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Report to the Hearing Committee
From Dave Rennison, Resource Advisor

Land use consent, water permit and discharge permit applications to undertake edge protection improvements in the Hutt River at Belmont for flood mitigation purposes

1. Purpose

To report to the Hearing Committee on resource consent applications from the Flood Protection Department, Greater Wellington Regional Council (GWRC), under the Resource Management Act 1991.

2. Application

2.1 Applicant

Flood Protection Department
Greater Wellington Regional Council
PO Box 11 646
Wellington

2.2 Consents applied for

2.2.1 WGN030275 [22797]: Discretionary Activities

Land use consent for works in, on, under or over the bed of the Hutt River which include:

- Excavation, extraction and placement of river gravel in the reach of the river;
- Construction of three rock groynes and associated works;
- Construction of 125 metres of rock lining and associated works;
- Construction of six debris fences and associated works;
- Bed and beach re-contouring; and
- Construction of temporary fish bypass culverts, if required.

2.2.2 WGN030275 [22811]: Discretionary Activity

Land use consent (bore permit) to drive piles in the Lower Hutt Aquifer Zone to a maximum depth of 6 metres to construct six debris-fences.

2.2.3 WGN030275 [22812]: Discretionary Activity

Water permit to temporarily divert the Hutt River during construction of the associated edge protection works.

2.2.4 WGN030275 [22813]: Discretionary Activity

Water permit to permanently divert Hutt River flood flows to maintain them within the design alignment.

2.2.5 WGN030275 [22814]: Discretionary Activity

Discharge to water permit to temporarily discharge silt and natural streambed sediments into the Hutt River as part of the above works.

2.3 Location

The location of the proposed works is the true right of the Hutt River, between Carter Street and the north end of Owen Street, Belmont, Lower Hutt, at or about map reference NZMS 260:R27;726.003 (see Diagram 1 for location). The land is owned and managed by GWRC for flood protection purposes.

3. Background

The Flood Protection Department seeks resource consents to upgrade the edge protection along the true right bank of the Hutt River at Belmont. The works are required for flood mitigation purposes, and involve a number of different edge protection techniques, including structural and non-structural works (see Diagram 1 for preliminary design). The works will provide a level of flood protection consistent with the Hutt River Floodplain Management Plan (HRFMP)¹.

4. Proposal

4.1 Overview

The proposed works include the construction of 125 metres of rock, three rock groynes and six debris fences. Associated works will include extracting gravel, re-contouring riverbed material, diverting flowing water (if required), and discharging sediment into water. It is also proposed to increase willow plantings and undertake environmental enhancement (including a walkway, plantings and weed control), although these latter activities do not require resource consent.

¹ The HRFMP was developed by the Wellington Regional Council, Upper Hutt City Council, Hutt City Council, iwi and the Hutt Valley community and completed in October 2001. It proposes both structural and non-structural solutions to manage the flood risk in the Hutt Valley.

The proposed works are similar to other works undertaken in the last five years along the Hutt River, including the rock wall built at Block Road, groynes at Owen Street and debris fences constructed along the true left bank in the Belmont area. The work methodology will be similar to the above works, and the applicant expects the effects will be similar.

The applicant proposes to begin work in October 2003 (at the earliest). The applicant states that works will take approximately 11 months to complete, but that work in the actual riverbed is only likely to occur intermittently over a six month period.

4.2 Construction methodology

The applicant states that best practices and mitigation measures from Flood Protection's Environmental Code of Practice² will be used, where possible, to minimise construction effects. Special care will be taken to prevent damage to private property, structures or other assets. Where possible, trees and vegetation will be retained, and any damage kept to a practical minimum.

Large machinery and vehicles will be used to construct the bank edge protection and will generally work out of flowing water. If necessary, the active channel will be diverted within the riverbed to keep flowing water away from the work site. This may mean a limited amount of work in flowing water is required on occasion to undertake any diversion. Temporary gravel bunds will also be used to keep the flowing water from the work site, thereby minimising sediment in the water column and associated effects on instream biota.

Material will be sourced, as much as is practically possible, from the worksite, keeping traffic movements to a minimum. It is estimated that between 600 to 1,000 cubic metres of gravel will be required to provide fill material for the structures and complete the works. Gravel will be extracted from the riverbed close to the work site. River crossings will be kept to a minimum.

The use of experienced contractors, supervised by Flood Protection staff, will ensure that the works are undertaken to Flood Protection's best practice standards. The contract specifications will include the general approach and sequence of the work, as well as the resource consent conditions to be met, environmental code of practice standards, health and safety considerations, and flooding and erosion issues.

People will be excluded from the construction site, with safety fences and barriers used where practical. Notices and signs will be used to inform the community when works will commence and any potential hazards. Access routes for machinery, as well as material on and off-site, will be clearly sign-posted throughout the construction period. Traffic control will be carried out as necessary to ensure smooth traffic flows and a safe environment for the Belmont community.

² The Environmental Code of Practice was developed in 1998, and contains best practice methods to avoid and mitigate environmental effects arising from the construction, operation and maintenance activities carried out by Flood Protection. It is the supporting document for the operational and maintenance activities undertaken on the Hutt, Waikanae and Otaki rivers.

Structural environmental enhancement work, such as paths, will be undertaken as the construction work proceeds. Other enhancement work, such as planting, will occur once the construction work has been completed. After work has been completed, all surfaces will be finished with rock, gravel or grass as appropriate, and the riverbed reinstated to a “natural” profile. Construction facilities, equipment and materials will be removed from the site and temporary signs and barriers will be taken down when they are no longer required.

The specific works proposed are discussed in further detail below.

4.3 Specific works

4.3.1 Two rock groynes at Charles Street

These groynes will be constructed with d_{50} 1,100mm graded rock³, and will be similar in form and appearance to the groynes located upstream of the work site. The works methodology is as follows:

1. If required, the river flow will be diverted to the true left side of the river. Currently, the river flows along the true left bank, which means this step may be unnecessary.
2. Gravel material will be moved with large machinery within the riverbed to form a temporary bund, which will exclude flowing river water from the construction area, if required. This may require working in the flowing water for a short period of time. Re-instatement of the bund will be required if the bund is washed away.
3. Most of the construction work required will involve large machinery working on the riverbed, in areas contained by bunds.
4. Vegetation will be stripped or removed with large machinery working from the riverbed. Any willow material that can be re-used will be stockpiled and used along the channel edge in the willow buffer zone. Vegetation that cannot be re-used will be disposed of from the work site. Vegetation removal will be kept to the practical minimum required for construction.
5. Topsoil and other silty soils will be removed so that excavation for the construction work can begin. Soil will be stockpiled on-site for re-use.
6. To begin construction of each groyne, the riverbed will be excavated to a depth of around 2 metres below current bed levels.
7. Clean fill (including concrete or brick) from the excavation work above will be stockpiled and used as fill behind the face of the rock lining (see rock lining work description below).

³ This is rock between 0.3 and 1.5 metres in diameter, with an “average” diameter of 1.1 metres.

8. The groyne core will be shaped to design specifications from the excavated gravel material in step 7, supplemented with gravel excavated from the river, if necessary.
9. Graded rock will be delivered to the site and stockpiled in the designated stockpiling areas. A maximum of 1,000 tonnes per stockpile will be stored at any one time. The graded rock will then be placed over the core, load by load, to form the structure to the specified dimensions.
10. Additional fill (either from excavated material or taken from the riverbed) will be placed to form the earth embankment from the rock back to higher ground on the riverbank. Topsoil and silty material will then be used for the final covering layer.
11. Removal of the temporary bund (if used) and re-shaping of the channel bed to a “natural” shape.

4.3.2 One rock groyne at Upper Owen Street

Work will be similar to the Charles Street groyne construction steps 1-11 with the following additions:

1. The existing stormwater outlet and pipes will be removed and a temporary diversion drain with a direct outlet to the river installed.
2. Rock will then be placed to meet the design specifications.
3. At the completion of the placement works, the stormwater outlet will be replaced beside the rock apron of the groyne.

4.3.3 Rock lining

The rock lining will be approximately 125 metres long and 5.5 metres high (with 2.7 metres below the riverbed level). The lining will use d_{50} 650mm graded rock⁴. A bench, at least 4 metres wide, will be formed above the rock. The works methodology is as follows:

1. The worksite will be prepared in the same manner as the Charles Street groyne construction steps 1-5. Large machinery, mainly operating from the bank, will be used to construct the rock lining. Some work may be necessary from the riverbed. If this is required, work will be completed in the dry or behind bunds, if necessary.
2. A trench will be excavated, close to the true-right bank in the riverbed, to the lining’s foundation depth, approximately 2.7 metres below the riverbed.
3. The design batter (1:1.5) will be formed using clean fill excavated from the worksite, gravel excavated from the river and/or quarry material. Machinery will undertake the work operating from the bank, although

⁴ This is rock between 0.2 and 1.0 metres in diameter, with an “average” diameter of 0.65 metres.

some work may be required on the riverbed. River gravels will be used next to form a filter layer. Graded rock will then be brought on site and placed in a manner similar to step 9 above, covering the design batter so that only the graded rock is visible.

