



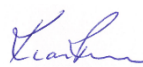


Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision

Consent No.	WGN200317	
Consent ID(s)	[36864] Land use consent - streamworks	
Name	Wellington Water Limited	
Address	Private Bag 39804, Wellington Mail Centre, Petone 5045	
Decision made under	Sections 104B and 108 of the Resource Management Act 1991	
Duration of consent	Granted: 14 July 2020	Expires: 14 July 2055
Purpose for which consent(s) is granted	To extend a stormwater pipe by 3m and install a new stormwater inlet and rock riprap, including the associated temporary diversion of water and permanent partial reclamation of the stream bed, within an unnamed tributary of the Waitangi Stream.	
Location	Waitangi Stream Tributary, Prince of Wales Park, Mount Cook, Wellington 6021 at or about map reference NZTM 1748248.5425912	
Legal description of land	Part Lot 2 DP 10337	
Conditions	See below	

Decision recommended by:	Emily McDowall	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Gwenyth Stewart	Resource Management Consultant to Environmental Regulation	
Decision approved by:	Kirsty van Reenen	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	07/05/20	Application officially received:	07/05/20
S92 Application stopped:	21/05/20	Application started:	29/06/20
Applicant to be notified of decision by:	14/07/20	Applicant notified of decision on:	14/07/20
Time taken to process application:	20 working days		

Consent conditions

Standard conditions

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

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.
3. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

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

Construction methodology

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

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

Note: The updated construction methodology can be emailed to notifications@gw.govt.nz.

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

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

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

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

Temporary diversions within the channel

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

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

Reducing effects on water quality

7. The consent holder shall take all steps to minimise sedimentation and increased turbidity of the Waitangi Stream during the works, including but not limited to:
- a) Completing all works in the minimum time practicable;
 - b) Undertaking works in dry weather conditions, as far as practicable;
 - c) Avoiding the placement of construction or excavated material in the wetted channel;
 - d) Separating all construction activities from flowing water; and
 - e) Installing appropriate sediment control and treatment measures (e.g., silt fences).
8. The consent holder shall ensure that:
- a) All machinery is thoroughly cleaned of vegetation (e.g., weeds), seeds or contaminants at least 10 metres away from any watercourse, water flow channel or stormwater system, prior to entering the site;
 - b) All machinery shall be regularly maintained in such a manner to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water, from equipment being used for the works;
 - c) All contaminant storage or re-fuelling areas are bunded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water; and
 - d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system.
9. The consent holder shall ensure that all vehicles, mobile plant, or machinery is inspected for the presence of invasive or pest aquatic plants including didymo. In the event that an invasive or pest aquatic plant or didymo is discovered upon the vehicle, mobile plant, or machinery it shall be

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

Note: The machinery shall be cleaned in accordance with the Ministry for Primary Industries cleaning methods which can be found at <http://www.mpi.govt.nz/travel-and-recreation/outdoor-activities/check-clean-dry/>.

10. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to contain the spilt contaminant. The spilt contaminants and any material used to contain it shall be removed from the site and disposed of at an authorised landfill. The consent holder shall also immediately notify the Manager, Environmental Regulation, Wellington Regional Council of the spill and actions to be taken.
11. The consent holder shall ensure that no dry cement product, unset concrete, concrete wash water or any water contaminated with concrete enters the flowing channel of the Waitangi Stream or any water during, or as a result of, the works.
12. Upon completion of the works all unused material from the works shall be immediately removed from the bed and banks of the stream and disposed of in an appropriate manner that is to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Freshwater fish

13. Prior to commencing works, the consent holder shall arrange for a suitably qualified freshwater ecologist to undertake fish rescue in accordance with the Wellington Regional Council document "Fish Rescue Protocol for Minor Streamworks" (see **Appendix A**) using methods deemed appropriate by the freshwater ecologist.
14. The consent holder shall arrange for a suitably qualified and experienced freshwater ecologist to inspect and certify that the design of the culvert inlet and rock rip rap to confirm that fish passage has been provided for. The consent holder shall provide a copy of this certification to the Manager, Environmental Regulation, Wellington Regional Council, within 10 working days of the works being complete.

