:
  - i. On completion of any area of ground works including tracks, sports fields or other earthworks required to achieve an ecological, amenity or recreation function. This must also be prior to any planting into those completed areas to check ground conditions are suitable for the proposed planting
  - ii. In accordance with any additional monitoring and inspection requirements identified in LC. 93(b)(i), including an annual inspection of completed planting areas.

### **LC. 94 Final site inspections**

Wellington Water must arrange a schedule of final site inspections following the completion of construction and site remediation, to be agreed in writing by the Manager Open Space and Recreation Planning, as the site is progressively vacated by the project work and associated contractors. The inspection schedule shall provide:

- (a) sufficient opportunity for identified issues to be resolved by Wellington Water or its contractor to the satisfaction of the Manager Open Space and Recreation Planning, prior to final site vacation
- (b) for final site inspection by the Manager Parks Sports and Recreation Operations and Manager Open Space and Recreation Planning and the Project Landscape Architect.

#### **LC. 95 Defects and liability period – Playing Fields**

There will be a two seasons defects period on the playing field reinstatement. This means that from the date that the CMO, in consultation with the Manager, Open Space and Recreation Planning, confirms in writing that the reinstated field or fields, and related tracks, retaining walls, fencing and drainage are suitable for organised sports use and public activities to commence, two seasons of sport (i.e. a winter and summer season) will be played on the field/fields to confirm that the fields are performing as anticipated. This may extend beyond the one year timeframe of the Designation condition 42 however it is a more accurate test of the performance of the field/s.

#### **LC. 96 Defects and liability period – New Tracks**

There will be a defects period of nine months on new track builds and track reinstatement (including the track, surface materials, drainage and any steps, retaining, handrails, boardwalks or bridges) from the date of completion and final sign off by the Manager, Open Space and Recreation Planning. Any defects must be addressed and repaired to the satisfaction of the Manager, Open Space and Recreation Planning within one month of identification of any issue.

#### **LC. 97 Defects and liability period – Planting and Landscaping**

The planting and landscaping defects liability period is five years. While there may be areas that have achieved the success measures outlined in Designation condition 33, Wellington Water will still be liable until the end of the five year period so as to ensure the ground conditions are performing as intended.

*Note: There is the potential that planting in stabilised slopes, in shallow soils or steep and/or exposed slopes will flourish for a short period before failing. The five year period allows for appropriate monitoring of uncertainty around ground treatment and planting solutions.*

# **Appendix 1**

## **Community Reference Group (CRG) Terms of Reference**

## Community Reference Group (CRG) Terms of Reference

### CRG Terms of Reference November 2017

- a) The Wellington City Council will establish a Prince of Wales/Omāroro Community Reference Group (CRG) once the Designation has been confirmed for the project and prior to the appointment of contractors.
  
- b) The purpose of the CRG is to provide a mechanism for monitoring the effects of the Project's construction on the community and a platform for information to be shared with the community. The CRG will also enable concerns and issues to be managed by Wellington City Council, Wellington Water and the Contractor.  
The CRG will have the power of recommendation in terms of the project monitoring and compliance and the development of the management plans required under the licence, easement and RMA conditions. Wellington City Council and Wellington Water will take into consideration a number of factors in deciding whether to act on the recommendations including technical feasibility, environmental impact, community impact and cost.
  
- c) Membership of the CRG shall be open to all interested people and organisations within the project area including, but not limited to representatives from the following groups:
  - i) Port Nicholson Block Trust
  - ii) Friends of the Town Belt
  - iii) Mt Cook Mobilised
  - iv) Residents of the affected streets and properties overlooking or in proximity to the development, including Rolleston Street, Hargreaves Street, Westland Road, Dorking Road, Wright Street, and Salisbury Terrace and Avenue
  - v) Sporting and recreational users of the area, including users of Scottish Harriers building
  - vi) Papawai Reserve Group
  
- d) The CRG shall hold meetings at least once every three months throughout the development and construction of the project so that on-going information can continue to be disseminated. There will be the opportunity for the group to call 'special meetings' as a result of significant issues arising or at key project milestones where the issues cannot wait until the next scheduled meeting.
  
- e) The first meeting will be held at least one month prior to the commencement of any construction enabling works. Unless otherwise agreed to by the Friends of the Town Belt, the Friends of the Town Belt meeting will provide the forum for the CRG meetings. The Friends of the Town Belt meet on the last Tuesday of each month at the Wellington Council office on Wakefield Street, in Committee Room 2. The CRG may agree to any alternative meeting locations and times as the need arises.
  
- e) The CRG shall continue for the duration of the construction phase of the project and for 12 months following the reservoir becoming operational. There will be a calendar of the meeting dates on the POWR project page of the Wellington Water and WCC websites. The

minutes will be made available on the respective websites too, in case there are people who can't make it along.

- f) Matters to be addressed by the CRG may include the following matters:
- Impact on the Town Belt, including Scottish Harriers and other stakeholders who are involved in protecting or using the Town Belt
  - Site access, transport and parking
  - Landscape and ecology
  - Construction issues including noise, dust and vibration
  - Communication with residents, including monitoring management of and responses to complaints
- g) The Wellington City Council shall arrange for the Chairperson of the CRG (or other person appointed by the CRG) to prepare minutes for Wellington City Council, summarising the main points arising from each meeting of the CRG, reporting on any issues raised on the project, along with any agreed recommendations on the measures to mitigate those issues. The Wellington City Council shall ensure that a copy of the minutes is provided to meeting attendees within 10 working days of the meeting and that they are available on the Wellington Water and WCC websites.
- h) The Wellington City Council shall be responsible for meeting all reasonable costs associated with the resourcing of the CRG with the exception of attendance as described below and provision of further suitable expertise and advice on any issues raised by the group. For example, in a meeting where birds are to be discussed, the author of reports included in the application on this subject would be expected to attend part or all of the meeting. This would be at Wellington Waters cost.
- i) The Wellington City Council shall consider the recommendations in consultation with Wellington Water and take reasonable steps, where practicable, to implement any recommendations that are within its statutory powers to execute under this designation. Where matters are not taken into account in preparing the management plans, the Wellington City Council shall convey to the CRG the reasons why.
- j) The Wellington City Council shall provide (with the assistance of Wellington Water as project managers) the attendees of the CRG, at least five working days before their first meeting, the project programme, which shall include the design, management plans, details on the construction programme and other facets that may impact on residents and community facilities.
- k) The Wellington City Council, Wellington Water and the contractor shall ensure that appropriate personnel attend meetings of the CRG to explain how the effects of construction are proposed to be managed and to respond to any questions. At every meeting the following (or their representatives) must attend:
- i) Wellington Water project director
  - ii) Wellington City Council Open Space and Recreation Planning Manager or Open Space and Specialist Parks Manager
  - iii) Wellington City Council compliance officer
  - iv) Construction project manager
  - v) Greater Wellington Regional Council compliance officer (as appropriate)
- l) At the first CRG meeting, key points of contact will be discussed and agreed.



# Appendix 2

## Designation Conditions



## Designation Conditions

### *Definitions, abbreviations, acronyms and terms*

Term	Definition
AEE	Assessment of Environmental Effects for the Prince of Wales / Omāroro Reservoir Project
CMP	Construction Management Plan
CLG	Community Liaison Group
CLP	Community Liaison Person
CMO	Wellington City Council's Compliance Monitoring Officer
CNVMP	Construction Noise and Vibration Management Plan
CRG	Community Reference Group
CTMP	Construction Traffic Management Plan
Commencement of construction	The time when the Works that are the subject of this designation (including any enabling works) start
Completion of construction	Completion of reservoir earthworks, restoration of the reservoir site and sports fields, and completion of planting (not including any further planting that may be required as part of the maintenance and monitoring period)
EMP	Earthworks Management Plan
Enabling works	Works that may be carried out in advance of bulk earthworks that include site establishment, vegetation clearance, fencing, and installation of accesses and erosion and sediment control measures.
Geotechnical Professional	A Chartered Professional Engineer (CPEng) with specialist geotechnical skills and experience in the design and construction of excavation and retaining works on steep slopes similar to those proposed and in similar ground conditions
GWRC	Greater Wellington Regional Council, including any officer of Greater Wellington Regional Council
LEMP	Landscape and Ecology Management Plan
Outline Plan	An Outline Plan prepared in accordance with section 176A of the Resource Management Act 1991
PFMP	Playing Fields Management Plan
Project	The design, construction, maintenance, and operation of the Omāroro Reservoir as in the AEE and these designation conditions
SSTMP	Site specific traffic management plan
WCC	Wellington City Council
Work or Works	The construction, maintenance, or operation of the Project, including where relevant any stage or part thereof
Working day	Has the same meaning as under Section 2 of the Resource Management Act 1991
LOA	Land Owner Approval

Term	Definition
TBMP	Wellington Town Belt Management Plan (2017)
TBA	Wellington Town Belt Act (2016)
PSR	Wellington City Council Parks, Sport and Recreation
Reserves Planner	Person in PSR responsible for final sign off of LOA conditions listed below. This will in the first instance be the Manager Open Space & Recreation Planning but that officer may delegate as required to Manager Parks, Sport & Recreation, Manager Parks & Open Spaces, Reserves Planner and Senior Ranger.