4. The bench and bank behind the rock lining will then be finished by a small amount of cut and fill reshaping of the existing bank, if required. If geotextiles are required to finish the earth bank, a layer of well-compacted fine soil materials will be added.
5. Once the work has been completed, the temporary bund will be removed and the bed reshaped to a “natural” profile.

4.3.4 Pile & cable fences (debris fences)

These structures (six in total) will consist of piles driven in lines between 15 and 45 degrees to the bank, and will vary in length according to the design. On each fence a maximum of 10 piles will be driven and then linked by cables and planted with bands of willows. Two of these structures will be protected with rock at the channel end of the fences. The works methodology is as follows:

1. Vegetation will be removed along the line of each fence to allow access for construction machinery and to form the fences to the even design grade. Willow material will be re-used where possible.
2. Piles will be laid out and driven to a depth of approximately 5-6 metres, using a vibrating pile driver or suitable alternative.
3. Cables will then be attached to the piles through cut holes and/or brackets.
4. For the fences with rock snubs, rock will be placed around the channel end of the fence and within a hollow excavated into the channel beach. This will be placed in a similar fashion to the rock groynes above.
5. Willow poles will then be planted along the length of the fence through the vegetation buffer zone. In addition, willow material may be “trenched” in along the channel edge where vegetation has been removed.

4.3.5 Willow and environmental enhancement work

Suitable willow material that was removed as part of the works, may be “trenched” along the channel edge, to strengthen the willow buffer zone. Additional willow poles will be planted to increase the willow density to meet the design requirements. Where required within the buffer zone, willows will be lopped and layered to increase the willow density.

The environmental enhancement concept plan presented in this application builds on the Hutt River Environmental Strategy and consultation undertaken for this project. Key design elements include enhancing the “natural” feel of the reach, providing a greater variety of experiences walking along the river, while being aware of adjoining residents’ privacy concerns and improving street ends. These elements include:

- Forming a track from the end of Carter Street to Richard Street, creating access where formerly there was none;
- Controlling weeds and inter-planting willow areas with native species;
- Ensuring fish passage is enabled at the large culverts, and appropriate wetland species are planted around the culvert outlets;
- Amenity plantings and bollards at the street ends; and
- Placing a gate at the Owen Street access to the river reserve to control vehicle access.

The willow and environmental enhancement work does not require a resource consent.

5. **Other consents and approvals required**

No other consents are required for this proposal. The project site is located in the “River Recreation Activity Area” in the Hutt City Council’s Proposed District Plan and Transitional District Plan. Works consistent with flood protection by GWRC are permitted activities in this zone.

6. **Consultation**

The applicant began consulting with the local community on the proposed works in 2002, with newspaper articles, a process to resolve encroachment issues and information sheets sent to residents.

Another information sheet was sent in early March 2003, inviting Belmont residents to a public meeting at the local hall. The public meeting was held on Thursday 13 March, and comments were invited on the proposed edge protection works and the enhancement proposals. A copy of the draft resource consent application was available for the community at the meeting, and at the community’s request on the GWRC website.

In addition to the above, iwi, the Department of Conservation, the Fish and Game Council and the Hutt Valley Canoe Club were advised in December 2002 of the proposed works and likely effects. A copy of the draft resource consent was sent to these parties and comments invited. Hutt City Council was also consulted over the proposal.

The applicant responded to feedback received during this process by altering the proposal to accommodate suggestions from affected parties.

Consultation with regard to this proposal was built on the much wider consultation process undertaken for the Hutt River Flood Control Scheme Review Public, begun in 1990. The community’s views from this consultation process are summarised in “Living with the River”, produced in November 1996, which in turn is an integral part of the Hutt River Floodplain

Management Plan (HRFMP). Consultation continued with the community, starting in 1998, to develop the HRFMP.

I have also consulted informally with iwi authorities in regard to this application. I have established from Morrie Love, Wellington Tenth Trust, who made a submission in support of the application, that the Tenth Trust do not wish to be heard in support of their submission. I have established from Teri Puketapu, Te Runanganui o Taranaki ki Te Upoko o Te Ika a Maui, that that iwi supports the application.

7. Notification and submissions

In accordance with section 93 of the Resource Management Act 1991 (RMA), the application was publicly notified in *The Dominion Post* on Saturday 7 June 2003 and *The Hutt News* on Tuesday 10 June 2003. In addition, signs with notification details were erected in prominent positions at Belmont Domain and at the ends of Carter and Charles Streets.

Persons considered by GWRC to be directly affected by the proposed activities were individually notified. These parties included:

- Department of Conservation;
- Wellington Fish & Game Council;
- Hutt City Council;
- Wellington Tenth Trust;
- Te Runanganui o Taranaki ki Te Upoko o Te Ika a Maui;
- Hutt Valley Canoe Club; and
- 33 neighbouring residents.

A total of two parties made submissions within the submission period, which closed on Tuesday 8 July 2003. Both submissions were in support of the proposal. A summary of the submissions received is given in Appendix 1.

8. Further information and meetings

No further information was requested. No pre-hearing meeting was held, as there were no submissions in opposition to the proposal.

9. Statutory reasons for requiring resource consents

The Regional Freshwater Plan (RFP) is relevant to the proposed activities. The RFP assists GWRC to sustainably manage the Region's freshwater resources. These rules are not permissive and resource consent for a discretionary activity is required if a proposed activity is contrary to the rules in this plan.

I consider that the proposed works meet the requirements of the RFP. Providing an acceptable level of flood protection to the Hutt Valley community is an important objective of both floodplain management planning and is

consistent with RFP policies 7.2.1 and 7.2.2 (Appropriate Uses with River and Lake Beds), and 7.2.8 (Flood and Erosion Mitigation in River and Lake Beds and on the Floodplain). The proposed works have been identified as a priority works in the HRFMP, in accordance with policy 7.2.6 (Flood and Erosion Mitigation in River and Lake Beds and on the Floodplain). Consultation has been undertaken with iwi, as outlined in the policies of Chapter 4 of the RFP.

The applicant will operate in accordance with its Environmental Code of Practice to ensure that best practice principles are followed in undertaking the work.

With respect to Policy 7.2.11 (Disturbance of River and Lake Beds), it is unlikely that birds will nest on the gravel beaches in the project reach, and no nationally threatened plants have been identified in this area.

The Hutt River is classified in Appendix 4 of the RFP as a Waterbody with Important Trout Habitat. Accordingly, habitat and water quality need to be managed in accordance with policies 4.2.14 and 5.2.3, respectively. The application is in accordance with these policies, in that it has had regard to offsetting adverse effects on trout habitat, and to maintaining a similar bed configuration, and because any discharge to the waters will be temporary.

The river is classified in Appendix 5 of the RFP as a Waterbody with Regionally Important Amenity and Recreational Values. Accordingly, it needs to be managed in accordance with policies 4.2.15 and 5.2.4. The application is consistent with these policies, in that it has had regard to offsetting and minimising adverse effects on amenity and recreational values, and because any discharge to the waters will be temporary.

9.1 Land use consents

9.1.1 Activities in the bed of the river

Section 13 of the RMA (Restrictions on certain uses of beds of lakes and rivers) provides as follows:

- [(1) No person may, in relation to the bed of the bed of any lake or river:*
- (a) Use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or*
 - (b) Excavate, drill, tunnel or otherwise disturb the bed; or*
 - (c) Introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or*

(d) *Deposit any substance in, on, or under the bed; or*

(e) *Reclaim or drain the bed –*

unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent.]

(2) *No person may –*

(a) *Enter or pass across the bed of any river or lake; or*

(b) *Disturb, remove, damage, or destroy any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river –*

in a manner that contravenes a rule in a regional plan or a proposed regional plan unless that activity is –

(c) *Expressly allowed by a resource consent granted by the regional council responsible for the plan;*

Application WGN030275 [22797], in relation to works in the bed of the Hutt River, is not expressly allowed by a rule in a regional plan. The proposed works require consents under sections 13(1)(a), (b), (c), (d) and 13(2)(a), (b) of the RMA.

Rule 49 of the RFP provides for these proposed works as discretionary activities, which require resource consent.

Application WGN030275 [22811], in relation to driving piles, is not expressly allowed by a rule in a regional plan. The activity is a discretionary activity requiring resource consent under Rule 15 of the RFP.

