



# Resource Consent RESOURCE MANAGEMENT ACT 1991

**Consent No. WGN160340 [34178] & [34179]**

**Category: Land use & Water permit**

Pursuant to sections 104D, 105, 107 and 108, and subject to all the relevant provisions of the Resource Management Act 1991 and any regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

Name	Wellington City Council	
Address	C/-Wellington Water Limited, PO Box 38-098, Wellington Mail Centre, Lower Hutt 5045	
Duration of consent	Granted: 26 September 2016	Expires: 31 December 2023
Purpose for which right is granted	<p>[34178] Land use consent to undertake works in the bed of the Karori Stream to enable the maintenance of the Western Wellington Wastewater Treatment Plant Main Outfall Pipe including;</p> <ul style="list-style-type: none"> <li>• Clearance of slip or flood debris;</li> <li>• Repairing scoured sections of stream bed and banks which affect the pipeline stability;</li> <li>• Replacement of existing parts of the pipeline and associated structures.</li> <li>• Repairs to fords and river crossings; and</li> <li>• Disturbance and redistribution of bed material, including deposition of redistribution material on the bed of the stream to create access and works areas for machinery to safely access the pipeline.</li> </ul> <p>Including any deposition, disturbance or discharge of sediment from bed or bank of the stream to the Karori Stream during maintenance activities.</p> <p>[34179] Water permit to temporarily and permanently divert the flow of the Karori Stream to enable the maintenance of the Western Wellington Wastewater Treatment Plant Main Outfall Pipe including;</p> <ul style="list-style-type: none"> <li>• The diversion of water during maintenance activities; and</li> <li>• The diversion of water to prevent the scour of the bed and banks of the stream where is threatens the stability of the pipeline.</li> </ul>	
Location	Karori Stream, Wellington between approximate map reference NZTM 1742348.5425451 and NZTM 1740402.5421912	
Legal description of land	With the exception of the section of stream which flows though Lots 2 & 3 DP 422854. Section 1 SO 37211, Lot 2 DP 414390, Lot 1 and Lot 20 DP 414390, Lots 17 & 18 DP 366070, Secs 4 & 17 and Pt Secs 13-15, 19, 33 & 50 Terawhiti District, lot 3 DP 5864, Lot 13 DP 366070	

Conditions

1-31 as attached

For and on behalf of  
WELLINGTON REGIONAL COUNCIL



.....  
Team Leader, Environmental Regulation

Date: 26 September 2016 .....

# Summary of your rights and responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

You may exercise the resource consent as you see fit provided that you comply with all the conditions of your resource consent and all other laws of the land.

If you wish to change the way you operate under this resource consent or if you wish to change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You as the holder(s) of this resource consent and your agents (including contractors and employees), are jointly and severally liable for compliance with the conditions of this consent. It is important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC Enforcement Officers access to your site and operation at any reasonable time so that we can inspect your operation and confirm that it is complying with your resource consent.

Your resource consent will lapse if you do not give effect to it within five years of the date it was granted (unless otherwise specified in the resource consent conditions). If you wish to apply for an extension of this lapse date please contact GWRC before the lapse date.

If you stop using your resource consent for a continuous five-year period, GWRC may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is awaiting hearing or awaiting settlement by the Crown.

# Conditions to Resource Consent WGN160340 [34178] & [34179]

## Standard conditions

1. The location, dimensions and design of the works shall be in general accordance with the consent application and its associated plans and photos lodged with the Wellington Regional Council on 29 June 2016 and further information provided via email on the;
  - 13 September 2016 (gravel works platforms to be removed on works completion).
  - 17 September 2016 (final Management and Monitoring Plan)

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

*Note 1: 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.*

*Note 2: No works are consented within the section of stream which flows through Lots 2 & 3 DP 422854.*

2. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent including the Management and Monitoring Plan or Updated Management and Monitoring Plan and Greater Wellington Regional Council Erosion and Sediment Control Guidelines 2002 are kept on site at all times during periods of works under this consent and presented to any Wellington Regional Council officer on request.
3. All works affecting the Karori Stream including tidy up on completion of the works shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
4. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing each time works are required in accordance with this consent.