Note: The certification must be emailed to notifications@gw.govt.nz. Please include consent reference WGN200317.
15. The consent holder shall ensure that fish passage is maintained through the site following the completion of works.

Erosion and scour

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

Note: For the purposes of this condition, "stabilised" in relation to any site or area means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method to the reasonable satisfaction of the Manager, Environmental Regulation, Wellington Regional Council and as specified in Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region, September 2002. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once, on reasonable visual

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

Offset planting

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

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

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

Note: Canopy cover is defined as the percentage of ground area covered by planted native vegetation as viewed from vertically above the planted area. It includes all plant tiers (that is, it may be a mix of low growing species plus tree and shrub species).

Maintenance of works

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

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

Photographic record

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

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

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

All submitted photographs shall include:

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

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

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

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

Complaints

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

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

Discovery of artefacts

23. If kōiwi, taonga, wāhi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Trust, Te Rūnanga o Toa Rangatira and Heritage New Zealand as soon as possible but within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and, in consultation with them, identify what should occur before work resumes.

Notification must be emailed to:

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

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

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

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

Removal of structure

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

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

Review condition

25. The Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, at any time for the duration of this consent, for the following purposes:

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

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Notes:

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

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

Appendix A: Fish Rescue Protocol for Minor Stream Works

This protocol applies to:

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

Preparation

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

Inspection and rescue before any works start

3. If diversion of the water flow is included in the works, the part of the stream that is gradually de-watered shall be inspected continuously for stranded fish.
4. A thorough walkover of the stream bed, including any pools or mud, will be done to examine the entire area of the stream for fish, koura or kākahi.
5. Any fish, koura or kākahi found shall be handled with dip nets and/or wet hands or gloves - these make gripping easier and reduce the risk of injury to fish.
6. Any fish, koura or kākahi found shall be photographed, measured and counted, with the details recorded. The record shall be emailed to notifications@gw.govt.nz within five working days, including the location, date and consent number (WGN200262).
7. Any fish, koura or kākahi found shall be put into to a lidded container (as prepared above) of appropriate volume for the number of fish or directly into flowing water upstream of the work area.
8. During any excavation of any part of the stream bed, the top 0.5m of spoil will be spread out in a thin layer on the bank near the stream for inspection. When safe to access the spoil, it will be visually checked for any fish, koura or kākahi.

Transfer and release ASAP

9. Fish, koura and kākahi will be held in containers for as short a time as practicable. If release will not be occurring within 30mins of being found, a battery-powered aerator shall be used in each container, the lidded container will be stored in the shade and the water changed regularly.
10. Fish density and behaviour shall be monitored regularly for any signs of distress (e.g. air gulping).
11. Containers shall not be overstocked and larger eels (>500mm) and koura shall be kept in separate containers to other captured fish to avoid injury or predation. Eels

can be temporarily held in wet sacks as long as they are kept wet, cool and shaded, or in the water.

12. Fish, koura and kākahi will be relocated to suitable habitats within the same stream system with similar flow conditions and similar or better habitat.
13. Upon release, fish, koura and kākahi shall be distributed over a similar length of stream as they were caught, with small fish released first. Large numbers of fish shall not be released in one location to minimise the risk of short term overstocking or predation.

Reasons for decision report

1. Background and proposal

Wellington Water Limited (the applicant) has applied for a land use consent to extend a pipe located in the bed of a stream by 3m and install a new inlet structure and rock riprap, including the associated partial reclamation of the stream bed, in an unnamed tributary of the Waitangi Stream at Prince of Wales Park, Mount Cook, Wellington.

This work forms part of the wider project of works to install a new reservoir, the Omāroro Reservoir, at Prince of Wales Park to increase Wellington's water storage capacity. So that the new reservoir is connected to the wider network, the applicant needs to realign existing water mains and install two buried flow meter chambers and a control valve chamber.

The existing stormwater pipe is being replaced as part of the upgrade of the stormwater network. So that there is enough separation between the works to construct the inlet and the water mains and flow meter chambers, the pipe needs to extend for 3m upstream of its existing position.



Render of the site at the Waitangi Stream following the completion of works.