9.1.2 Water permits

Section 14 of the RMA (Restrictions relating to water) requires that:

(1) *No person may take, use, dam or divert any –*

(a) *Water (other than open coastal water); or*

(b) *Heat or energy from water (other than open coastal water); or ...*

unless the taking, use, damming, or diversion is allowed by subsection (3)

where subsection 3 states:

A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if –

- (a) The taking, use, damming, or diversion is expressly allowed by a rule in a regional plan [and in any relevant proposed regional plan] or a resource consent; or*
- (b) In the case of fresh water, the water, heat, or energy is required to be taken or used for –*
 - (i) An individual's reasonable domestic needs; or*
 - (ii) The reasonable needs of an individual's animals for drinking water, - and the taking or use does not, or is not likely to, have an adverse effect on the environment; or ...*

Applications WGN030275 [22812] and [22813], to temporarily and permanently divert water, are not expressly allowed by a rule in a regional plan. The application therefore requires consents under section 14(1)(a) of the RMA.

Rule 16 of the RFP provides for the damming or diversion of water as a discretionary activity, which requires resource consent.

9.1.3 Discharge permit

Section 15 of the RMA (Discharge of contaminants into environment) provides as follows:

- (1) No person may discharge any –*
 - (a) Contaminants or water into water; or*
 - (b) Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
 - (c) Contaminant from any industrial or trade premises into air; or*
 - (d) Contaminant from any industrial or trade premises onto or into land –*

unless the discharge is expressly allowed by a rule in a regional plan and in any relevant regional plan, a resource consent, or regulations.

(2) *No person may discharge a contaminant into the air, into or onto land from -*

(a) *Any place; or*

(b) *Any other source whether moveable or not*
—

in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent or allowed by section 20 (certain existing lawful activities allowed).

Section 2 of the RMA 1991 defines contaminant to include:

Any substance (including gases, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar or other substances, energy or heat –

(a) *When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or*

(b) *When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto which it is discharged.*

The proposal to discharge silt and natural stream bed sediments into the Hutt River is not expressly allowed by a rule in a regional plan. Therefore the proposal needs consent under sections 15(1)(b) and 15(2) of the RMA.

Rule 5 of the RFP provides for the discharge of any contaminant into fresh water as a discretionary activity.

10. **Matters for consideration**

Section 104 of the RMA states the matters that a consent authority must have regard to. These matters are:

- various sections of the RMA;
- the Regional Policy Statement for the Wellington Region;
- the Regional Freshwater Plan for the Wellington Region; and
- the Hutt Floodplain Management Plan.

The relevant sections are listed in Appendix 2.

11. Assessment of effects

11.1 Existing environment

11.1.1 Context

The Hutt River in the area covered by this consent application is highly modified. Flood protection works have been carried out on the river over much of the last century. The floodplain is highly developed, while the river's upper reaches are used for water supply. The river is also a receiving environment for discharges from various sources including smaller streams, road drainage and stormwater outlets.

11.1.2 Tangata Whenua and the river

The Hutt River is also known to tangata whenua as Heretaunga or Te Awa Kairangi. The river is a taonga to tangata whenua.

Important associations between tangata whenua and the river with tupuna (ancestors), mahinga kai (food), and mana are found in the past settlements, gardens, marae and urupa along the river. These areas have special significance for tangata whenua and may be waahi tapu. Sites along the river in this area include Maraenuka pa, a Maori river crossing point, and Motutara pa. However, these pa sites are located further downstream and on the other side of the river.

The river is still regularly used in summer by one or more waka, and for fishing. Tangata whenua maintain their right to take and manage resources from the river. Eels, koura (freshwater crayfish) and watercress are harvested from the river.

11.1.3 Belmont residential area

The project site is located near the Belmont residential area, on the true right bank of the river. There are approximately 150 residential properties in the area; however, less than 30 properties adjoin the project site. The suburb has a quiet residential aspect, and includes Belmont Domain, churches, a pre-school and plunket.

The river channel is separated from the residential area by river reserve land. Flood protection plantings and grass dominate the river reserve, although in some areas residents have encroached and developed gardens on the river reserve. Planting is almost exclusively limited to the river-edge, which is dominated by willows, although some natives are apparent. Weed plants are prevalent, with blackberry, onion weed, fennel, arum lilies and tradescantia abundant.

The work site is located on land owned by GWRC and is managed for flood protection purposes. The land within the project area is zoned "river recreation" in the Hutt City Council District Plan.

11.1.4 Flora and fauna

Studies have identified that up to 33 bird species use the Hutt River channel and bank for bathing, feeding, roosting and general habitat. Kereru, pukeko, paradise ducks and gulls, as well as common introduced species such as sparrows, occur in the vicinity of the work site.

The Hutt River supports a diverse fish population. Twenty-one species of native and introduced fish are known, or are likely to be present, in the river and estuary. Most of these are diadromous⁵. The river supports a healthy and recreationally important brown trout fishery. Many fish species would not remain resident in the Belmont area, but would migrate through reach. For native species, most migration from the sea into the river occurs during spring, and most migration from the river to the sea occurs during summer to mid winter. The Department of Conservation notes that torrent fish and blue gilled bully are present in the reach and are considered to be “priority” fish.

11.1.5 Recreation

Belmont Domain is well used by the local community for a variety of recreational and community activities. The Hutt River is also a regionally significant trout-fishing river. Swimming and rafting occur in the river; however, more popular swimming areas are located further upstream, around Taita rock. There are several rafting entry/exit points along the river, although none are located within the project area. The Hutt River Environmental Strategy notes that there are numerous opportunities through this reach to improve the river berms both visually and for informal recreation.

11.1.6 Landscape

The Hutt River Environmental Strategy identifies the project site as being situated in the Avalon reach, which extends from Melling Bridge in the south to the junction of Harcourt Werry and Taita Drives in the north. In this reach, the river corridor is open and fairly bland with a “managed” character. Areas of successful plantings screen the road, with some gently undulating landforms on the berms. Stretches of dense willow plantings, punctuated by road-sized openings giving access to the water, generally block visual connections with the river.

The Hutt District Plan does not identify any notable trees in the area that would be affected by this proposal.

11.1.7 Historic sites

There are several historic sites along the river in the Avalon reach, including the site of the old Belmont railway station, fossil forest remains, an old groyne and the aforementioned sites of significance to tangata whenua. The old railway station was located near to the present day Kennedy Good Bridge. It is unlikely that any fossil forest or groyne relics remain in this area, as floods and

⁵ Diadromous fish alternate between freshwater and sea at various life history stages.

flood protection works have significantly altered the area over the past 20 years.

The Hutt City Council District Plan does not identify any historic sites in the specific area of the works.

11.2 Effects on iwi values

The relevant iwi authorities have been consulted over the proposal. The Wellington Tenth's Trust has indicated that they have no objections to the project, but would like to see suitable plantings of ngaio and kahikitea included in the planting schedules. Te Runanganui o Taranaki ki te Upoko o te Ika a Maui also support the project.

In general terms, during consultation processes, iwi have identified the following issues as important in flood protection works on the Hutt River:

- providing for native fish passage;
- adverse effects on fish habitat;
- excavation resulting in archaeological finds;
- habitat restoration including lowland forest and bird habitat; and
- using the Hutt River Environmental Strategy as the basis for enhancement works.

In response, with particular regard to this project, the Flood Protection Department has undertaken to:

- undertake works in accordance with the Environmental Code of Practice;
- cease work immediately if taonga or artefacts are found;
- increase planting of native species in the area;
- carry out environmental enhancement in accordance with the Hutt River Environmental Strategy; and
- maintain ongoing relationship and liaison with iwi.

Iwi have not indicated that any particular waahi tapu (tapu or sacred place) will be affected by the works. However, activities such as earthworks or river works may result in the discovery of, or threat to, waahi tapu. I have recommended a condition of consent that, in the event of the discovery of taonga or other artifact material, works shall cease immediately and the relevant authorities shall be contacted.

I consider that this condition, along with the overall design of the project and the proposed mitigation methods, will ensure that any adverse effects on iwi values will be minor.

11.3 Effects on ecology

11.3.1 Instream effects

The applicant states that most of the proposed works will not adversely affect instream values, as the majority of work will take place on dry gravel beaches away from the active channel. Bunds, and the diversion of flowing water, will only be used if required to keep the construction or gravel extraction sites out of flowing water. This will have the effect of minimising effects on instream biota and lessening silt discharges into the main channel.

Activities that are likely to directly affect instream values include:

- the diversion of water within the river channel and bed re-contouring;
- the construction of bunds; and
- river crossings.

The applicant states that the above activities are a minor part of the proposed works, and will be undertaken primarily to minimise the effects of construction activities on instream biota. They state that “the main channel will **only** be diverted if it is required to move the channel away from the true right bank”.

If the main channel is diverted, silt will be released into the main channel, reducing water clarity by increasing turbidity and suspended solid concentrations. High suspended solid concentrations can have adverse effects on the in-stream ecology, if these conditions are maintained over a long period. Reduced water clarity and settlement of particulate matter can reduce primary production and invertebrate feeding efficiency, and may also reduce feeding efficiency of fish. In extreme cases, very high suspended solids concentrations over a sustained period may have direct lethal effects on aquatic plants and invertebrates by smothering, and on fish by clogging gill rakers and gill filaments. If the main channel is diverted, macroinvertebrate and fish habitat will also be disturbed.