*Note: Notifications **must be** emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent reference WGN1600340 and the name and phone number of a contact person responsible for the proposed works.*

## Report to identify Key Habitat Areas/Species

5. By the 26 September 2017 the applicant shall submit an Ecological Report, prepared by a suitably qualified ecologist, on key habitats and fish species within the reaches of the Karori Stream subject to this consent.

The purpose of the Ecological Report is to identify key habitats, and suggest methods to manage potential adverse effects on them during any maintenance works on the Main Outfall Pipeline.

The Ecological Report shall include, but not be limited, to the following:

- a) A broad identification of key aquatic habitat types within the sections of stream covered by this consent;
- b) Sample surveys of the fish communities of the aquatic habitat types identified in (a) using the appropriate methodology for the habitat type;
- c) Ranking of identified habitats for ecological significance (high, medium, low) using the fish survey results and knowledge of fish likely to be present within each habitat type, and presentation of this information on a Sensitivity Map to show the extent that each habitat type is represented within the affected section of the stream;
- d) A description of works methodologies and mitigation measures that should be employed to ensure works minimise the adverse effects on the high sensitivity habitat types in the affected stretch of the stream.



26 September 2016

The report and its recommendations shall be submitted to the Manager Environmental Regulation Wellington Regional Council for certification of compliance with this condition.

*Note: it is recommended that consultation is undertaken with the relevant Greater Wellington Regional Council staff prior to finalising the assessment methodology and prior to finalising the report required under this condition to ensure it meets all requirements of the condition.*

6. The methodologies and mitigation measures for high sensitive areas (if any) identified in the report prepared and certified under consent condition 5 shall be incorporated into the final Management and Monitoring Plan submitted via email 17 September 2016 (MMP). A copy of the Updated Management and Monitoring Plan (Updated MMP) shall be provided to the Manager, Environmental Regulation, Wellington Regional Council for certification with this consent condition within one month of the ecological report required by consent condition 5 being completed.

The Updated MMP will not be considered to be active until the consent holder has received written notice that the Updated MMP has been certified as compliant with conditions of this consent.

7. The MMP and subsequent Updated MMP may be reviewed or updated at any time during the exercise of this consent. Any amendments to the MMP (or Updated MMP) shall be submitted to Manager Environmental Regulation Wellington Regional Council for certification as being in accordance with conditions of this consent.

Works prior to the submission of the ecological report and updating of the MMP.

#### Planned Works

8. Prior to the Certification of the Ecology Report under condition 5 of this consent the consent holder shall submit to Wellington Regional Council, 10 working days prior to any work being undertaken, a Proposal for Planned Works to be undertaken in accordance with this consent. Each proposal for planned works shall include but not be limited to:

- A description of the planned works including a detailed timeline and location plan showing the extent of the works;
- A detailed step-by step works methodology covering proposed mitigation measures. The methodology shall be prepared in accordance with the MMP and demonstrate how the conditions of this consent will be met.

Any works areas in the stream bed with dimensions parallel to stream flows in excess of 30 metres (total or combined sections of stream) shall be planned with the input of a suitably qualified ecologist, and details provided as part of the proposal for planned works.

Any stream diversions shall be designed in consultation with an appropriately qualified Chartered Professional Engineer, and details included with the proposal.

No planned works may commence until the consent holder has received written certification from the Manager, Environmental Regulation Wellington Regional Council that the proposal meets the requirements of this condition of consent.

Any Proposal for Planned Works must be submitted to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include consent reference WGN160340.

#### Urgent Works

9. Prior to Certification of the Ecology Report under condition 5 of this consent, within 10 working days of the urgent work being completed, the consent holder shall submit an Urgent Works Report to the Wellington Regional Council, detailing any urgent work that has been undertaken. The report shall contain but not be limited to:

- A description of the urgent works undertaken;
- Reasons why it was not practicable to seek prior approval before undertaking them;
- A location plan of the works area;
- A detailed step-by-step works methodology to demonstrate that urgent works were undertaken in accordance with the MMP, including details of mitigation undertaken to address adverse effects on stream ecology and habitat; and
- Photographs taken as a record during and on completion of the urgent works.

Any stream diversions for urgent works shall be designed in consultation with an appropriately qualified Chartered Professional Engineer, and where practicable an appropriately qualified ecologist and details included with the proposal.