The works will result in the reclamation of a further 3m of stream bed. It is rare to find a partially daylighted stream in central Wellington, given that most streams are piped for their entire length. Consultation with the Omāroro Reservoir Community Reference Group convinced the applicant of the value placed by the community on the historic Waitangi Stream. The applicant deemed the loss of even 3m of the Waitangi Stream significant enough to warrant some form of environmental offsetting. Following the completion of the construction works, 120 native *Carex* grasses are proposed to be planted over a distance of 30m on the stream banks, along with 120 seral trees and

bulking plants and 12 larger ‘enrichment’ trees. This vegetation will eventually shade out the *Tradescantia* weeds that currently dominate parts of the stream banks. Planting will be done in accordance with the Landscape and Ecology Management Plan approved under the Wellington City Council’s consent for these works.

The works are expected to have a duration of 3-4 days. The key steps are to:

- Temporarily divert the Waitangi Stream by damming it and pumping the water to the nearest manhole.
- Remove the existing pipe inlet.
- Extend the existing pipe 3m upstream from its existing position.
- Install the new stormwater inlet. This involves:
 - Cutting around 10cm into the existing stream bed.
 - Lining the stream bed with geotextile Bidim A29 or a similar product.
 - Placing compacted fill up to a level suitable to install the wingwall.
 - Lowering a Hynds WW0600L wingwall into place using a crane.
 - Fitting the wingwall snugly against the new pipe with epoxy mortar.
- Place rock riprap of D50 150mm hard against the wingwall.
- Place a debris arrestor grill at the entrance to the inlet.
- Cover the exposed pipe and wingwall with backfill and then topsoil.
- Remove the temporary stream diversion.
- Plant native vegetation on the surrounding stream banks for a distance of 30m as specified in the Landscape and Ecology Management Plan.

2. Reasons for resource consent

2.1 Operative Regional Freshwater Plan

RMA section	Rule	Status	Comments
s 15(a) – discharge of contaminants or water into water	1: discharges of water and minor contaminants	Permitted	The applicant has confirmed that the only discharge expected will be sediment and that the conditions of Rule 1 can be met. The discharge of water or contaminants into surface water is a permitted activity .

s 14 – restrictions relating to water	9: Minor diversion of water from an intermittently flowing stream	Permitted	The proposed temporary diversion of water from the Waitangi Stream while the construction works are taking place cannot meet permitted activity rule 9, as the Waitangi Stream is not intermittently flowing. No other rules are applicable. The temporary diversion of water is therefore a discretionary activity under Rule 16.
	16: Taking, use, damming or diversion of water	Discretionary	
s13 – uses of beds of rivers	33: Removal or demolition of structures	Permitted	The applicant has confirmed that the removal of the existing stormwater inlet can meet the conditions of Rule 33. Therefore it is a permitted activity .
	43: Maintenance, repair, replacement of structures	Permitted	The proposed structure is not within 2m horizontal and 1m vertical projection of the old structure. Therefore it cannot meet permitted activity Rule 43.
	49: All remaining uses	Discretionary	As such, the proposed structure, and the associated partial reclamation of the stream bed defaults to the catch-all Rule 49 and as a discretionary activity .
	41: Planting	Permitted	The planting of native trees on the stream banks to restore habitat meets the conditions of Rule 41 and is a permitted activity .

The proposed activity is not located within or near a site identified in the appendices of the operative Regional Freshwater Plan (RFP).

2.2 Proposed Natural Resources Plan

The Proposed Natural Resources Plan (PNRP) was publicly notified by the Council on 31 July 2015. All rules in the PNRP have immediate legal effect under section 86B(3) of the Act. As the application was lodged after 31 July 2015, the PNRP is relevant to determining the resource consents required, activity status, the notification decisions and the substantive assessment of the proposal under section 104 of the Act.

RMA section	Rule	Status	Comments
s 13 – uses of beds of rivers	Rule R118: Removing or demolishing structures	Permitted	The applicant has confirmed that the conditions of Rule R118, including the standard conditions for works in the bed of a river under 5.5.4, can be met. Therefore, the removal of the existing stormwater inlet is a permitted activity .
	Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures	Permitted	The extension of the pipe and installation of the inlet can meet the conditions of permitted activity rule R112. However, this rule does not cover the partial stream reclamation associated with the structure. Rule R115 does not apply in this instance as the structure is not new, and no other rules cover the proposed activity.
	R129: All other activities	Discretionary	The proposal therefore reverts to Rule R129: All other activities in river and lake beds, and is a discretionary activity .
	R123: Planting	Permitted	The planting of native trees on the stream banks to restore the stream habitat meets the conditions of Rule R123 and is a permitted activity .