To ensure that water quality and instream values are not compromised, the applicant has proposed the following mitigation measures:

- Most work will be undertaken out of flowing water;
- Fuel tanks will be located clear of river channels and drainage ways and the risk of spillage will be closely monitored;
- Vehicles and machinery will not enter or work in flowing water as far as practical. This includes limiting the number of crossing points and working behind bunds;
- Appropriate measures will be undertaken to prevent silt run-off from work sites, and all reasonable steps will be taken to minimise sediment loading and increased turbidity when undertaking works to divert water;

- Works will be undertaken in a manner that provides for fish passage. Any fish entrapped by works will be relocated upstream into clear water as soon as possible;
- No instream work will be carried out in between 31 May and 31 August (trout spawning season);
- Works involving machinery operating in flowing water will cease by 4pm, unless they can be completed by 5.30pm the same day;
- Water will only be diverted for the period necessary to carry out the works.
- On completion of works in the riverbed, the river bed will be reinstated to a “natural” looking profile; and
- Works will be undertaken in accordance with the Environmental Code of Practice.

Although water quality effects will be highly visible for the duration of the discharge, they will be intermittent, of short duration, and recovery will be rapid. I consider that the proposed mitigation measures will ensure that adverse effects in the receiving environment are minimal.

In particular, I note that all of the proposed construction activities are short-term events that will be undertaken only during normal working hours during the week and on Saturdays. Night-time cessation of works will allow a rapid return to ambient water clarity levels each evening. The water quality effects would be highly localised and would be rapidly mitigated by mixing with clean river water, and settling of solids from the water column. The turbidity concentration generated by machinery operating in the channel is likely to fall within a similar range (or less) to that produced by a natural river fresh, but would be limited to a particular reach rather than the whole river, and would be of short duration. Fish are generally able to avoid zones of highly turbid water while suffering little or no adverse effect.

The disturbed area will be relatively small in comparison with similar available habitat in the Hutt River and recovery will be rapid. Studies have shown that, after bed disturbance, periphyton and macroinvertebrate communities begin re-colonising almost immediately, substantially recover after six weeks and reach a steady state after 12 weeks.

In the long term, the water quality effects of installing bank protection structures is likely to be positive, due to increased bank stability, decreased bank erosion and, therefore, decreased sediment input. Permanent bank protection may also reduce the need for in-stream river works such as channel shaping. In addition, with each successive high flow after the works, the river will naturally revert to a pool/run/riffle channel structure. Consequently, any loss of fish habitat caused by diverting flows will be temporary; and the final result will maintain the current number of pool/run/riffle associations in the Hutt River.

11.3.2 Riparian flora and fauna

The applicant notes that some existing riparian vegetation will be lost during construction, but states that this will be minimised where possible and offset by the planting of additional flood protection vegetation. They also note that some native bird species use gravel beaches for nesting, but that predation and disturbance would probably have precluded this reach from being a viable nesting area.

The applicant proposes to mitigate any effects of the works on riparian ecology by undertaking environmental enhancement works over the long term, including the planting of natives, to increase and improve the habitat.

I consider that any adverse effects on riparian ecology are likely to be minor and of short duration. Construction is not likely to have a significant impact on birds or other fauna: there is comparable habitat readily available in the vicinity for the short term; and longer term the amount and quality of habitat will be improved. In addition, the proposed environmental enhancement work and increased riparian plantings will provide more habitat for native species.

11.4 Effects on recreation

The applicant states that during the construction phase, recreational use and enjoyment of the reach will be disrupted. They note that heavy vehicles, machinery and equipment will be on the berms and the riverbed during construction, and that parts of the reach will, at times, resemble a construction site.

The applicant expects that most of the disruption to recreational access will occur on the berms and riverbed as material is stockpiled and construction commences. However, it is expected that the use of the river channel, for activities such as fishing, rafting, canoeing and swimming, will only be restricted if the river channel needs to be diverted. The applicant does not expect such work to be a common occurrence, and notes that any machinery operating in flowing water will cease by 4:00pm unless the works can be completed by 5.30pm the same day.

To mitigate the effects on river users, the applicant proposes to:

- erect appropriate warning and advice signs at the worksite;
- consider river users' safety at all times during construction (employ "duty of care" in undertaking work); and
- restrict access to parts of the site for public safety.

Bearing in mind the limited extent of the works and duration of the construction period, as well as the proposed mitigation measures, I consider that effects on recreation will be minor. I also note that once the works are completed, recreational opportunities will be improved along the western bank of the river, with the proposed enhancement of access between Carter and Edwin Street and to the Hutt River Trail.

11.5 Effects on landscape

The main effect on landscape values arising from the proposal will be from the removal of vegetation. In addition, there will be a change to the visual character of the true right bank of the Hutt River at the project area, due to the placement of rock lining, groynes and debris fences.

The applicant proposes to mitigate the effect on landscape values by:

- retaining existing trees wherever possible;
- providing enhanced and more formalised access along the river; and
- proposed planting, track upgrade and general landscaping in accordance with the Hutt River Environmental Strategy.

Taking into account the modified nature of the reach and the proposed mitigation measures, I am satisfied that effects on landscape values will be minor and temporary. New plantings will eventually replace the existing vegetation, and there will be no long-term adverse effects on landscape values. In fact, I consider that the overall environmental enhancement concepts will improve the landscape of the area.

11.6 Effects on neighbouring community

According to the applicant, Belmont residents will experience short-term effects during the construction period. The level of access, use and enjoyment the community experience throughout the reach may be reduced at times. In addition, heavy machinery and trucks used in the construction works will create dust and noise.

People directly affected will be the adjoining property owners and, to a lesser extent, those people who use the area for recreation. Localised truck movements on and off site may also affect residents in Carter and Owen Streets.

The applicant proposes to mitigate effects on the neighbouring community by the following methods:

- contacting adjoining owners to discuss the works and timetable prior to works commencing;
- limiting work hours to Monday to Saturday, 7am to 7pm, with no work on Sundays or public holidays;
- undertaking all possible measures to ensure that construction work does not damage private property (work will not take place on private property, minimising the potential for damage to occur);
- using approved construction practices as well as the Environmental Code of Practice to minimise construction effects; and

- taking all necessary steps to minimise dust levels, including watering stockpiles, restricting the movement of topsoil during certain wind conditions, and delineating access and parking areas to limit truck movements.

I am satisfied that any adverse effects on the community will be short term and minor. The lack of any submissions in opposition to the works is testament to the level of comfort within the community with regard to the proposal. I also consider that the project will have substantial benefits to the community, in that the level of flood protection, access and amenity in the area will be improved.

11.7 Effects on flood protection system

The applicant notes that currently, in the event of a large flood, significant flood erosion and damage could occur at the site of the proposed works. They note that improving the level of bank edge protection in the Belmont area is a priority in the HRFMP.

The applicant states that the proposed works will have a positive effect in reducing the risk of bank erosion. They also note that the proposed construction methodology will maintain the current level of flood protection at all times during the project. Particular measures to manage the flood risk are:

- GWRC Flood Protection staff will oversee the works and ensure the erosion risk is minimised during the construction period;
- a contingency plan, including a flood warning response plan, will be devised with the contractors, addressing any potential flood hazards;
- stockpiles will be no more than 3 metres in height and will be aligned in such a way that flood waters will not be diverted into the surrounding neighbourhood; and
- gravel will be extracted in accordance with the 2001 guidelines⁶.
- I am satisfied that the above measures will adequately address the flood risk during construction. I consider that long-term, the works will have a significant positive effect on the level of flood protection in the area, including increased safety and protection of property from flood damage.

11.8 Effects on Hutt river resources

11.8.1 Hutt River aquifer

The Hutt River aquifer is an important resource for the Wellington Region. A bore permit is required, as the debris fence piles will be driven to a depth of 5-6 metres within the area identified as the “Lower Hutt Aquifer” zone. After consulting with Andrew Jones, GWRC groundwater scientist, I consider that

⁶ Hutt River Floodplain Management Plan: Optimum Bed Level Guidelines and 1998 Bed Level Assessment (Optimix Ltd, 2001).

there will be no effect on the Lower Hutt Aquifer as a result of undertaking the proposed works.

11.8.2 Hutt River gravel

The Hutt River's gravel resource is managed by the Flood Protection Department as part of managing flood hazards. An over-supply of gravel can result in flood capacity being lost in the floodway, while the over-extraction of gravel can result in erosion occurring to bank edge protection. According to the applicant, the last analysis of the riverbed (undertaken in 1998) indicated that due to increasing bed levels, the bed could be lowered throughout the Avalon reach without endangering rock toe levels or exposing bank edges to erosion.