The Urgent Works detailed in the report required by this condition shall not be considered complete until the consent holder has received written certification from the Manager Environmental Regulation Wellington Regional Council that the urgent works and urgent works report meet the requirements of this condition.

Any Urgent Works Reports must be submitted to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include consent reference WGN160340.

*Note 1: **Urgent Works** are identified maintenance works that require an urgent response and cannot be delayed by the approval process in Condition 15 above due to potential adverse effects on the stream environment. They are not emergency works as defined and permitted under section 330 Resource Management Act 1991.*

### Post Certification of Ecology Report

10. After Certification of the Ecology Report under condition 5 of this consent and updating of the Management and Monitoring Plan (Updated MMP) in compliance with condition 6 or 7 of this consent, all planned and urgent works with dimensions parallel to stream flow less than 100m (total or combined sections of stream) shall be undertaken in accordance with the relevant methodologies and mitigation measures set out in the Updated MMP for working within the identified key habitat areas.

*Note: Compliance with Conditions 8 and 9 will not be required once the consent holder has fulfilled all requirements as set out by conditions 5 and 6 of this consent.*

#### Works affecting a streams length over 100m or not in accordance with the MMP

11. After Certification of the Ecology Report under condition 5 of this consent and/or updating of the Management and Monitoring Plan (Updated MMP) in compliance with condition 6 or 7 of this consent, if any planned or urgent works are:
- Unable to comply with the methodologies and mitigation measures set out in the Certified Ecology Report or Updated MMP, and/or
  - Affect 100 metres or more of the stream's length (total or combined sections of stream), the consent holder shall submit documentation to the Manager, Environmental Regulation, Wellington Regional Council as follows:
    - (a) 10 working days before the work commences a proposal for planned works;
    - (b) 10 workings days after work is completed a report covering urgent works.
    - (c) The proposal or report shall be prepared in consultation with an appropriately qualified ecologist. Each proposal or report shall include but not be limited to:
      - A description of the planned/urgent works;
      - Reasons why it is not practicable to comply with the Certified Ecological Report or Updated MMP, or to seek prior approval before undertaking the works, or why the extent of works is required;
      - A location plan of the works area(s);
      - A detailed step-by-step works methodology to demonstrate how the works will be/were undertaken, including details of mitigation; and
      - Photographs taken as a record during and on completion of works.

Any stream diversions shall be designed in consultation with an appropriately qualified Chartered Professional Engineer, and details included with the proposal/retrospective report.

Planned works proposed under this condition shall not commence until the consent holder has received written confirmation of certification by the Manager, Environmental Regulation, Wellington Regional Council that the proposal meets the requirements of this condition.

Urgent works under this condition shall not be considered complete until the consent holder has received written certification from the Manager Environmental Regulation Wellington Regional Council that the urgent works and urgent works report meet the requirements of this condition.

Any Urgent Works Reports or Planned Works proposals must be submitted to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include consent reference WGN160340.

### Photographic records

12. The consent holder shall compile photographic records of the area of works authorised by this consent each time works are undertaken in accordance with this consent. These photographic records shall include, but not be limited to, photographs of the following items:
- a) The location of the proposed works: incorporating the works area and the stretches of the Karori 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 Karori 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 Karori 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 10 working days of the photographs being taken.

All submitted photographs shall include:

- The date the photographs were taken
- The time the photographs were taken
- A description of 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 requirements of the condition shall be considered to be fulfilled when the consent holder has received written certification from the Manager Environmental Regulation Wellington Regional Council that the record meets the requirements of this condition

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

*Note 2: Photographic records, i.e., electronic picture files from digital cameras can be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz). Please include the consent number WGN160340 date and time photographs were taken and a description of the site location (e.g., map reference, address).*

*Note 3: the submission of a photographic record is not required if the photo graphic record has already been submitted in accordance with consent conditions 9 and 11 of this consent.*