No.	Conditions
<b>General conditions and administration</b>	
DC.1	<p>a) Except as modified by the conditions below, and subject to final design and Outline Plan(s), the Project shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement and supporting documents being:</p> <ul style="list-style-type: none"> <li>i) AEE Report, dated 15 September 2017</li> <li>ii) Notice of Requirement Update, dated 29 January 2018</li> </ul> <p>b) Where there is conflict between the documents listed above and these conditions, these conditions shall prevail.</p>
DC.2	<p>As soon as reasonably practicable following the completion of construction of the Project, the Requiring Authority shall:</p> <ul style="list-style-type: none"> <li>a) Review the area designated for the Project</li> <li>b) Identify any areas of designated land that are no longer necessary for the on-going operation or maintenance of the Project or for ongoing mitigation measures</li> <li>c) Give notice to WCC in accordance with section 182 of the RMA seeking the removal of those parts of the designation identified in DC.2 b) above</li> </ul>
DC.3	The designation shall lapse if not given effect to within 10 years from the date on which it is included in the District Plan under section 175 of the RMA
DC.4	<p>The Requiring Authority shall submit to the Council's Compliance Monitoring Officer (CMO) at least 2 months prior to commencement of construction, a detailed programme outlining:</p> <ul style="list-style-type: none"> <li>a) The proposed staging of the works</li> <li>b) The anticipated submission dates of the management plans and outline plans required by these conditions</li> </ul>
DC.5	<p>Prior to commencing any construction works, the Requiring Authority shall arrange and conduct a pre-construction site meeting with the contractor (at a minimum the Project Manager and Site Manager) undertaking the works and invite, with a minimum of 10 working days' notice, WCC's CMO and any other key WCC representatives determined by the CMO.</p> <p><i>Note: In the case that any of the invited parties, other than the representative of the Requiring Authority and the contractor, do not attend this meeting, the Requiring Authority will have complied</i></p>

No.	Conditions
	<i>with this condition, provided the invitation requirement is met.</i>
DC.6	An Outline Plan/s shall be submitted to the Territorial Authority for each stage of works, unless a waiver for this requirement is provided in writing by the WCC Resource Consents Team.
<b>Community Liaison</b>	
DC.7	<p>Prior to commencement of construction, the Requiring Authority shall appoint an appropriately qualified Community Liaison Person (CLP) in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>a) The CLP shall be appointed in consultation with the CMO (the CMO may consult with other parties within Wellington City Council as appropriate).</li> <li>b) Notwithstanding conditions DC7(c) and (d), the CLP shall be responsible for proactively engaging with stakeholders and the community throughout the construction phase of the reservoir, including by arranging a community BBQ with residents, Project staff and contractors prior to the commencement of construction.</li> <li>c) Where a Community Reference Group (CRG) for the Prince of Wales/Omāroro reservoir project is established under the Wellington Town Belt Act, the CLP shall: <ul style="list-style-type: none"> <li>(i) attend CRG meetings, and</li> <li>(ii) be responsible for presenting draft management plans to the CRG for feedback, prior to submission to the CMO</li> <li>(iii) be responsible for working with the CRG to identify opportunities for the Project to create education opportunities associated with the project.</li> </ul> </li> <li>d) Contact details of the CLP shall be made readily available to the CMO, other stakeholders and the community surrounding the subject site.</li> <li>e) The CLP shall be engaged until the completion of construction.</li> </ul> <p><i>Note: For the avoidance of doubt the CLP shall be an individual person and the Requiring Authority shall be responsible for meeting all costs associated with this role.</i></p>
<b>Community Liaison Group</b>	
DC.8	<p><b>Community Liaison Group Formation</b></p> <ul style="list-style-type: none"> <li>a) In the event that a CRG for the Prince of Wales/Omāroro reservoir project is not established under the Wellington Town Belt Act, or that it is disestablished prior to completion of construction, the Requiring Authority shall be responsible for the establishment and coordination of an alternative Community Liaison Group (CLG) and shall appoint an independent chairperson for the CLG in consultation with the CMO.</li> <li>b) Where a CRG has not been established, a CLG shall be formed prior to the lodgement of any management plan/s or any outline plan/s.</li> <li>c) Where a CRG was formed but has been disestablished, invitations to establish a CLG shall be sent to prospective CLG members within 1 month, and an establishment meeting held as soon as reasonably practicable.</li> </ul> <p><b>Community Liaison Group Membership</b></p>

No.	Conditions
	<p>d) Where a CLG is required the CLG shall include as a minimum the following parties:</p> <ul style="list-style-type: none"> <li>(i) A representative from WCC's Compliance Monitoring Team</li> <li>(ii) A representative from WCC's Parks, Sports and Recreation Group</li> <li>(iii) The CLP</li> <li>(iv) The Requiring Authority's Project Manager</li> <li>(v) The Construction/Site Manager</li> <li>(vi) A representative from Mobilise Mount Cook</li> <li>(vii) A representative for Rolleston Street residents</li> <li>(viii) A single representative for residents for the Hargreaves Street, Westland Road, Salisbury Terrace, Salisbury Avenue and Wright Street areas, and</li> <li>(ix) A single representative for residents above the project site for the Asquith Terrace and Dorking Road areas.</li> </ul> <p>e) Where a CLG is required the Requiring Authority shall also invite representatives from the following parties to join the membership of the CLG:</p> <ul style="list-style-type: none"> <li>(i) A Greater Wellington Regional Council Compliance representative</li> <li>(ii) Port Nicholson Block Trust</li> <li>(iii) Te Rūnanga o Toa Rangātira Inc.</li> <li>(iv) A representative from the users of the Scottish Harriers Building</li> <li>(v) A representative from the Friends of the Town Belt</li> <li>(vi) A representative for the local business community</li> <li>(vii) In consultation with WCC's PSR group a representative for sports field users.</li> <li>(viii) A representative from the Papawai Reserve Group.</li> </ul> <p><b>Community Liaison Group Purpose</b></p> <p>f) Where a CLG is required the purpose of the CLG will be as follows:</p> <ul style="list-style-type: none"> <li>(i) To provide a forum for community and stakeholder involvement through which any issues of community interest or concern can be raised and responded to in relation to the construction of the reservoir.</li> <li>(ii) To provide a forum for the Requiring Authority to inform the CLG and its members about progress with management plans and to provide an opportunity for feedback on any draft management plan or outline plan prior to submission to the CMO or WCC.</li> <li>(iii) To consider issues relating to compliance with designation conditions, including management plans and outline plans.</li> <li>(iv) To consider education opportunities associated with the project.</li> </ul> <p><b>Community Liaison Group Meetings</b></p> <p>g) Where a CLG is required the CLG meetings shall be held at times and locations that maximise representation and attendance.</p>