According to the applicant, the proposed extraction of gravel will not occur below the relevant trigger levels, meaning that the extraction is sustainable and will not affect the integrity of the flood protection system. I consider that the Flood Protection Department is in the best position to judge the appropriate levels of gravel extraction from the Hutt River, and I do not consider that the extraction will have any adverse effects on the river system.

11.9 Alternatives considered

In accordance with clause 1(b) of the Fourth Schedule of the RMA, an assessment of alternative locations for an activity is required if it is likely that the activity will result in any significant adverse effects on the environment. In this instance, I consider that there are no viable alternative locations for this activity, as it is designed to mitigate a specific flood management issue.

The applicant has investigated a range of alternative designs for the site. According to the applicant, the three most practical ways of strengthening river banks in this area are rock rip-rap, rock groynes and debris fences. There are various advantages and disadvantages with each method in terms of cost, practicality and effectiveness, and the applicant has chosen what it considers to be the best combination of the three options to meet the needs of the site.

A "do nothing" option has not been considered in the application as this option was considered and rejected as part of the HRFMP process.

11.10 Summary of effects on the environment

In summary, I consider that the adverse environmental effects from this proposal will be minor.

Effects on the ecology of the area will be minor and temporary. Adverse effects will be mostly limited to the construction period and will affect only a relatively small part of the Hutt River environment. Most work will take place out of flowing water, and the proposed mitigation measures and recommended consent conditions will ensure that adverse effects are avoided, remedied or mitigated.

Effects on iwi values will be minor as there are no waahi tapu in the immediate area and iwi concerns have been addressed through the consultation and planning process. Effects on landscape values will be negligible and will be remedied by appropriate planting and environmental enhancement work. Recreational users and the neighbouring community may experience some inconvenience during construction, but this effect will be temporary and mitigated by appropriate construction measures. Effects on Hutt River resources will be minor.

The proposal will be a positive addition to the flood protection system in the area, and will have flow-on positive effects for recreational, landscape and amenity values and for the safety and security of the neighbouring community.

12. Statutory Evaluation

12.1 Resource Management Act 1991 (RMA)

The matters to which GWRC (as consent authority) shall have regard to when considering applications for resource consents and related submissions are set out in Sections 104 and 107 of the RMA; and the circumstances in which it can make a decision to grant a resource consent are set out in Section 105. Sections of the relevant polices are set out in Appendix 2 of this report.

In summary, subject to Part II of the Act, the following matters in Section 104(1) are relevant to these applications:

- (a) Any actual or potential effects on the environment;
- (c) Any relevant provisions of the Regional Policy Statement for the Wellington Region (RPS);
- (d) Any relevant objectives, policies, rules or other provisions of the Regional Freshwater Plan for the Wellington Region (RFP);
- (i) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Further, in relation to any application for a discharge permit, Section 104(3) requires that the consent authority shall, in having regard to the actual and potential effects on the environment of allowing the activity, have regard to:

- (a) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and
- (b) Any possible alternative methods of discharge, including discharge into any other receiving environment.

Section 105(1)(b) states that after considering an application for a resource consent for a discretionary activity, a consent authority may grant or refuse consent, and (if granted) may impose conditions under section 108.

Section 108(1) specifies the types of conditions that may be included in resource consents, and section 108(3) authorises conditions requiring monitoring.

12.1.1 Sections 2 and 3 (Interpretation)

Section 104(1)(a) of the RMA requires that consideration is given to the actual or potential effects on the environment of allowing the activity. In the RMA the terms “environment” and “effects” have been defined as follows.

The term “environment” includes:

...ecosystems and their constituent parts, including people and communities; all natural and physical resources; amenity values and the social, economic, aesthetic and cultural conditions...

The term “effect” includes:

...any positive or adverse effect; any temporary or permanent effect; any past, present or future effect; and any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect, and also includes; any potential effect of high probability; and any potential effect of low probability which has a high potential impact.

12.1.2 Section 5 – Purpose and Principles

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The considerations of Section 104 are all subject to Part II of the RMA. “Subject to” gives primacy to Part II and is an indication that this provision shall prevail. In the case *Gardner v Tasman DC* (1994) NZRMA 513 the then Planning Tribunal expressed the view that “subject to” meant that the purpose and principles are an overriding guide when construing the provisions of the RMA.

Within this framework, it is considered that approving these resource consent applications, subject to conditions, will enable the people and communities of the Hutt Valley to provide for their social, economic and cultural well-being and for their health and safety.

12.1.3 Section 6 – Matters of National Importance

In exercising its powers and functions under the RMA, GWRC is required to recognise and provide for the matters set out in Section 6, which are considered to be of national importance.

The effects of the proposed works on these matters is discussed in section 11 of this report, and the general conclusions in that regard are that the works within the river and the discharge of sediments will have minor adverse effects on the receiving environment.

With regard to sections 6(a) and 6(d), I consider that the proposal will not unduly affect the natural character of the river, and that it will provide for the maintenance and enhancement of public access to the river. With respect to Section 6(e) of the RMA, GWRC recognises the tangata whenua who have relationships with the Hutt River. The applicant has consulted with iwi, and concerns have been addressed in the application and by the recommended conditions.

12.1.4 Section 7 – Other Matters

The other matters to which GWRC must have regard are listed in Section 7 of the RMA.

Section 7(a) provides opportunities for tangata whenua, through the practical expression of kaitiakitanga (the exercise of guardianship), to be involved in managing the use, development and protection of their ancestral taonga (resources). This highlights the importance of ongoing consultation with tangata whenua as the proposed works proceed. In relation to the matters set out in Section 7, the effects of the proposed works have been discussed in depth, and it is considered that, subject to the suggested conditions, the intentions of the Section 7 provisions will be satisfied.

Section 7(h) is particularly pertinent, being for the protection of the habitat of trout and salmon. I note that the proposal, combined with the recommended conditions, will provide for the protection of the important trout habitat in the area.

12.1.5 Section 8 – Principles of the Treaty of Waitangi

In considering the applications, GWRC is required to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Waitangi Tribunal and Courts continue to establish the principles of the Treaty of Waitangi and it is recognised that the principles are continuing to evolve. Two key principles that are of relevance to these applications are active protection and consultation.

The general requirements of consultation have been well established by the judiciary and Courts both within and outside the RMA. The consultation process undertaken by the applicant appears to be adequate and the applicant has demonstrated all the principles of consultation established by the Courts.

12.2 Regional Policy Statement for the Wellington Region (RPS)

The RPS (operative in May 1995) is a statement about the resource management issues of significance to the Region, and the objectives, policies and methods which are designed to achieve integrated management of the natural and physical resources of the whole region. GWRC, in exercising its functions and powers, needs to have regard to the relevant provisions of this document as follows.

12.2.1 Chapter 4 – The Iwi Management System

Chapter 4 states the broad issues of resource management significance to tangata whenua of the Region. In general, it states that: there are increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to resources; and the principles of the Treaty of Waitangi need to be taken into account in resource management.

12.2.2 Chapter 5 – Fresh Water

Chapter 5 contains objectives, policies and methods which address water quality issues in terms of both the character of the water, encompassing the health and other values of ecosystems, and the sediments or contaminants that may be carried in or deposited by that water.

I consider that the adoption of the mitigation measures outlined in the application together with the suggested conditions of consent will contribute to the treatment of long-term water quality, and will ensure that any adverse effects of sediment discharges in the short-term are mitigated. Therefore, I consider the application is consistent with the policies in Chapter 5 of the RPS.

12.2.3 Chapter 9 – Ecosystems

Chapter 9 contains the objectives, policies and methods which address ecosystems and generally address the sustainable management of ecosystems. I consider that the application is consistent with these provisions.

Chapter 11 – Hazards

Chapter 11 contains objectives, policies and methods which address the risks and management of natural hazards faced by the Region. This application is consistent with the agreed outcomes of the Hutt River Floodplain Management Plan process, which is consistent with the policies of Chapter 11 of the RPS.

12.3 Regional Freshwater Plan for the Wellington Region (RFP)

The RFP contains issues, objectives and policies relevant to the applications. These have been discussed in Section 9 of this report, and are outlined in full in Appendix 2.

I consider that the proposed construction methodology and mitigation measures proposed in the application, together with the suggested conditions of consent, will meet the intentions of the relevant policies.

13. Matters relating to grant of discharge permit application

Section 107 of the Act provides:

- (1) *Except as provided in subsection (2), a consent authority shall not grant a discharge permit [...to do*

something that would otherwise contravene section 15][or section 15A] allowing-

(a) The discharge of a contaminant or water into water; or

[(b) A discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or]

[(ba) The dumping in the coastal marine area from any ship ...]

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar or other contaminants or water), is likely to give rise to all or any of the following effects on the receiving waters:-

(c) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

(d) Any conspicuous change in the colour or visual clarity:

(e) Any emission of objectionable odour:

(f) The rendering of freshwater unsuitable for consumption by farm animals:

(g) Any significant adverse effect on aquatic life.