The ultimate receiving environment for the Waitangi Stream is Te Whanganui-ā-Tara Wellington Harbour, a site identified in the following PNRP schedules:

- Schedule B: Ngā Taonga Nui a Kiwa to Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika.
- Schedule F2C (inland waters): Significant habitats for indigenous birds in the coastal marine area.

Apart from this, the proposed activity is not located within or near a site identified in any schedules of the PNRP.

2.3 Overall activity status

Overall, the activity must be assessed as a **discretionary activity** under the operative Regional Freshwater Plan and a **discretionary activity** under the Proposed Natural Resources Plan.

3. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust	No comments were provided.
Te Rūnanga o Toa Rangatira	No comments were provided.

Other parties or persons	Comments
Department of Conservation	DOC were provided with the application to review in accordance with the Memorandum of Understanding between GWRC and DOC: <u>GWRC EReg and DoC MOU</u> . DOC did not provide any comments.
Wellington Fish and Game Council	As the proposed works do not take place within a waterbody listed in Appendix 4 of the RFP or Schedule I of the PNRP, Fish & Game were not consulted as an interested party.
Jock McNaught, Graduate Engineer, GWRC Flood Protection Department James Flanagan, Senior Engineer, GWRC Flood Protection Department	Mr McNaught reviewed the application from a flooding, erosion and scour perspective. Mr Flanagan reviewed the applicant's response to Mr McNaught's question included in the section 92 request for further information. Mr McNaught's and Mr Flanagan's comments are discussed in Section 5 of this report.
Dr Evan Harrison, Senior Ecologist, GWRC Environmental Science Department	Dr Harrison reviewed the application and provided advice on the impacts on indigenous fish species. His comments are discussed in Section 5.
Owner of property where works taking place	The Wellington City Council has given its affected party approval for this work.
The Community Reference Group, Friends of Wellington Town Belt and the Papawai Stream Group	<p>The applicant consulted with these groups about this application (as well as other amendments to the designation and town belt licence). The groups made the following comments:</p> <ul style="list-style-type: none"> • Concerned that the ecological state of the Waitangi Stream tributary will be degraded, specifically by the loss of 3m of open stream. • Request that the losses be offset • Concern that the values ascribed to the stream in the original Ecological Assessment have been underestimated as the assessment used a Physical Habitat Assessment rather than a Stream Ecological Valuation. • Request for the application to be peer reviewed by an ecological professional. <p>As I discuss in below:</p> <ul style="list-style-type: none"> • There is no feasible alternative to the proposed reclamation • The effects of the reclamation are proposed to be offset • The application has been peer reviewed by Dr Evan Harrison (GWRC Senior Environmental Scientist). Dr Harrison considers the Physical Habitat Assessment to be appropriate.

4. Notification decision

A decision was made to process the application on a non-notified basis on 22 May 2020. Further information on the notification decision is provided in document [#WGN200317-686228992-3](#).

5. Environmental effects

The applicant provided an Assessment of Environmental Effects (AEE) with the application. I concur with all matters discussed in the AEE and adopt the AEE in accordance with section 42A(1B)(a) of the Act. A summary of the most salient points from the AEE is provided below.

5.1 Effects on water quality during construction

Sediment may be discharged during construction works in or near the bed of any watercourse, causing a local and temporary increase in turbidity and suspended solid concentrations. High suspended solid concentrations can have adverse effects on the ecology within the stream, especially if these conditions persist over a long period of time. This has the potential to be harmful to current fish populations as many fish are visual feeders. Furthermore, works in the bed of any water body are likely to directly affect benthic fauna and flora.