### Reducing effects on water quality

13. The consent holder shall take all steps to minimise sedimentation and increased turbidity of the Karori 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 where appropriate (e.g., silt fences)
14. 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, and 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 banded or contained in such a manner so as to prevent the discharge of contaminants to water or to land where it may enter water
- d) No machinery is cleaned, stored or refuelled within 10 metres of any waterbody, water flow channel or stormwater system
15. The consent holder shall ensure that prior to entering the river 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 remove all 'didymo' in the opinion 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.biosecurity.govt.nz/pests/didymo/cleaning>.*
16. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to contain the spilled contaminant. The spilled contaminants and any material used to contain it shall be removed from the site and disposed of at authorised landfill. The consent holder shall also immediately notify the Manager, Environmental Regulation, Wellington Regional Council of the spill and actions to be taken.
17. 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 Karori Stream or any water during, or as a result of the works authorised by this consent.
18. Upon completion of the works (each time works are undertaken) all unused material from the works shall be immediately removed from the bed and banks of the Karori Stream and disposed of in an appropriate manner in the opinion of the Manager, Environmental Regulation, Wellington Regional Council.
19. Crossings of the active flowing channel shall be kept to a minimum and to one path wherever practicable, to minimise sediment disturbance and impacts on instream habitats.

#### Freshwater fish

20. Fish rescue shall be undertaken in accordance with Appendix E of the MMP or Updated MMP (if works are occurring after the submission of the report required under consent condition 5 and updating of the MMP under condition 6 or 7).
21. The consent holder shall ensure that fish passage is maintained at all times during and after any works undertaken in accordance with this consent.
22. To maintain the ecological value of the stream, the streambed is to be reverted back to its original form as far as practically possible after the works are completed. This may include but not be limited to
- Ensuring that there is a variety of pools and riffles along the effected reach of stream
  - Ensuring that there is a variety of widths and depths along the affected reach of stream.
23. No planned in stream works shall be carried out in the active channel (i.e., flowing water in the stream bed) during the key recruitment migration period for native fish species between 1 August to 31 December inclusive.

#### Erosion and scour

24. 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.
- 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.*



## Maintenance of works

25. The works shall remain the responsibility of the consent holder and shall be maintained 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 (in the opinion of the Manager, Environmental Regulation, Wellington Regional Council) is remedied by the consent holder; and
  - b) Any adverse effects caused by the presence of any structure constructed in accordance with this consent that limit or restrict fish passage (in the opinion of the Manager, Environmental Regulation, Wellington Regional Council) shall be rectified by the consent holder; and
  - c) The structural integrity of any structure constructed in accordance with consent 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.*

## Temporary diversions within the channel

26. The consent holder shall ensure that wherever practicable water is diverted around works areas prior to works (excavation and construction) commencing within the streams actively flowing channel. This shall be implemented and maintained in accordance with the methodologies outlined in section 6.8.1 of the MMP or Updated MMP.

## Permanent diversion consents

27. The consent holder shall ensure that any permanent diversions shall be undertaken in accordance with section 6.8.1 of the MMP or Updated MMP and section 6.1 of the GWRC Sediment Erosion Control guidelines (2002). Sediment control and treatment measures shall be installed and maintained around the perimeter of the reclaimed area, to prevent the runoff of sediment laden water into the new stream channel. These measures shall remain in place, and shall be maintained until the reclaimed area is stabilised (in the opinion of the Manager, Environmental Regulation, Wellington Regional Council) and re-vegetated.

*Note: For the purposes of this condition the stabilised has the same meaning as that detailed in condition 22 of this consent.*

28. The consent holder shall ensure that all permanent diversions occur within the defined stream channel (i.e. between the outer limits of the top of the stream banks) and are within the natural variability for the location of the streams flowing channel.
29. The diversion shall remain the responsibility of the consent holder, and any erosion, scour or instability of the stream bed or banks that, in the opinion of the Manager, Environmental Regulation, Wellington Regional Council is attributable to the diversion that is authorised by this consent shall be remedied by the consent holder.

## Complaints

30. 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

31. If koiwi, taonga or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall contact Port Nicholson Block Settlement Trust, Te Rūnanga O Toa Rangatira Inc., Heritage New Zealand and Wellington Regional Council within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

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

## Review condition

32. 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 within three months of the anniversary of the grant of this consent each year for the duration of this consent, for the following purposes:
- To review the adequacy of any report and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
  - To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
  - 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 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.
- 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.

Note: Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact the Wellington City Council prior to commencing works.