(2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 [...] that may allow any of the effects described in subsection (1) if it is satisfied-

(a) That exceptional circumstances justify the granting of the permit; or

(b) That the discharge is of a temporary nature; or

(c) That the discharge is associated with necessary maintenance work-

and that it is consistent with the purpose of the Act to do so.

- (3) *In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon expiry of the permit, the holder can meet the requirements of subsection (1) and of any relevant regional rules.*

I consider that the discharge permit application is covered by section 107(2) of the Act, because any discharge will be of a temporary nature. In addition, at most times during the proposed works, adverse effects will be minor, providing conditions controlling sedimentation are complied with. The effects should cease once construction is completed.

14. **Conclusions**

I consider that the effects of the proposed activities are minor, and the adverse effects on the environment can be satisfactorily avoided, remedied or mitigated by imposing appropriate consent conditions.

The applicant has acknowledged the potential adverse and positive effects of the works, has incorporated mitigation measures to avoid, remedy or mitigate adverse effects from the proposed works, and has included measures as part of environmental enhancement works.

I consider that the proposed works will not have a long-term effect on the values of the receiving environment. I consider that the proposed mitigation measures, work methodology and proposed conditions of consent will mitigate any short-term effects on those values.

I further consider that, once completed, the proposal will have a range of positive effects on the flood protection, recreational, landscape and amenity values of the area.

15. **Recommendation**

I recommend, pursuant to sections 105, 107, and 108 of the Resource Management Act 1991, that the Greater Wellington Regional Council grant consents WGN030288 [22797], [22811], [22812], [22813] and [22814], subject to the suggested conditions of consent.

If the consents are granted, I recommend the following term for the consents and suggested conditions to avoid, remedy or mitigate any adverse environmental effects.

16. **Term of the consents**

The applicant has requested a term of five years for all the consents. I consider five years to be an appropriate term for land use consent WGN030288 [22811]

(bore permit), water permit WGN030288 [22812] (temporary diversion) and discharge permit WGN030288 [22814] (temporary discharge). These will be relatively short-term works that should be completed within a year, but some latitude needs to be provided to allow for any unforeseen delays the applicant may experience.

I consider that land use consent WGN030288 [22797] (works in the bed of the Hutt River) and water permit WGN030288 [22813] (permanent diversion) should be granted for the maximum allowable term of 35 years due to the permanent nature of these works.

The ongoing maintenance of the edge protection works will be undertaken by the Flood Protection Department under the existing global operations and maintenance consents WGN980255.

17. Suggested conditions

17.1 General conditions for all consents

- (1) The location, design, construction, implementation and operation of all works shall be carried out in accordance with the application and associated documents and plans, received by the Wellington Regional Council on 27 May 2003.

Note: Any change from the location, design concepts and parameters, and implementation may require a change in consent conditions under section 127 of the Resource Management Act 1991.

- (2) The consent holder shall provide a copy of the detailed design and construction methodology to the Manager, Consents Management, Wellington Regional Council at least 15 working days prior to the works commencing. The construction methodology shall be to the satisfaction of the Manager, Consents Management, Wellington Regional Council, and shall include, but not be limited to, the following:
 - (a) Identification of the appointed contractor for the works;
 - (b) Identification of experienced person(s) to manage the environmental issues on site;
 - (c) Procedures for the contractor to undertake in the event of a chemical or oil spill on the bed and berm areas of the river;
 - (d) Any changes to, or further detailed design information, from the information submitted in the application, relating to the works.

This consent shall be exercised in accordance with the aforesaid construction methodology.

- (3) Prior to the works commencing, the consent holder shall pass a copy of this consent, including any relevant site plans and attachments, to the contractor undertaking the works authorised by the consent
- (4) The Manager, Consents Management, Wellington Regional Council, shall be given a minimum of 48 hours notice prior to the works commencing.
- (5) Except for emergency works, the hours of work shall be as follows:
 - (a) All works conducted on Monday to Saturday shall commence after 7.00am, and cease by 7.00pm;
 - (b) No works shall be conducted on Sundays or public holidays;
 - (c) Where the works involve machinery operating in flowing water, these works shall cease by 4.00pm unless they can be completed by 5.30pm the same day.

The Manager, Consents Management, Wellington Regional Council, may extend specified working hours during May, to allow works in flowing water to be completed prior to fish spawning, if requested by the consent holder.

- (6) The works shall remain the responsibility of the consent holder and shall be maintained so that any erosion of the riverbed or bank due to the works is minimised.
- (7) Any excess material from the construction and implementation of the works shall be removed from the bed and banks of the river, and shall be disposed of in an appropriate manner.
- (8) Except for emergency works, the consent holder shall notify all adjacent property owners at least five working days prior to commencing any works that may affect those properties.
- (9) Pursuant to section 125 of the Resource Management Act 1991, the lapsing period for this consent is limited to five years from date of commencement of this consent.
- (10) The Wellington Regional Council may review any or all of the conditions of this consent by giving notice of its intentions to do so under section 128 of the Resource Management Act 1991, at any time within six months of the first and third anniversaries of the date of commencement of this consent to deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
- (11) The Wellington Regional Council shall be entitled to recover from the consent holder the costs of the conduct of any review, calculated in accordance with and limited to that Council's scale of charges in force

and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

- (12) The consent holder may apply, at any time, under section 127 of the Resource Management Act 1991, for the change or cancellation of any consent condition, other than that relating to the term of consent.

17.2 Specific conditions for Land Use Consent WGN030275 [22797]

- (13) In terms of section 123(c) of the Resource Management Act 1991, the period for which this consent is granted is limited to 35 years from the date of commencement of this consent.
- (14) If koiwi, taonga or other artefact material is discovered in any area, the consent holder shall cease all works affecting the area immediately, and seek advice from an archaeologist. The consent holder shall immediately notify Wellington Tenth Trust, Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui, the New Zealand Historic Places Trust and, if appropriate, the New Zealand Police. The consent holder shall then consult with Wellington Tenth Trust, Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui, the New Zealand Historic Places Trust and, if appropriate, the New Zealand Police on appropriate steps to recover the artefacts in order that work can resume.
- (15) The consent holder shall erect and maintain signs at the Belmont Domain, Carter Street, and the ends of Edwin, Charles, Richard and Owen Streets advising river users:
- (a) when flood protection works will be undertaken; and
 - (b) any restrictions on access to the Hutt River.

The signs shall be installed at least five working days prior to commencement of the works and shall remain in place for the duration of the works.

- (16) The consent holder shall contact any utility service provider prior to commencing works that may have the potential to affect any property or infrastructure of that utility service provider.
- (17) The consent holder shall ensure that works in the riverbed do not impede any utility service provider's access to their property or infrastructure.
- (18) The consent holder shall keep visible dust emissions from excavation activities to a minimum. Mitigation measures shall include, but not be limited to, the use of water carts and/or hosing facilities, where appropriate.

- (19) Fuel tanks shall not be located in the riverbed. There shall be no cleaning, storing or refuelling of machinery in, or within 10 metres of, the riverbed.
- (20) All machinery shall be well maintained at all times to prevent leakage of oil or spill of other chemicals into the river.
- (21) Vehicles and machinery working in flowing water should be limited as far as is practicable. This shall include, but not be limited to:
 - (a) limiting the number of river crossing points with vehicles and machinery; and
 - (b) working behind bunds.
- (22) Except for emergency works, no construction activities shall be carried out in flowing water of the active channel during the trout spawning season of 31 May to 31 August inclusive.
- (23) All works shall be undertaken in such a manner that provides for fish passage. Any fish entrapped by works shall be relocated immediately upstream into clear water.

17.3 Specific conditions for Land Use Consent WGN030275 [22811]

- (13) In terms of section 123(c) of the Resource Management Act 1991, the period for which this consent is granted is limited to five years from the date of commencement of this consent.

17.4 Specific conditions for Water Permits WGN030275 [22812]

- (13) In terms of section 123(d) of the Resource Management Act 1991, the period for which this consent is granted is limited to five years from the date of commencement of this consent.
- (14) All diversion works shall be implemented in a manner that provides for fish passage.
- (15) The consent holder shall take all practicable steps to minimise sediment loading and increased turbidity of the Hutt River during the implementation of all diversion works. Mitigation measures shall include, but shall not be limited to:
 - (a) the use of bunds;
 - (b) minimising the number of river crossing points; and
 - (c) limiting the use of vehicles and machinery working in flowing water as far as practicable.
- (16) The diversion works shall be completed in the minimum time practicable.

17.5 Specific conditions for Water Permits WGN030275 [22813]

- (17) In terms of section 123(d) of the Resource Management Act 1991, the period for which this consent is granted is limited to 35 years from the date of commencement of this consent.
- (18) All diversion works shall be implemented in a manner that provides for fish passage.
- (19) The consent holder shall take all practicable steps to minimise sediment loading and increased turbidity of the Hutt River during the implementation of all diversion works. Mitigation measures shall include, but shall not be limited to:
 - (a) the use of bunds;
 - (b) minimising the number of river crossing points; and
 - (c) limiting the use of vehicles and machinery working in flowing water as far as practicable.