No.	Conditions
	<p><b>Community Liaison Group Costs</b></p> <p>h) The Requiring Authority shall be responsible for any direct costs in running the CLG and CLG meetings.</p> <p><b>Community Liaison Group Attendance</b></p> <p>i) Where a CLG is required the Requiring Authority shall not be in breach of conditions DC.8a)-g) and j)), if any one or more of the CLG parties either do not wish to be members of the CLG or do not attend particular meetings.</p> <p><b>Community Liaison Group Terms of Reference</b></p> <p>j) Where a CLG is required the CLG shall formulate its terms of reference that will include:</p> <ul style="list-style-type: none"> <li>(i) Defined roles and responsibilities of its members to achieve the purpose of the CLG</li> <li>(ii) Procedural matters for the running and recording of any meetings including recommendations from the CLG to the Requiring Authority relating to draft management plan/s and outline plan/s</li> <li>(iii) Determining the frequency of meetings.</li> </ul> <p><b>Community Liaison Group Dis-establishment</b></p> <p>k) Where a CLG is required the CLG shall be dis-established following the completion of construction and the expiry of any related defect liability and landscape/planting maintenance period associated with the Project.</p>
	<p><b>Complaints</b></p>
DC.9	<p>a) At all times during the Works, the Requiring Authority shall maintain a permanent register of any complaints received alleging adverse effects from, or related to, the Works. As far as practicable the register shall include:</p> <ul style="list-style-type: none"> <li>i) The name and address (where this has been provided) of the complainant</li> <li>ii) The nature of the complaint</li> <li>iii) Location, date and time of the complaint and also of the alleged event</li> <li>iv) Weather conditions at the time of the event and including wind direction and approximate wind strength if the complaint relates to air quality or noise</li> <li>v) The outcome of the Requiring Authority's investigation into the complaint</li> <li>vi) Measures taken to respond to the complaint</li> <li>vii) Any other activities in the area, unrelated to the construction, which may have contributed to the complaint (such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally)</li> </ul> <p>b) The Requiring Authority shall:</p> <ul style="list-style-type: none"> <li>i) Acknowledge the complaint within 2 Working Days</li> <li>ii) Promptly investigate, identify the urgency associated with the complaint and communicate that to the complainant</li> <li>iii) Take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint within 10 Working Days of receiving the complaint</li> </ul>

No.	Conditions
	<p>or such sooner time as may be reasonably necessary in the circumstances</p> <ul style="list-style-type: none"> <li>iv) Maintain a record of its responses and any remedial actions undertaken</li> <li>v) This record shall be maintained on site and shall be made available to the CMO and GWRC upon request</li> </ul>
DC.1 0	<p>The complaints process outlined in condition DC.9 shall continue until the completion of construction. Any complaints received after this period shall be managed by the Requiring Authority in accordance with its standard complaints procedures</p>
Management Plans	
DC.1 1	<p>a) The following Management Plans shall be submitted to the CMO for certification either at the same time or post-acceptance of outline plans associated with the construction of the Omāroro Reservoir:</p> <ul style="list-style-type: none"> <li>i) Construction Management Plan (CMP)</li> <li>ii) Earthworks Management Plan (EMP)</li> <li>iii) Construction Traffic Management Plan (CTMP)</li> <li>iv) Site Specific Traffic Management Plan (SSTMP)</li> <li>v) Construction Noise and Vibration Management Plan (CNVMP)</li> <li>vi) Landscape and Ecology Management Plan (LEMP)</li> <li>vii) Playing Fields Management Plan (PFMP)</li> </ul> <p>b) Works must not commence until certification of the management plans is received in writing</p> <p>c) All construction of the Project shall be carried out in accordance with the certified management plans required by these conditions</p> <p>d) The management plans provide the overarching principles, methodologies, and procedures for managing the effects of the Works to achieve the environmental outcomes and performance standards required by these conditions</p> <p>e) The management plans apply to the entire Project (including where it is constructed in Stages) and, for some matters, are sufficient to address construction management without the need for more specific plans. For other matters, there is a need for site-specific plans to provide the necessary level of detail to address requirements within each of the Stages</p> <p>f) The management plans shall be in general accordance with any draft management plan included as part of the AEE</p> <p>g) A copy of the certified management plans shall be made publicly accessible on the Requiring Authority's website</p> <p>h) During the construction period, a copy of all certified management plans shall be kept on site at all times, and be made available to the CMO upon request.</p> <p><i>Advice Note:</i></p> <p><i>Certification of the management plans shall be on the basis that they are consistent with the conditions of the designation.</i></p> <p><i>The CMO will consult with relevant Council staff/consultants in determining the appropriateness of the management plans, and in order to provide any comments back to the Requiring Authority.</i></p>

No.	Conditions
DC.1 2	The Requiring Authority shall submit draft copies of all management plans (as required by condition DC.11) to the CMO for comment at least 20 Working Days prior to the management plans being lodged for certification. If an Outline Plan has not been submitted prior to this occurring, or an outline plan waiver granted, a draft Outline Plan shall also be provided.
DC.1 3	The management plans are not required to include all details for every stage of Work at the time the plan is submitted for certification to the CMO. If further details are to be provided for later Stages of Work, the management plan shall specify which Stages require further certification at a later date. Further details shall be submitted to the CMO for certification prior to construction commencing in the relevant Stage (and work on each stage shall not commence until the relevant management plans are certified).
DC.1 4	The Requiring Authority may request amendments to any of the management plans required by these conditions by submitting the amendments in writing to the CMO for certification at least 10 Working Days prior to any changes taking effect. Any changes to management plans shall remain consistent with the overall intent of the management plan and relevant conditions and achieve the outcomes required by these conditions. The changes sought shall not be implemented until the consent holder has received the CMO written certification for the relevant management plan(s).
DC.1 5	Where any condition requires that a management plan or other plan be certified, if the Plan has not been certified within 3 months of lodgement, or with the agreement of the CMO, the Requiring Authority may elect as an alternative to submit the management plan to WCC Resource Consents Team as an Outline Plan in accordance with section 176A of the RMA, and compliance with section 176A shall be deemed to satisfy the certification requirement.
<b>Construction Management Plan</b>	
DC.1 6	<ul style="list-style-type: none"> <li>a) At least 15 Working Days prior to Commencement of Construction the Requiring Authority shall submit a CMP to the CMO for certification</li> <li>b) The CMP shall address the matters in condition DC.17</li> </ul>
DC.1 7	<p>The CMP shall include details of:</p> <ul style="list-style-type: none"> <li>a) Construction methodologies and construction timeframes, including staging</li> <li>b) Normal working hours, shall be: <ul style="list-style-type: none"> <li>i) For on-site construction activities: 7:30am to 6.00pm Monday to Saturday (excluding public holidays)</li> <li>ii) For earthworks related heavy vehicle movements on public roads: 9:00am -6:00pm Monday to Friday (excluding public holidays)</li> <li>iii) For all non-earthwork related heavy vehicle movements on public roads: 9:00am -6:00pm Monday to Friday (excluding public holidays)</li> </ul> </li> <li>c) An exemption process for approval by the CMO, for any construction work and specialised heavy vehicle movements that cannot be undertaken during normal working hours.</li> <li>d) Staff and contractors' responsibilities</li> <li>e) Public safety</li> <li>f) Training requirements for employees, sub-contractors and visitors</li> <li>g) Environmental incident and emergency management</li> <li>h) Communication and interface procedures</li> </ul>