I am satisfied that the environmental effects from the installation of the new stormwater inlet on water quality during construction works can be appropriately managed through the recommended consent conditions, particularly conditions which require:

- Works to be undertaken in accordance with the construction methodology assessed as part of the application, or an amended methodology that is submitted by the applicant and certified by GWRC.
- Works to be undertaken during a predicted dry weather period and in the minimum time practicable.
- The use and maintenance of appropriate erosion and sediment control measures.
- The stream channel to be diverted while the works are undertaken so that the active channel is separated from construction activities.

5.2 Effects of ecological habitat

The proposed works will result in the reclamation of 3m of stream bed and therefore a loss of 3m of natural stream bed habitat. While it is regrettable that the Waitangi Stream is proposed to be piped for a further 3m, alternative options were assessed by the applicant. All of the alternative options were considered to be unfeasible.

The applicant has proposed to offset the effects of the reclamation by planting for 30m along the stream banks in native vegetation. As the shrubs and trees grow, they will shade and outcompete the *Tradescantia* weed. Over time this will reduce accumulated sedimentation whilst still providing shading of the active stream channel.

Dr Harrison reviewed the application with respect to effects of the proposed reclamation (as well as effects on freshwater fish discussed later). Dr Harrison advised that the physical habitat assessment undertaken by the applicant's ecologist is appropriate and is a widely used tool. Dr Harrison was happy with

the shading over the stream that would be provided by the planting and considered that this would be a benefit to that section of the stream.

Given there is no feasible alternative to the proposed reclamation and Dr Harrison's comments I am satisfied that the effects of the proposed reclamation will be no more than minor provided the following conditions are complied with:

- Offset planting to be undertaken in accordance with the *Stormwater Inlet Ecological Memo (1 April 2020)* and *Omaroro Reservoir Technical Specification – Waitangi Stream Mitigation Planting* and as approved by Wellington City Council.
- Maintenance of the planting for a minimum period of 5 years.

5.3 Effects on freshwater fish

Construction works in a streambed have the potential to impede the passage of freshwater fish and to negatively impact key recruitment and spawning periods. The permanent placement of a structure in a streambed has the potential to create a new barrier to fish if it is not designed and constructed correctly.

The site is not identified in Schedules F1 or I of the PNRP. The applicant did not discover any fish when they carried out a Rapid Habitat Assessment on 19 February 2020, yet many kōura (freshwater crayfish) were present.

The stream will be temporarily dammed and diverted into the nearest manhole for the 3-4 day duration of the works. Fish will not be able to pass through the stream at this location while the temporary diversion is in place.

To mitigate the impacts of the stream diversion, Dr Evan Harrison, Senior Ecologist, GWRC advised that a suitably qualified ecologist should implement GWRC's fish rescue protocol for small sites prior to the temporary diversion being put in place. This will ensure that any fish or kōura in the area are safely relocated before the works begin. I have included this requirement as a recommended condition of consent.

A debris arrestor will be placed in front of the completed stormwater inlet. Following Dr Harrison's advice, the applicant has confirmed that the chosen arrestor will have 10cm spaces between grills to enable fish passage.

Further to this, Dr Harrison requested that the applicant demonstrate that the design of the inlet structure had been approved by a suitably qualified freshwater ecologist. In response, the applicant provided a letter prepared by Jeremy Garrett-Walker, Freshwater Ecologist at Boffa Miskell Ltd., confirming that the key design elements of the inlet (culvert/pipe, headwall structure and riprap) were consistent with the current guidelines for fish passage through culverts. I am satisfied that the applicant has now demonstrated that a suitably qualified freshwater ecologist has approved the inlet structure's design.

I am satisfied that the environmental effects from the proposed works on freshwater fish can be appropriately managed through the recommended consent conditions, specifically:

- A freshwater ecologist must carry out fish rescue prior to commencing work.
- A suitably qualified and experienced freshwater ecologist is to inspect and sign off the design of the culvert and rip rap to ensure it provides for fish passage and provide this assessment to GWRC

5.4 Effects on erosion and scour

Any structure placed in the bed of a stream has the potential to cause erosion and scour of the stream bed and banks, particularly at the ends of the structure, and on the stream bed below the structure. Surrounding areas that are disturbed during construction need to be managed appropriately.

The applicant has noted that they will backfill the exposed stormwater pipe and wingwall to prevent erosion and scour of the structure and stream bank. The applicant proposes to rapidly stabilise soil that is exposed during the works. Further details will be provided in a final Erosion and Sediment Control Plan (ESCP) which is required through the recommended conditions of consent.