The diversion works shall be completed in the minimum time practicable.

17.6 Specific conditions for Discharge to Water Permit WGN030275 [22814]

- (13) In terms of section 123(d) of the Resource Management Act 1991, the period for which this consent is granted is limited to five years from the date of commencement of this consent.
- (14) The consent holder shall take all practicable steps to prevent silt run-off from work sites. Mitigation measures shall include, but shall not be limited to:
 - (a) the use of bunds;
 - (b) minimising the number of river crossing points; and
 - (c) limiting the use of vehicles and machinery working in flowing water as far as practicable.

18. Reasons for conditions

18.1 General conditions for all consents

Conditions 1-2 have been recommended to ensure that the applicant carries out the proposed works as per the application, and that the detailed design and construction methodology is submitted for final approval prior to the works commencing.

Conditions 3-4 are general conditions requiring the consent holder to pass on a copy of the consent to the contractor; and to inform the Manager, Consents Management, prior to undertaking the works.

Condition 5 sets out the hours of work allowed.

Conditions 6-7 require the consent holder to maintain the works in good condition and remove excess material from the riverbed, so that no additional erosion or flood risk is present.

Condition 8 requires the consent holder to notify affected landowners of the commencement of the work.

Conditions 9-12 set out the term of consent, review criteria and lapsing period for the consent.

18.2 Specific conditions for Land Use Consent WGN030275 [22797]

Condition 13 sets out the expiry date for the consent.

Condition 14 provides for appropriate management upon discovery of any koiwi, taonga or other artefact material, during the proposed works.

Condition 15 has been recommended to ensure that recreational users, as well as local landowners, are aware of the works.

Conditions 16-17 require the consent holder to contact utility service providers and to not impede the service provider should any interest of the provider be affected.

Condition 18 will ensure that while undertaking excavation activities, any visible dust emissions will be minimised beyond the boundary of the works.

Conditions 19-20 have been recommended to ensure that there will be no leakage of oil or spill of other chemicals into the river during the construction works, to avoid contamination of the waterway and adverse effects on bird and fish habitats, and water quality.

Conditions 21-24 are recommended to ensure that works are carried out in such a way as to minimise effects on water quality and fish habitat, avoid effects on trout spawning, and to provide for fish passage.

18.3 Specific conditions for Land Use Consent WGN030275 [22811]

Condition 13 sets out the expiry date for the consent.

18.4 Specific conditions for Water Permits WGN030275 [22812] and WGN030275 [22813]

Condition 13 sets out the expiry date for the consents.

Conditions 14-15 have been recommended to ensure that the works are carried out in such a way as to minimise effects on water quality and fish habitat, and to provide for fish passage.

Condition 16 is recommended to ensure that the duration of the diversion works are minimised in order to minimise the effects of the work on water quality.

18.5 Specific conditions for Discharge to Water Permit WGN030275 [22814]

Condition 13 sets out the expiry date for the consent.

Condition 14 is recommended to ensure that the works are carried out in such a way as to minimise effects on water quality and fish habitat.

Report prepared by:

Recommendation approved by:

Dave Rennison
Resource Advisor, Consents Management

Luci Ryan
Manager, Consents Management



Belmont Edge Protections - Preliminary Design

0 50 100 200 Metres

A4 Scale - 1:4000

File Ref: J:\STRATEGY & ASSETS\HUTTGIS\PROJECTS\BELMONT FLOOD MAPPING\Edge Protection Project Area.mxd

Appendix 1:

Date: 15/08/2003

ATTACHMENT 1 TO REPORT 03.476
PAGE 36 OF 50

Surname/Organisation Name	First Name/ Contact Names	Submission Reason	Support/ Oppose	Wish to be Heard?
wellington Tenth's Trust	Morris Love	We support all aspects of the application and all parts of the applications. We support this application as we are satisfied it does not conflict with or compromise any sites of significance to Maori of this area. Any discharges of silt and natural river debris will only occur during the construction period with no ongoing lowering of water quality in the Hutt River. Other than locally we are unaware that the proposal will adversely affect any fishery.	support	Y
Petersen	Valerie and Jorgen	Submitter proposes that the walkway follows the planting alongside the river on the reserve not across the centre of the reserve. The reserve is used by local children for sports - especially cricket in summer and the odd golfer practicing the swing. The path through the reserve needn't interfere with sport activities. Submitters support the work being done - hope it is not too noisy and disruptive to their summer and look forward to the beautiful result.	Support	N

Appendix 2:

Matters to be considered

Resource Management Act 1991

Section 104 of the Resource Management Act 1991 outlines the matters to be considered by a consent authority when considering an application for resource consent and any submissions received. Section 104 gives precedence to Part II of the Act.

Section 104(1) states that the consent authority shall have regard to:

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (b) *Any relevant regulations; and*
- (c) *Any relevant national policy statement, New Zealand coastal policy statement, regional policy statement, and proposed regional policy statement; and*
- (d) *Any relevant objectives, policies, rules, or other provisions of a plan or proposed plan; and*
- (e) *Any relevant district plan or proposed district plan, where the application is made in accordance with a regional plan; and*
- (f) *Any relevant regional plan or proposed regional plan, where the application is made in accordance with a district plan; and*
- (g) *Any relevant water conservation order or draft water conservation order; and*
- (h) *Any relevant designations or heritage orders or relevant requirements for designations or heritage orders; and*
- (i) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Section 5 – Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while-*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

- (c) *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Section 6 - Matters of national importance

In achieving the purpose of this Act, all person exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-

- (a) *Kaitiakitanga:*
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Recognition and protection of the heritage values of sites, buildings, places, or areas:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon.*

Section 8 - Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 9 – Restrictions on use of land

- (1) *No person may use any land in a manner that contravenes a rule in a district plan or proposed district plan unless the activity is –*

- (a) *Expressly allowed by a resource consent granted by the territorial authority responsible for the plan; or*
- (b) *An existing use is allowed by [section 10 or section 10A].*
- (2) *No person may contravene [section 176 or section 178 or section 193 or section 194 (which relate to designations, and heritage orders)] unless the prior written consent of the requiring authority concerned is obtained.*
- (3) *No person may use any land in a manner that contravenes a rule in a regional plan or a proposed regional plan unless that activity is –*
 - (a) *Expressly allowed by a resource consent granted by the regional council responsible for the plan; or*
 - (b) *Allowed by section 20 (certain existing lawful uses allowed).*
- (4) *In this section, the word “use” in relation to any land means –*
 - (a) *Any use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the land; or*
 - (b) *Any excavation, drilling, tunnelling, or other disturbance of the land; or*
 - (c) *Any destruction of, damage to, or disturbance of, the habitats of plants or animals in, on, or under the land; or*
 - (d) *Any deposit of any substance in, on, or under the land; or [(da) Any entry on to, or passing across, the surface of water in any lake or river; or]*
 - (e) *Any other use of land –*
and “may use” has a corresponding meaning.
- (5) *In subsection (1), “land” includes the surface of water in any lake or river.*
- (6) *Subsection (3) does not apply to the bed of any lake or river.*
- (7) *This section does not apply to any use of the coastal marine area.*
- [(8) *The application of this section to overflying by aircraft shall be limited to any noise emission controls that may be prescribed by a territorial authority in relation to the use of airports.]*

Section 13 – Restrictions on certain uses of beds and lakes of rivers

- (1) *No person may, in relation to the bed of any lake or river, -*
 - (a) *Use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or*
 - (b) *Excavate, drill, tunnel, or otherwise disturb the bed; or*
 - (c) *Introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or*

- (d) *Deposit any substance in, on, or under the bed; or*
- (e) *Reclaim or drain the bed -*
unless expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent.]
- (2) *No person may -*
 - (a) *Enter or pass across the bed of any river or lake; or*
 - (b) *Disturb, remove, damage, or destroy any plant or part of any plant (whether exotic or indigenous) or the habitats of any such plants or of animals in, on, or under the bed of any lake or river -*
in a manner that contravenes a rule in a regional plan or proposed regional plan unless that activity is -
 - (c) *Expressly allowed by a resource consent granted by the regional council responsible for the plan; or*
 - (d) *Allowed by section 20 (certain existing lawful uses allowed).*
- (3) *This section does not apply to any use of land in the coastal marine area.*
- (4) *Nothing in this section limits section 9.*