No.	Conditions
	<ul style="list-style-type: none"> <li>i) Complaints management (in accordance with condition DC.9)</li> <li>j) Compliance monitoring</li> <li>k) Environmental reporting</li> <li>l) Corrective action</li> <li>m) Site inspection and environmental auditing procedures</li> <li>n) Contact details for the person in charge of the works</li> <li>o) Contact details for the CLP</li> </ul>
<b>Earthworks Management</b>	
DC.1 8	<ul style="list-style-type: none"> <li>a) At least 15 Working Days prior to Commencement of Construction the Requiring Authority shall submit an Earthworks Management Plan (EMP) to the CMO for certification</li> <li>b) The EMP shall address the matters in condition DC.19</li> </ul>
DC.1 9	<p>The EMP must include (but not be limited to) the following matters:</p> <ul style="list-style-type: none"> <li>a) An illustrated plan that records the key features of the EMP</li> <li>b) A description of measures to be used to prevent and minimise adverse effects associated with: <ul style="list-style-type: none"> <li>i) dust</li> <li>ii) sediment that may track onto the road network</li> <li>iii) sediment that may enter the stormwater system (including Papawai Stream and the Waitangi Tributary), including secondary sediment and erosion protection measures that will be provided.</li> </ul> </li> <li>c) The methodology to minimise the surface area of un-stabilised earthworks, including stockpiles. The purpose is to decrease the potential for erosion related dust and sediment generation.</li> <li>d) Measures to ensure temporary and permanent excavations, fill areas, and stockpiles remain stable.</li> <li>e) Evidence shall be provided with the EMP demonstrating that measures in condition DC.19 d) have been peer reviewed by a Geotechnical Professional, from a second geotechnical consultancy, and confirming that they are in accordance with current industry best practice and the geotechnical assessment specified in condition DC.20.</li> <li>f) A minimum 10m setback from stockpiles to the northern and eastern boundary of the upper field and the eastern boundary of the lower field unless otherwise recommended in the peer reviewed geotechnical report required by condition DC.20</li> <li>g) Measures to minimise the visual effect of stockpiles through hydro-seeding or other methods where the stockpile will be undisturbed for a period of longer than 2 months</li> <li>h) Nomination of a site person responsible for the implementation of the EMP.</li> </ul> <p><i>Note: Condition 19 (b)(iii) is intended to be given effect to through an Erosion and Sediment control plan that is required as a condition of GWRC's consent ref WGN180065 [35008], [35009], [35010]. It is expected that the ESCP will detail primary and secondary sediment and erosion protection measures to protect the Papawai Stream and the Waitangi Stream tributary. The ESCP will form part of the EMP.</i></p>



No.	Conditions
DC.2 0	<p>a) A geotechnical assessment of the final detailed design shall be prepared by a suitably qualified Geotechnical Professional. The assessment shall review the geotechnical hazards and risks associated with:</p> <ul style="list-style-type: none"> <li>i) Stability of existing banks or retaining walls located below the playing fields</li> <li>ii) Stability of the roadway between the playing fields</li> <li>iii) Differential settlement and potential associated erosion of the proposed fill</li> <li>iv) Stability of proposed fill covering the reservoir and existing slopes to the south east and north of the reservoir</li> <li>v) The conceptual design for the tunnel excavation and access stability</li> </ul> <p>b) The geotechnical report shall be peer reviewed by a Geotechnical Professional from a second geotechnical consultancy, to ensure that the methodology is in accordance with current industry best practice.</p> <p>c) The Requiring Authority shall either implement any recommendations in the peer review, or where any recommendations are not implemented, the Requiring Authority shall explain the reasons why – including the engineering rationale.</p> <p>d) The geotechnical report and the results of the peer review, including any Requiring Authority explanation for not implementing recommendations of the peer review, shall be provided to the CMO at least 15 working days prior to commencement of construction.</p>
DC.2 1	<p>By 6pm every working day earthwork stockpiles shall not exceed the following height limits, measured from the base of each stockpile:</p> <ul style="list-style-type: none"> <li>a) Upper Playing field- 5.5m in height</li> <li>b) Lower Playing field - 7m in height.</li> </ul>
<b>Construction Traffic Management Plan</b>	
DC.2 2	<ul style="list-style-type: none"> <li>a) At least 15 Working Days prior to Commencement of Construction the Requiring Authority shall submit a CTMP to the CMO for certification</li> <li>b) The CTMP shall address the matters in condition DC.23</li> <li>c) The CTMP shall be prepared in accordance with the version of the New Zealand Transport Agency Code of Practice for Temporary Traffic Management (COPTTM) that applies at the time the CTMP is prepared (where there is a change in the normal operating condition of a road). Where it is not possible to adhere to this standard, the COPTTM's prescribed Engineering Exception Decision (EED) process will be followed, which will include appropriate mitigation measures agreed with the Council's Road Asset Manager</li> <li>d) Construction shall not commence until the Requiring Authority has received the Manager's written certification of the CTMP</li> </ul>
DC.2 3	<p>The CTMP shall confirm the procedures, requirements and standards necessary for managing the traffic effects during the Work so that safe, adequate, and convenient routes for local movements by all transport modes are maintained throughout the construction of the Project. In particular, the CTMP should include methods to:</p> <ul style="list-style-type: none"> <li>a) Minimise the disruption to users of local travel routes</li> </ul>

No.	Conditions
	<p>b) Minimise the disruption to local residents' parking, including methods to minimise interference between heavy vehicles and cars using the P10 parking outside the dairy on Wallace Street</p> <p>c) Maintain a safe passage for all travel routes, including road and footpath users affected by the Work</p> <p>In particular, the CTMP shall describe:</p> <p>i) Access to the site for heavy vehicles and contractors' vehicles</p> <p>ii) Details of the 8 temporary car parks for residents on the upper playing field. The Requiring Authority must aim to provide more than 8 car parks where space allows.</p> <p>iii) Access restrictions for bulk earth import and export from the site</p> <p>iv) Mechanisms to coordinate heavy vehicle movements to minimise instances where two construction vehicles meet at the Rolleston Street – Wallace Street Intersection</p>
DC.2 4	<p>a) Prior to construction commencing the Requiring Authority shall carry out a preconstruction survey of Rolleston Street</p> <p>b) Prior to construction commencing, the Requiring Authority shall agree in writing with the CMO (who shall consult with the WCC Road Asset Manager) the nature, extent, frequency and any reporting requirements related to the inspections referred to in condition DC.24 c)</p> <p>c) The Requiring Authority shall carry out inspections of Rolleston Street, the Rolleston/Wallace Street intersection, and Salisbury Terrace to ensure that any potholes and other damage resulting from construction of the Works are identified and fixed as soon as practicable. These inspections will be carried out at the following frequency, unless otherwise agreed in writing by the CMO (who shall consult with the WCC Road Asset Manager):</p> <p>i) Fortnightly during the earthwork excavation period</p> <p>ii) Every two months during the remainder of the construction period, through to the completion of any project defects and liability period.</p> <p>d) The Requiring Authority shall repair pot holes and other damage resulting from the Project to Rolleston Street within 7 days of them being notified to the CLP or CMO. This timeframe may be extended if agreed in writing by the CMO.</p> <p>e) Unless otherwise agreed in writing by the CMO (who shall consult with the WCC Road Asset Manager), within 1 month of the completion of construction, the Requiring Authority shall organise with the CMO and Road Asset Manager a joint inspection of Rolleston Street to determine remedial/repaving works required to reinstate the road surface.</p> <p>f) Any identified remedial works, including repaving, shall be completed within 6 months of the completion of construction, unless otherwise agreed in writing with the WCC Road Asset Manager. The Requiring Authority shall meet all fair and reasonable costs of undertaking this work.</p>
DC.2 5	<p>The Requiring Authority shall ensure that any on street parking removed or relocated during construction of the Project is reinstated within 1 month of completion of construction.</p>
<b>Site Specific Traffic Management Plans</b>	
DC.2 6	<p>a) The Requiring Authority shall submit SSTMPs to the CMO for certification at least 5 Working Days prior to commencement of the relevant traffic management Works</p> <p>b) The SSTMPs shall address the matters in condition DC. 27</p> <p>c) Traffic management shall not be implemented until the Requiring Authority has received the CMO written certification of the SSTMP</p>
DC.2	<p>SSTMPs shall describe the measures that will be undertaken to manage the traffic effects associated</p>