Mr Jock McNaught, Graduate Engineer for GWRC, reviewed the application from a flooding, erosion and scour perspective. Mr McNaught did not have any concerns with the application, but he wished to see evidence that the riprap had been appropriately sized for the location. In response, the applicant provided three documents which detailed the calculations that were run to select this riprap. In Mr McNaught's absence, I received advice from Mr James Flanagan of GWRC's Flood Protection Department. Mr Flanagan confirmed that the calculations were accurate and therefore the riprap was appropriately sized.

I am satisfied that the environmental effects from the proposed works on erosion and scour of the stream bed and banks can be appropriately managed through this recommended consent condition and the conditions requiring that:

- Areas that are cut and disturbed as a result of the works shall be stabilised as soon as practicable following completion of the works.
- The works are maintained and any erosion and scour attributable to the works in the opinion of a suitably qualified engineer are remedied.

5.5 Effects on flooding

Works and structures within a stream bed have the potential to exacerbate flooding effects by altering the cross sectional area of the stream and therefore the flooding spread. Such works can also result in floodwaters being diverted, and reduce the ability of the stream to convey flood waters.

Mr McNaught did not raise any concerns about an increased flooding risk due to the works. I am satisfied that the environmental effects from the proposed works on flooding can be appropriately managed given that the new

stormwater inlet will be of comparable dimensions to the existing inlet and the works will not reduce the flow of water through the stream.

5.6 Summary of effects

Given the assessment above, it is considered that the proposed activity will not result in any more than minor effects when undertaken in accordance with the recommended consent conditions.

6. Statutory assessment

6.1 Part 2

Part 2 of the Act outlines the purpose and principles of the Act. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the Act.

6.2 Matters to be considered – Section 104-108AA

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

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has proposed to plant 30m of the stream banks in native vegetation to offset the adverse effects of reclaiming 3m of stream bed.
104(1)(b)(iii)	National Policy Statement for Freshwater Management 2014	The NPSFM is given effect to through a transitional policy, 5.2.10A, in the RFP, and P66 from the PNRP (see discussion below).
104(1)(b)(v)	Regional Policy Statement	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RPS.
	<i>Objectives / Policies</i>	<i>Comment</i>
	Objective 12	This objective aims to ensure that the quality and quantity of freshwater meets a range of uses and values, supports the life supporting capacity of water bodies, and meets reasonable foreseeable needs of future generations. I am satisfied that the applicant has proposed measures, such as reducing the excavation footprint as much as possible, that will maintain the water quality of the Waitangi Stream tributary. In the long-term, the water quality at

RMA section	Matter to consider	Comment
		this location will be enhanced through the planting of native trees and shrubs.
	Policies 40 & 43	The proposed activity (with recommended conditions such as implementing best-practice fish rescue) will safeguard aquatic ecosystem health and ensure that the aquatic ecological function of water bodies is protected.
	Policies 48 & 49	The principles of the Treaty of Waitangi and matters of significance to tangata whenua have been recognised and provided for. Whilst iwi did not comment on this application, I believe that their interests in maintaining the mauri of the Waitangi Stream have been recognised through the applicant's commitment to restoring the stream banks by undertaking riparian planting.
104(1)(b)(vi)	Regional Freshwater Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the RFP.
	<i>Objectives / Policies</i>	<i>Comment</i>
	Objectives 7.1.1 – 7.1.4	The proposed activity: <ul style="list-style-type: none"> • is an appropriate use of the river bed • does not increase risk of flooding or erosion • does not damage existing lawful flood mitigation works • is consistent with tangata whenua values
	Policy 5.2.10A	I considered the potential adverse effects of the proposal on the life-supporting capacity of the Waitangi Stream ecosystem. I consider that the stream habitat will be preserved when the recommended conditions of consent are followed. These conditions include the requirements to send GWRC a final Erosion and Sediment Control plan for certification prior to the works commencing, and to temporarily divert the stream so that construction activities are separated from flowing water.
	Policies 7.2.1 & 7.2.2	The proposed activity fits with uses of Policy 7.2.1, does not have significant adverse effects on matters identified in Policy 7.2.2 (such as flood hazards and natural amenity values).
	Policy 7.2.15	The applicant investigated alternatives that did not involve any stream reclamation, or which minimised the amount of reclamation required (less than 3m of stream bed). However, these options were not feasible due to the need to be able to access the control valve chambers. The proposed activity, including the associated reclamation, will help ensure that the new