No.	Conditions
7	<p>with construction of specific Stages of the Project prior to construction of the relevant Stage(s) of the Project commencing. Each SSTMP must be consistent with, and be implemented in accordance with, the CTMP. In particular, SSTMPs shall describe, where appropriate:</p> <ul style="list-style-type: none"> <li>a) Temporary traffic management measures required to manage impacts on road users during proposed working hours</li> <li>b) Measures to maintain existing vehicle access to adjacent properties</li> <li>c) Measures to maintain safe and clearly identified pedestrian and cyclist access on roads and footpaths adjacent to the Works</li> <li>d) Any proposed temporary changes in speed limits</li> <li>e) Provision for safe and efficient access of vehicles to and from the construction site</li> </ul>
<b>Construction Noise and Vibration Management Plan</b>	
DC.2 8	<ul style="list-style-type: none"> <li>a) At least 15 Working Days prior to Commencement of Construction the Requiring Authority shall submit a CNVMP to the CMO for certification</li> <li>b) The CNVMP shall address the matters in conditions DC.29-31</li> <li>c) The CNVMP shall be prepared in accordance with the requirements of Annexe E to NZS 6803:1999 'Acoustics – Construction Noise'</li> <li>d) Construction shall not commence until the Requiring Authority has received the CMO's written certification of the CNVMP</li> <li>e) The CNVMP must be prepared by (or certified by) a suitably qualified acoustic specialist</li> <li>f) The CNVMP must be modified at the reasonable request of the CMO to deal with any deficiencies in its operations</li> </ul>
DC.2 9	<p>The purpose of the CNVMP shall be to provide methods to manage noise/vibration appropriately for the variety of circumstances within the Project area by outlining the measures, procedures and standards for mitigating the effects of noise and vibration during construction of the Project so they will meet:</p> <ul style="list-style-type: none"> <li>a) The noise criteria set out in condition DC. 31, where practicable. Where it is not practicable to achieve those criteria, alternative strategies should be described to achieve the best practicable option to minimise the effects of construction noise on neighbours</li> <li>b) The vibration criteria set out in Table 3 of DIN 4150-3: 1999, where practicable. Where it is not practicable to achieve those criteria, a suitably qualified expert shall be engaged to assess and manage construction vibration during the activity that exceed the criteria</li> <li>c) Where on-site construction works and/or heavy vehicle movements need to be undertaken outside of normal working hours (as defined in DC17) night time (8:00pm – 6:30am) work shall be avoided where practicable. Where avoidance is not practicable, the best practicable option shall be adopted to minimise or mitigate noise and vibration effects.</li> </ul> <p><i>NOTE: The intent of DC.29c) is to clarify that activities required to be undertaken outside of normal working hours (defined in DC17) should preferably occur between either 6:30am-7:30am or 6:00pm-8:00pm. Night time activities (8:00pm- 6:30am) should be avoided where practicable.</i></p>
DC.3 0	<p>The CNVMP shall, as a minimum, address the following:</p> <ul style="list-style-type: none"> <li>a) Description of the Works, anticipated equipment/processes and their scheduled durations</li> <li>b) Hours of operation (in accordance with condition DC.17), including times and days when activities causing noise and/or vibration would occur</li> <li>c) The construction noise and vibration criteria for the Project</li> </ul>

No.	Conditions																																											
	<ul style="list-style-type: none"> <li>d) Identification of affected houses and other sensitive locations where noise and vibration criteria apply including a list of Noise Sensitive Receivers (as defined in NZS 6803:1999 'Acoustics – Construction Noise')</li> <li>e) Requirements for monitoring road surface condition to minimise noise and vibration from trucks travelling over potholes and uneven surfaces</li> <li>f) Requirements for building conditions surveys at locations close to activities generating significant vibration, prior to and after completion of construction and processes for repair of any damage caused by the Work</li> <li>g) Mitigation options including alternative strategies where full compliance with the relevant noise and/or vibration criteria cannot be achieved</li> <li>h) Methods and frequency for monitoring and reporting on construction noise and vibration</li> <li>i) Operator training procedures and expected behaviours under the CMP as required by condition DC.17</li> <li>j) Consultation and notification procedures</li> <li>k) Specify an exemption process for approval by the CMO for any construction work that cannot be undertaken during approved working hours.</li> </ul>																																											
DC.3 1	<p>Construction noise shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'. The construction noise shall where practicable comply with the following criteria for the purposes of the CNVMP:</p> <table border="1" data-bbox="311 1075 1204 1702"> <thead> <tr> <th>Time of week</th> <th>Time period</th> <th>dB <math>L_{Aeq}(15 \text{ min})</math></th> <th>dB <math>L_{AFmax}</math></th> </tr> </thead> <tbody> <tr> <td rowspan="4">Weekdays</td> <td>0630-0730</td> <td>55</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>65</td> <td>80</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630-0730</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>45</td> <td>75</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="4">Sundays and public holidays</td> <td>0630-0730</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>55</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>45</td> <td>75</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> </tr> </tbody> </table>	Time of week	Time period	dB $L_{Aeq}(15 \text{ min})$	dB $L_{AFmax}$	Weekdays	0630-0730	55	75	0730-1800	70	85	1800-2000	65	80	2000-0630	45	75	Saturdays	0630-0730	45	75	0730-1800	70	85	1800-2000	45	75	2000-0630	45	75	Sundays and public holidays	0630-0730	45	75	0730-1800	55	85	1800-2000	45	75	2000-0630	45	75
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DC.3 2	<ul style="list-style-type: none"> <li>a) At least 15 Working Days prior to Commencement of Construction or vegetation removal, the Requiring Authority shall submit a LEMP to the CMO for certification</li> <li>b) The LEMP shall be in general accordance with the Landscape Strategy and Ecological Impact Assessment provided in the AEE and address the matters in condition DC. 33</li> </ul>																																											

No.	Conditions
	<p>c) Construction shall not commence until the Requiring Authority has received the CMO written certification of the LEMP</p> <p><i>Advice note: The LEMP may be part of a combined document including the Playing Fields Management Plan.</i></p>
DC.3 3	<p>The purpose of the LEMP is to outline the methods and measures to be implemented prior to the Works, during the construction phase, and for a defined period thereafter to avoid, remedy, and mitigate adverse effects of the construction and the Project on landscape amenity, use and function. The LEMP shall document the permanent mitigation measures, as well as the necessary monitoring and management required to successfully implement those measures during construction and the transition to the Operational phase of the Project.</p> <p>The LEMP shall, as a minimum, address the following:</p> <ul style="list-style-type: none"> <li>a) Final landscape strategy</li> <li>b) Confirmation of an appropriate buffer between the earthworks and waterways including confirmation of waterway location by longitudinal and cross-section survey. In the case of the Papawai Stream the buffer shall be no less than 10m on the stream's west bank (hillside). In the case of the Waitangi Stream Tributary, to the west of the project site, no buffer shall be less than 5m.</li> <li>c) How the final reservoir backfill design will support a smooth integration with adjacent topography and optimise effective revegetation conditions</li> <li>d) Details of replaced pathways through the site, which shall be designed with reference to the WCC "Short Walk Standard"</li> <li>e) Consideration of CPTED principles in relation to the pipe tunnel access door</li> <li>f) Identification of vegetation to be retained, including retention of as many as practicable significant trees and areas of regenerating indigenous vegetation</li> <li>g) Protection measures for vegetation to be retained and vegetation clearance methodology as outlined in condition DC.34, including specifying a requirement that the removal of large trees shall be undertaken by an arborist to minimise damage to adjacent vegetation.</li> <li>h) Under conditions DC.33 f) and (g) above, particular attention shall be given to minimisation of the loss of trees in the Seral Forest B and to the protection of trees in the Seral Forest B that do not need to be removed. Where any vegetation is required to be removed from Seral Forest B, the Requiring Authority shall provide the CMO with a written explanation for why the removal is needed.</li> <li>i) A methodology for the monitoring of the nest boxes required by condition DC. 34 during construction, to be prepared by a suitably qualified and experienced ornithologist</li> <li>j) A methodology for surveying lizard presence prior to vegetation clearance, and minimising effects on lizard populations as required by condition DC.35.</li> <li>k) Details of proposed mass planting and specimen tree planting including plant species, plant/grass mixes, spacing/densities, sizes (at the time of planting) and layout and planting methods. The intention is to achieve a dense canopy of complementary plant communities which will achieve a variation in plant height.</li> <li>l) Planting programme – the staging of planting in relation to the construction programme which shall, as far as practicable, include provision for planting within the first planting season following</li> </ul>

No.	Conditions
	<p>completion of the Project</p> <p>m) Detailed specifications relating to (but not limited to) the following:</p> <ul style="list-style-type: none"> <li>i) Weed control and clearance</li> <li>ii) Ground preparation</li> <li>iii) Mulching</li> <li>iv) Plant supply and planting, including hydro-seeding and grassing</li> <li>v) Proposed maintenance of plantings, including the replacement of unsuccessful plantings</li> <li>vi) Response maintenance for existing vegetation affected by opening of the canopy during construction (this is required to address potential windfall effects that may arise as a result of peripheral tree removal)</li> </ul> <p>n) Subject to achieving the success standards in paragraphs i), ii) and iii) below, there shall be a five year defects liability and maintenance period for all terrestrial planting but the maintenance period may be shorter if the success measures have been achieved earlier. At the end of that period, the Requiring Authority shall provide information to the CMO to demonstrate that the planting has been successful, with success defined as follows:</p> <ul style="list-style-type: none"> <li>i) In relation to mass planting, successful planting shall be defined as 80% canopy closure whereby a sustainable plant community has been established and where plants have grown to create a canopy that shades the ground and suppresses weed growth;</li> <li>ii) In relation to the planting of specimen trees, successful planting shall be defined as 100% plant survival, with 100% of trees in full leaf (if the relevant species is typically in leaf at that time of year) with the trees to have a habit of growth that is normal to the species and are to be sound, healthy and vigorous with normal and well-developed branch systems;</li> <li>iii) Success in relation to wetland and riparian planting shall be defined as nearly as practicable to the criteria in i), or ii) and in any event as agreed by expert ecologists.</li> </ul>
DC.3 4	<p>Prior to any vegetation clearance occurring:</p> <ul style="list-style-type: none"> <li>a) The maximum extent of clearance is to be clearly identified and confirmed by the Project Ecologist in consultation with the Project Landscape Architect and Project Construction Manager</li> <li>b) Vegetation to be retained will be clearly marked on site, with special attention given to large trees and Seral Forest B</li> <li>c) As far as practicable, vegetation clearance will occur outside the breeding season of kaka, falcon, kakariki, and morepork (1 September to 30 March)</li> <li>d) If vegetation clearance must occur during the period identified in condition DC.34 c), a survey shall be undertaken prior to clearance by a suitably qualified and experienced ornithologist to determine if a nest or nests are present. If a nest of any of the species identified in DC. 34c) is located on a tree to be felled, that tree must not be felled until the chick(s) has left the nest</li> <li>e) The Requiring Authority shall engage a suitably qualified and experienced ornithologist to provide a recommendation on the type, location and number of nest boxes that must be installed in adjacent areas of vegetation specifically for resident kaka and morepork.</li> <li>f) Nesting boxes required under DC.34 e) shall be installed under the supervision of the ornithologist prior to the commencement of any tree removal.</li> </ul> <p><i>Advice Note:</i></p> <p><i>Evidence that the above process has been followed is to be provided to the CMO upon request. The</i></p>

No.	Conditions
	<i>CMO shall consult with an ecologist within the Council.</i>
DC.3 5	<p>a) Prior to any vegetation clearance occurring, a lizard survey is to be undertaken of the project site and surrounding area by a herpetologist.</p> <p>b) If any lizards are found or their presence is suspected measures must be developed to minimise the effect of the project on the lizard population, this may include lizard relocation prior to vegetation clearance, and habitat re-creation associated with post construction site remediation and landscaping. These measures must be included in Landscape and Ecology Management Plan required under conditions DC.32 and DC.33.</p>
DC.3 6	Prior to commencing construction the Requiring Authority shall remove and store the existing bench seat and plaque located on the reservoir site. Within six months of the completion of construction the bench seat and plaque shall be re-instated.
DC.3 7	A planting review must be undertaken by a suitably qualified and experienced landscape architect within 3 years of completion of construction of the reservoir. The review will focus on the revegetation and assess the effectiveness of plant growth, particularly on mechanically stabilised slopes. Where required, remedial works shall be undertaken to ensure that planting treatments are successful and have the potential to improve the landscape values of the site. Evidence of this review must be provided to the CMO.
	<b>Playing Fields</b>
DC.3 8	<p>a) At least 15 Working Days prior to Commencement of Construction the Requiring Authority shall submit a Playing Field Management Plan (PFMP) to the CMO for certification</p> <p>b) The PFMP shall address the matters in condition DC.39</p> <p>c) Construction shall not commence until the Requiring Authority has received the CMO written certification of the PFMP</p> <p><i>Advice note: The PRMF may be part of a combined document including the Landscape Ecology Management Plan</i></p>
DC.3 9	<p>The purpose of the PFMP is to outline the methods and measures to be implemented prior to the Works, during the construction phase, and for a defined period thereafter to avoid, remedy, and mitigate adverse effects of the construction and the Project on the Upper and Lower Prince of Wales Park playing fields.</p> <p>The PFMP shall, as a minimum, address the following:</p> <p>a) Final design of the fields including levels and improved drainage (where practicable)</p> <p>b) Surface specifications</p> <p>c) Retaining works, including any retaining structure design, where necessary</p> <p>d) Permanent access for maintenance vehicles to both fields</p> <p>e) Fencing</p> <p>f) Design of the access track between the upper and lower playing fields.</p>
DC.4 0	<p>a) The PFMP shall be prepared in consultation with the Manager, Open Space and Recreation Planning and the Manager, Sports and Recreation Operations and Contracts.</p> <p>b) The PFMP shall demonstrate how the outcomes of the consultation have been incorporated and, where they have not, the reasons why.</p>
DC.4	The Requiring Authority shall not permanently raise the upper and lower playing field as part of the

No.	Conditions
1	<p>Project for the expressed purpose of permanently storing surplus excavated material from the proposed reservoir site.</p> <p>This condition shall not affect or limit any reasonable works required as part of field reinstatement, involving field re-shaping or re-profiling, required to appropriately reinstate playing surfaces as agreed with the Manager Open Space and Recreation Planning and the Manager, Sports and Recreation Operations and Contracts.</p>
DC.4 2	<p>a) There shall be a 1 year defects liability period for works associated with the reinstatement of each of the upper and lower playing fields, including access tracks, retaining walls (where required), fencing and drainage. This 1 year period will commence from the date that the CMO (in consultation with the Manager, Open Space and Recreation Planning and the Manager, Sports and Recreation Operations and Contracts), confirms in writing that the reinstated field or fields, and related tracks, retaining walls, fencing and drainage are suitable for organised sports use and public activities to commence.</p> <p>b) Within the defects liability period the Requiring Authority is responsible for meeting all reasonable costs associated with ensuring the successful reinstatement of the fields.</p> <p>c) At the end of the period in DC.42 a), the Requiring Authority shall provide confirmation to the CMO that the playing field reinstatement, including any required retaining works, permanent maintenance vehicle access works (including the access track between the upper and lower field), fencing and any required defect remedial work/s has been successful. This confirmation shall involve an appropriately qualified and experienced sports turf specialist.</p> <p><i>NOTE: DC42a) includes flexibility to separately stage the reinstatement of the upper and lower playing fields. For the avoidance of doubt, where this occurs the 1 year defects liability period will vary (in terms of its start and end date) for each field.</i></p>
<b>Accidental discovery</b>	
DC.4 3	<p>At least 15 Working Days prior to Commencement of Construction the Requiring Authority shall, in consultation with Port Nicholson Block Trust and Te Rūnanga o Toa Rangātira Inc, prepare an accidental discovery protocol and provide a copy to the CMO and GWRC for information at the time the CEMP is submitted. The protocol shall be implemented in the event of accidental discovery of cultural or archaeological artefacts or features during construction of the Project. The protocol shall include, but not be limited to:</p> <p>a) Identification of parties to be notified in the event of an accidental discovery, who shall include, but need not be limited to Port Nicholson Block Trust, Te Rūnanga o Toa Rangātira Inc, HNZ, WCC, GWRC, and, if koiwi are discovered, the New Zealand Police</p> <p>b) Setting out of procedures to be undertaken in the event of an accidental discovery (these shall include immediate ceasing of all construction in the vicinity of the discovery until authorised to proceed)</p> <p>c) Training procedures for all contractors regarding the possible presence of cultural or archaeological sites or material, what these sites or material may look like, and the relevant procedures if any sites or material are discovered</p>



# **Appendix 3**

## **Greater Wellington Regional Council Resource Consent Conditions**

## Operative Regional Plans

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**[35008]: Discretionary activity**

Water Permit to take and use groundwater for the purposes of dewatering excavations, dust suppression and other purposes related to the construction of the Omāroro Reservoir.