RMA section	Matter to consider	Comment
		Omāroro Reservoir can be built, increasing Wellington's public water supply and providing the city with additional resilience in the case of a disaster such as an earthquake. The Waitangi Stream tributary is not classed as having a high degree of natural character under the RFP.
104(1)(b)(vi)	Proposed Natural Resources Plan	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the PNRP.
	<i>Objectives / Policies</i>	<i>Comment</i>
	Objectives O4, O5, O9, O10, O14, O17, O25, O27, O29, O30, O47	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with these relevant objectives in the PNRP.
	Policy P4	Any adverse effects of the proposed activity have been minimised to the smallest amount practicable. Planting will be undertaken to offset the effects of the reclamation of 3m of stream bed.
	Policies P17 & P 19	The mauri of freshwater and cultural relationship of Māori with water has been recognised. Whilst iwi did not comment on this application, I believe that their interests in maintaining the mauri of the Waitangi Stream have been recognised through the applicant's commitment to restoring the stream banks by planting native trees there.
	Policy P25	The proposed activity avoids significant adverse effects and avoids, remedies, or mitigates other adverse effects on natural character.
	Policy P28	Hard engineering mitigation protection methods are necessary in order to construct the stormwater outlet and prevent it from erosion and scour. These structures have been designed in a way that still allows for fish passage and that does not result in scouring of the stream banks.
	Policy P31	Aquatic ecosystem health and mahinga kai will be maintained or restored. The planting of native trees on the stream banks will over time create a habitat within the stream that is more conducive to native fish if they are able to journey up the downstream piped sections of the stream.
	Policy P34	The proposed activity avoids the creation of new barriers to passage of fish & kōura. The grills on the debris arrestor used over the stormwater inlet will be spaced 10cm apart so that fish can pass between these spaces.
	Policy P66	I considered the potential adverse effects of the proposal on the life-supporting capacity of the

RMA section	Matter to consider	Comment
		Waitangi Stream ecosystem. I consider that the stream habitat will be preserved when the recommended conditions of consent are followed. These conditions include the requirements to send GWRC a final Erosion and Sediment Control plan for certification prior to the works commencing, and to temporarily divert the stream so that construction activities are separated from flowing water.
	Policy P102	This policy provides that the reclamation or drainage of the beds of lakes, rivers and natural wetlands shall be avoided, with a small number of exceptions. One exception is where this reclamation or drainage is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure. This exception applies to the proposed works. However, even where an exception applies, there must be no other practicable alternative methods of providing for the activity. Alternative sites for the inlet were investigated but were discarded as being unfeasible, such as where this would create a safety hazard for the public. 3m of the stream bed is proposed to be reclaimed. Whilst this partial reclamation is not ideal, the applicant is planting native trees on the banks of the stream to offset the adverse effects of reclamation on the stream and to enhance the remaining stream habitat.
	Policy P106	The introduction/removal of plants will be appropriately managed to meet the requirements of this policy. Thorough specifications have been prepared for the planting of native shrubs and trees on the stream banks. These plants will be eco-sourced from the Wellington region.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
104B	The consent authority may grant or refuse the application	If it grants the application, conditions may be imposed under section 108.
108	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet the requirements of s108AA.

6.3 Weighting of the Proposed Natural Resources Plan

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

7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the National Policy Statement for Freshwater Management 2014, Regional Policy Statement and the Regional Freshwater Plan and the Proposed Natural Resources Plan.
3. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.
4. Conditions of the consent will ensure that the effects of the activity on the environment will be appropriately avoided, remedied, mitigated or offset.
5. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

8. Duration of consent

The applicant has not requested a specific duration of consent. As the structure is permanent, I recommend a long consent term of 35 years. This aligns with other consents granted for similar structures.

9. Monitoring

The costs associated with the monitoring of this consent are included with the consent application fee.