**[35009]: Discretionary activity**

Discharge Permit to discharge stormwater runoff from areas of bulk earthworks and de-watered groundwater both treated with chemical flocculants, to land, the stormwater network or directly to water related to the construction of the Omāroro Reservoir.

**[35010]: Discretionary activity**

Land use consent to excavate land that may intercept groundwater (bore) required to construct the Omāroro Reservoir.

## Proposed Natural Resources Plan

**[35008]: Discretionary activity**

Water Permit to take and use groundwater for the purposes of dewatering excavations, dust suppression and other purposes related to the construction of the Omāroro Reservoir.

**[35009]: Discretionary activity**

Discharge Permit to discharge stormwater runoff from areas of bulk earthworks and de-watered groundwater both treated with chemical flocculants, to land, the stormwater network or directly to water related to the construction of the Omāroro Reservoir.

**[35010]: Discretionary activity**

Land use consent to undertake bulk earthworks of an area of more than 3,000 m<sup>2</sup>, required to construct the Omāroro Reservoir.



## Application for Resource Consent

### NOTICE OF DECISION

<b><u>Address:</u></b>	1 A Westland Road, Mt Cook
<b><u>Legal Description:</u></b>	Part Lot 2 DP 10337
<b><u>Applicant:</u></b>	Wellington Water Limited
<b><u>Proposal:</u></b>	Soil disturbance of contaminated land for the Omaroro Reservoir
<b><u>Owners:</u></b>	Wellington City Council
<b><u>Service Request No:</u></b>	447741
<b><u>File Reference:</u></b>	1057983
<b><u>District Plan Area:</u></b>	Open Space C
<b><u>Notations in District Plan:</u></b>	None
<b><u>Activity Status:</u></b>	<b>Discretionary Activity (Restricted)</b>

#### **DECISION:**

Officers, acting under delegated authority from the Wellington City Council (the Council) and pursuant to section 104C of the Resource Management Act (the Act), **grant resource consent** to the proposal to disturb soil on contaminated land at **1A Westland Road, Mt Cook** (being Part Lot 2 DP10337). Consent is granted with a lapse period of **10 years** from the date of this decision, and is subject to the following conditions:

#### **Conditions of Consent:**

##### General:

- (a) The proposed activity as shown on Beca plan 'Overview Plan' Drawing No. 3262332-DA-1001 Rev A dated 29/05/2019, must be undertaken in accordance with the Beca Limited Contaminated Soils Management Plan dated 7 August 2019 (CSMP) and the information provided with the application Service Request No. 447741.

Note: The conditions relating to the Omaroro Reservoir Designation Number 135 need to be met and an outline plan(s) submitted as necessary.

##### Contamination:

- (b) The consent holder must be consistent with the following standards and guidelines:
- i. Contaminated Land Guidelines No.1 – Reporting on Contaminated Sites in New Zealand (Revised 2011), Ministry for the Environment.
  - ii. Contaminated Land Guidelines No.5 – Site Investigations and Analysis of Soils (Revised 2011), Ministry for the Environment.

- (c) A suitably qualified and experienced practitioner (SQEP) must be involved in a pre-earthworks site briefing with the Engineer's Representative and all personnel involved with the soil disturbance to brief all personnel working on the site of the requirements of the Contamination Soils
- (d) In the event of unexpected contamination and hazardous materials discovery at the site, the Engineer's Representative shall consult with the SQEP who must comply with the procedure outlined in Section 3.2.3 of the Contaminated Soils Management plan.

**Monitoring and Review:**

- (e) Prior to starting work the consent holder must advise the Council's Compliance Monitoring Officer of the date when work will begin. This advice must include the address of the property and the Service Request number and be provided at least 48 hours before work starts, either by telephone on 04 801 4017 or email to [rmonitoring@wcc.govt.nz](mailto:rmonitoring@wcc.govt.nz).
- (f) The conditions of this resource consent must be met to the satisfaction of the Council's Compliance Monitoring Officer. The Compliance Monitoring Officer will visit the site to monitor the conditions, with more than one site visit where necessary. The consent holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with section 36 of the Act. These costs\* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained. More information on the monitoring process is available at the following link:  
<http://wellington.govt.nz/services/consents-and-licences/resource-consents/resource-consent-monitoring>.

\* Please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.

**Notes:**

1. The land use consent must be given effect to within 10 years of the granting of this consent, or within such extended period of time pursuant to section 125 of the Act as the Council may allow.
2. Where appropriate, the Council may agree to reduce the required monitoring charges where the consent holder will carry out appropriate monitoring and reporting back to the Council.
3. This resource consent does not authorise any works that also require consent from the Greater Wellington Regional Council. If necessary, separate resource consent(s) will need to be obtained prior to commencing work.
4. Construction noise is managed through the construction noise controls set out in NZS 6803:1999 and adoption of a best practicable option approach in accordance with section 16 of the Act, to ensure that the emission of noise from the site does not exceed a reasonable level.
5. It is possible that archaeological sites may be discovered in the course of the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches,

banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand Pouhere Taonga (HNZPT) if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as building modification or demolition, earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from HNZPT must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

6. Rights of objection to the conditions specified above may be exercised by the consent holder pursuant to section 357A of the Act. Any objection shall be made in writing, setting out the reasons for the objection within 15 working days of this notification or within such extended period as the Council may in its discretion allow.

**Reasons for Decision:**

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
  2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
  3. The proposal is consistent with the outcomes sought by the relevant National Environment Standard (NES).
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# **DECISION REPORT**

## **NATIONAL ENVIRONMENTAL STANDARDS**

### **The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) came into effect on 1 January 2012. The NESCS applies to land that currently has, or historically had, an activity or industry undertaken on it that is included in the Ministry for the Environment Hazardous Activities and Industries List (HAIL).

The playing fields subject to the proposal (Wellington Town Belt – Recreational purposes for upper and lower fields) have been subject to persistent pesticide use associated with the maintenance of the sports turf. A Detailed Site Investigation (DSI) and two Preliminary Site Investigations (PSI) have been carried out. The DSI concludes that the soil contamination does not exceed applicable standards in Regulation 7 of NESCS. In addition, the Preliminary Site investigation (PSI) for the upper field reported that the site may have been the location of a clay brick manufacturing facility. Therefore the proposed works will be occurring on a HAIL site and are potentially subject to the requirements of the NESCS.

The NESCS terms land that is considered to be ‘potentially or actually affected’ as a ‘piece of land’. Activities on a ‘piece of land’ include subdivision, land use change, soil disturbance, soil sampling and removing fuel storage systems. Resource consent is required in this instance for soil disturbance activities that do not meet the conditions for permitted activities under the NESCS.

## **SITE DESCRIPTION**

The applicant’s Assessment of Environmental Effects (AEE) includes a description of the site and its immediate surroundings. I consider that this description is accurate and it should be read in conjunction with this report.

## **PROPOSAL**

The AEE also includes a description of the proposal that I adopt. The applicant’s proposal description should be read in conjunction with this report. In summary the proposal requires soil disturbance of contaminated land for the Omaroro Reservoir for duration of 10 years.

## **ACTIVITY STATUS**

### **National Environmental Standard:**

Resource consent is required under the following regulation NESCS and rule of the plan:

<b>Regulation 9</b>	<b>Controlled Activity</b>
A DSI exists for the site and organochlorine pesticides are above background concentrations. The proposal does not comply with Regulation 8(3)(c), (d)(ii) and (f) which specifies no more than 25m <sup>3</sup> per 500m <sup>3</sup> soil disturbance, that a maximum of 5m <sup>3</sup> per 500m <sup>3</sup> may be removed off-site and duration of the activity will be no longer than 2 months. Whereas this application proposes 1000m <sup>3</sup> (845m <sup>3</sup> allowed) soil disturbance, 1000m <sup>3</sup> (169m <sup>3</sup> allowed) removed off-site and	

<p>duration of the activity will be longer than 2 months.</p> <p>Resource consent is required as a <b>Controlled Activity</b> in accordance with Regulation 9.</p> <p>The Council’s control is reserved over the following matters:</p> <p>(a) Adequacy of the detailed site investigation;  (b) Activity management, monitoring and reporting;  (c) Transportation, disposal and tracking of soil;  (d) The timing and nature of the review of conditions;  (e) The duration of any works.</p>	
<p><b>Rule 32.2.1</b>  The use of any contaminated land, or potentially contaminated land is a <b>Discretionary Activity (restricted)</b> in respect of:</p> <p>32.2.1.1  The level, nature and extent of contamination in relation to the proposed use, development or subdivision</p> <p>32.2.1.2  The methods to address the risks posed by contaminants to public health and safety</p> <p>32.2.1.3  The effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment</p> <p>32.2.1.4  The approach to the remediation and / or on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment including the provision of a Remediation Plan or a Site Management Plan.</p>	<p><b>Discretionary Activity (Restricted)</b></p>

Overall the proposal is assessed as a **Discretionary Activity (Restricted)**.

#### **WRITTEN APPROVALS**

There were no written approvals provided.

#### **SECTION 95 ASSESSMENT AND DECISION**

##### **Public Notification - Section 95A:**

##### **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)].



Preclusion to Public Notification:

There is no preclusion to public notification as the relevant rule in the District Plan does not preclude notification of the application [s95A(5)(a)] and the application is not for one of the activities listed at sections 95A(5)(b)(i) to 95A(5)(b)(iv) of the Act.

Public Notification – Rule/Adverse Effects:

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). None of the circumstances of the application are exceptional or unusual.

**Limited Notification - Section 95B:**

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)].

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)].

Limited Notification - Affected Persons:

Limited notification is not required as the effects on any person will be less than minor [s95B(8)]. Refer to the assessment of effects and conclusions below.

Special Circumstances:

I have considered 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.

**Public and Limited Notification Decision:**

For the reasons set out above, the application does not require either public or limited notification.

## **ASSESSMENT OF ADVERSE EFFECTS**

### **Potential Adverse Effects – NESCS:**

#### **Contamination:**

The site is not identified on the Greater Wellington Selected Land Use Registry (SLUR) as meeting the Hazardous Activities and Industries List (HAIL) criteria but the site is considered to meet the criteria as it is likely that persistent use of pesticide has occurred for the maintenance of the two sports fields.

A Detailed Site Investigation (DSI) and two Preliminary Site Investigations (PSI) have been undertaken and supplied as part of the application. One of the PSI reports is for the upper field and the other is for the lower field. The DSI was undertaken by Beca (dated 7 August 2019, reference 3262332) covers all the soil disturbance of contaminated land for the Omaroro Reservoir. The DSI report notes potential contamination sources include pesticides use, brickworks and fill containing building materials. The DSI concludes that the soil contamination does not exceed applicable standards in Regulation 7 of NESCS.

The Council's Earthworks Engineer, Mr John Davies, has undertaken an assessment of the proposal, reviewed the Beca report, and notes there are no test results exceeding the NESCS thresholds. Mr Davies noted that there are some heavy metals, pesticides and PHA (Polycyclic aromatic hydrocarbons), therefore the site is considered low risk with respect to contamination. However, due to the proposed scale of the excavation Mr Davies considered it reasonable that monitoring by Suitably Qualified and Experienced Practitioner (SQEP) and development of Contaminated Site Management Plan (CSMP) was undertaken. The applicant's proposal includes a CSMP along with suggested conditions of consent. Mr Davies considers that the application can be supported from a contaminated land view point, if the conditions recommended by the applicant are imposed.

I concur with Mr Davies assessment and accept the applicant's recommended conditions. The applicant was offered a final review of the draft conditions and has agreed to them. I consider that the proposal will have a less than minor effect on human health and on the environment.

#### **Conclusion**

I therefore conclude the overall actual and potential effects to be less than minor with no persons being adversely affected.

## **SECTION 104 ASSESSMENT - SUBSTANTIVE DECISION**

### **Section 104(1)(a) – Effects Assessment:**

#### **Adverse Effects:**

An assessment of the effects on the environment has been made above. 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 and no further assessment is required.

I consider the AEE prepared by the applicant to be a fair and accurate assessment of the likely and potential effects of the proposal. I therefore adopt the applicant's AEE. No further analysis is required.

### Positive Effects:

I consider the proposal to have the following positive effect:

- Provision of the Omaroro Reservoir as a citywide infrastructure asset.

### Conclusion:

Overall, I consider that the effects of the proposal on the environment will be acceptable.

### **Section 104(1)(ab) – Measures to ensure positive effects to offset or compensate for any adverse effects on the environment:**

The applicant has not proposed or agreed to any measures to ensure 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.

In this case I consider that no measures are necessary as the effects on the environment will be acceptable.

### **Section 104(1)(b) - Relevant Planning Provisions:**

I have 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 District Plan.

### **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. As described above, the NESCS is applicable to this application. However, it is my opinion that there are no other National Environmental Standards or any 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.

### **National Environmental Standard:**

I have had regard to the NESCS and the effects of the proposal are acceptable as mentioned above. In particular I consider that the proposal will have a less than minor effect on human health.

### **District Plan:**

I have had regard to the objectives and policies of the District Plan. The following objectives and policies and assessment criteria are considered relevant to the proposal:

- Objective 31.2.1; Policies 31.2.1.2-31.2.1.4.
- Assessment criteria 32.2.1.5 – 32.2.1.8

Regard has been had for the objectives and policies and assessment criteria listed above. Overall, for the reasons discussed in this Decision Report, I consider that the proposal is

acceptable in terms of the assessment criteria and is consistent with the objectives and policies as set out above.

### **Section 104(1)(c) - Other Matters:**

#### **Lapse Period**

The applicant has requested a lapse period of 10 years for this resource consent to align with the Omaroro Reservoir Designation duration. This designation is now included in the District Plan (Designation No.135) with a 10 year duration. The applicant has requested 10 years as restoration of the playing fields will be one of the final phases of the reservoir construction. Therefore the requested lapse period is acceptable for this proposal and the decision accordingly includes a 10 year lapse period.

A note is added to the General Condition above relating to the conditions of the Omaroro Reservoir Designation and the requirement to submit an outline plan(s) as necessary.

There are no other matters that the Council needs to consider when assessing the application.

### **PART 2 – PURPOSE AND PRINCIPLES OF THE ACT**

Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is “*to promote the sustainable management of natural and physical resources*”. Section 5 goes on to state that sustainable management should enable “*people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment*”.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

### **SECTION 108 CONDITIONS**

In accordance with section 108 of the Act, I have included the following requirements, via conditions, on the decision:

- To undertake the proposal in accordance with the information provided within the application and the approved plans.
- Contamination discovery procedure.
- Monitoring and Review.

The Council must not impose conditions under section 108 unless:

1. Section 108AA(1)(a) – The applicant agrees to the condition
2. Section 108AA(1)(b) – The condition is directly connected to:
  - An adverse effect of the activity on the environment (s108AA(1)(b)(i)) and/or
  - An applicable district or regional rule, or NES (s108AA(1)(b)(ii))
3. Section 108AA(1)(c) – The condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

In this case, the conditions satisfy section 108AA(1)(b) of the Act for the reasons discussed above. In addition, the applicant has agreed to the conditions. Therefore section 108AA(1)(a) and (b) are satisfied.

The Council's standard monitoring conditions are applied in accordance with s108AA(1)(c).

## CONCLUSION

### **National Environmental Standard:**

The effects of this proposal are acceptable and the proposal is consistent with the regulations of the NES. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

### **District Plan:**

The effects of this proposal are acceptable and the proposal is consistent with the objectives and policies of the District Plan. Having applied section 104 of the Act resource consent can be granted subject to appropriate conditions.

## REASONS FOR DECISION

The reasons for the decision are informed by the analysis above. The principal reasons for the decision are summarised as follows:

1. Pursuant to section 95A and 95B of the Act, there are no mandatory requirements to notify the application, the effects of the proposal on the environment will be less than minor and there are no affected persons. There are no special circumstances.
2. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
3. The proposal is consistent with the outcomes sought by the relevant NES.

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Report prepared by: Trevor Garnett



**Trevor Garnett**  
Delegated Officer

30 September 2019

Delegated Authority No. (1 & 2)



**Bill Stevens**  
Delegated Officer

30 September 2019