Section 14- Restriction relating to water

- (1) *No person may take, use, dam, or divert any –*
 - (a) *Water (other than open coastal water); or*
 - (b) *Heat or energy from water (other than open coastal water); or*
 - (c) *Heat or energy from the material surrounding any geothermal water –*
unless the taking, use, damming or diversion is allowed by subsection (3).
- (2) *No person may –*
 - (a) *Take, use, dam, or divert any open coastal water; or*
 - (b) *Take or use any heat or energy from any open coastal water, -*
in a manner that contravenes a rule in a regional plan or a proposed regional plan unless expressly allowed by a rule in a resource consent or allowed by section 20 (certain existing lawful activities allowed).
- (3) *A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if –*
 - (a) *The taking, use, damming, or diversion is expressly allowed by a rule in a regional plan [and in any proposed regional plan] or a resource consent; or*
 - (b) *In the case of fresh water, the water, heat or energy is required to be taken for –*
 - (i) *An individual's reasonable domestic needs; or*
 - (ii) *The reasonable needs of an individual's animals for drinking water, -*

- and the taking or use does not, or is not likely to, have an adverse effect on the environment; or*
- (c) In the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua in the area and does not have an adverse effect on the environment; or*
 - (d) In the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individuals domestic or recreational need and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or*
 - (e) The water is required to be taken or used for fire-fighting purposes.*

Section 15 – Discharge of contaminants into environment

- (1) No person may discharge any –*
 - (a) Contaminant or water into water; or*
 - (b) Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
 - (c) Contaminant from any industrial or trade premises into air; or*
 - (d) Contaminant from any industrial or trade premises onto or into land –*

unless the discharge is expressly allowed by a rule [in a regional plan and in any relevant proposed regional plan], a resource consent, or regulations.
- (2) No person may discharge any contaminant into the air, or into or onto land, from –*
 - (a) Any place; or*
 - (b) Any other source, whether moveable or not, -*

in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent or allowed by section 20 (certain existing lawful activities allowed).

Wellington Regional Policy Statement

Chapter 4 – The iwi environmental management system

Policy 2 To support⁵ the active participation of tangata whenua in the development and implementation of resource management policy and plans, and in the resource consent granting process.

Policy 4 To recognise and provide for the relationship of Maori and their

culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Policy 6 To recognise and promote the role and importance of kaitiakitanga.

Policy 8 To recognise the Treaty right of iwi development and to facilitate resource development initiatives which are practical and permissible under the Act. This includes supporting, where appropriate, tangata whenua to develop and enhance their resources in accordance with their own tikanga and values.

Chapter 5 – Fresh water

Policy 1 To manage the quantity of fresh water so that it is available for a range of uses and values, and:

- (1) Its life supporting capacity is safeguarded; and
- (2) Its potential to meet the reasonably foreseeable needs of future generations is sustained; and,
- (3) For surface water, any adverse effects on aquatic ecosystems are avoided, remedied, or mitigated.

Policy 2 To promote the conservation and efficient use of fresh water

Policy 4 To maintain and protect the quality of fresh water so that it is available for a range of uses and values, and:

- (1) Its life supporting capacity is safeguarded; and
- (2) Its potential to meet the reasonably foreseeable needs of future generations is sustained; and
- (4) For surface water, any adverse effects on aquatic and riparian ecosystems are avoided, remedied, or mitigated.

Policy 7 To avoid, remedy or mitigate adverse effects on water quality and aquatic ecosystems of contaminants, contained in non-point source discharge.

Policy 8 To promote the retirement and planting of riparian margins for the purposes of maintaining or improving the structural integrity of the beds and banks of water bodies, flood management, maintaining or enhancing water quality, and encouraging the healthy functioning of aquatic and riparian ecosystems.

Policy 9 To avoid, remedy, or mitigate the adverse effects of modifications to the beds of water bodies on water quality, groundwater, aquatic ecosystems, and the amenity and cultural values of water.

Policy 10 To manage the quality of water in, and the flows, levels and beds of, water bodies so that ... [its] values are protected.

Note – Values include regionally significant natural features, indigenous vegetation,

habitats of indigenous aquatic fauna, waterforms as a component of scenes and landscapes, landforms and geological features, heritage, recreational, scientific or other amenity or intrinsic values. This policy is relevant to the Hutt River above Kaitoke only. The project reach is excluded from this policy and therefore not considered to be regionally significant.

Policy 12 To avoid, remedy, or mitigate any adverse effects of any new or existing use and development where these effects impact on the natural character of wetlands, lakes, rivers, and other water bodies, and their margins.

Policy 13 To recognise the cultural relationship of the tangata whenua with rivers, lakes, wetlands, and other water bodies, and to promote the management of fresh water in ways that take into account iwi values and beliefs. In addition, to promote the protection and management of sites of significance to iwi within the beds of water bodies.

Chapter 9 – Ecosystems

Policy 4 To avoid, remedy or mitigate the adverse effects of activities on ecosystems, and in particular, to avoid, remedy or mitigate any of the following effects:

- (1) Reduction in the indigenous biodiversity of an ecosystem;
- (2) Prevention of the natural processes of an ecosystem, including nutrient cycles and energy flows, from operating effectively;
- (3) Simplification of the structure of indigenous ecosystems; and
- (4) Reduction in the quality or quantity of the non-living parts of an ecosystem (e.g., decaying plant and animal remains, water, air, soil) to a level which adversely affects the life-supporting capacity of the ecosystem.

Policy 10 To encourage the planting of native vegetation, and particularly, regionally appropriate species.

Chapter 11 - Hazards

Policy 3 To recognise the risks to existing development from natural hazards and promote risk reduction measures to reduce this risk to an acceptable level consistent with Part II of the Act.

Policy 4 To ensure that human activities which modify the environment only change the probability and magnitude of natural hazard events where these changes have been explicitly recognised and accepted.

Regional Freshwater Plan for the Wellington Region

Chapter 4 - General objectives and policies

The relationship of tangata whenua with freshwater

To manage sites of special value to the tangata whenua in water bodies and river and lake beds so that the cultural values of those sites are not adversely affected.

4.2.2 To encourage applicants to consult directly with affected tangata whenua when making an application for a resource consent which is for an activity within, upstream, or immediately downstream of any identified site of special value to the tangata whenua. As part of this consultation the applicant should determine:

- (1) Whether granting the resource consent could have any adverse effects on the special values of the site.
- (2) How any potential adverse effects that might result from the activity could be avoided or remedied.

4.2.3 To not allow the use or development of water bodies and river and lake beds that would restrict the access of tangata whenua to any identified site of special value in a publicly owned river or lake bed, unless that access can specifically be provided for, or the loss can be adequately remedied or mitigated.

4.2.4 To avoid, remedy or mitigate the adverse effects of the use and development of water bodies and river and lake beds on the habitats of species traditionally harvested by the tangata whenua.

4.2.5 To have regard to the values and customary knowledge of the tangata whenua, where these have been identified by the tangata whenua, when assessing resource consent applications for the use and development of water bodies and river and lake beds.

4.2.7 To encourage and support, where appropriate, tangata whenua participation in monitoring the effects of activities that may potentially adversely affect sites or values of importance to the tangata whenua.

Natural values

4.2.9 To have regard to the following characteristics of wetlands, and lakes and rivers and their margins, when considering the protection of their natural character from the adverse effects of subdivision, use, and development:

- ecosystems, habitats and species; and
- water quality; and

- the natural flow characteristics and hydraulic processes (such as sediment transport) of rivers or the pattern and range of water level fluctuations that occur naturally in wetlands or lakes; and
 - the topography and physical composition of river or lake beds and the course of the river.
- 4.2.10 To avoid adverse effects on wetlands, and lakes and rivers and their margins, identified in Appendix 2 (Parts A and B), when considering the protection of their natural character from the adverse effects of subdivision, use, and development.
- 4.2.11 To avoid, remedy or mitigate the adverse effects of the use and development of water bodies and river and lake beds on aquatic habitats and freshwater ecosystems by having regard to:
- the maintenance of biological and physical processes; and
 - the maintenance of habitat for feeding, breeding and sheltering aquatic life; and
 - the maintenance of the diversity of aquatic life; and
 - the maintenance of the ability of fish to disperse and migrate; and
 - the times which will least affect feeding, spawning, dispersal or migratory patterns of fish and other aquatic species; and
 - the prevention of irreversible adverse effects.
- 4.2.14 To avoid, remedy or mitigate any adverse effects on important trout habitat in the Region, identified in Appendix 4, by:
- managing water quality so that Policy 5.2.3 is satisfied; and
 - managing the flows and levels of water bodies so that Policies 6.2.1, 6.2.2, 6.2.12, and 6.2.13, whichever is (are) relevant, is (are) satisfied; and
 - having particular regard to offsetting adverse effects on trout habitat; and
 - having particular regard to maintaining the same, or similar, river bed configuration in the rivers identified.

Amenity values and access

- 4.2.15 To avoid, remedy, and mitigate any adverse effects of use and development on the water bodies identified in Appendix 5 as regionally important for their amenity and recreational values, by:
- managing water quality so that Policy 5.2.4 is satisfied; and

- managing the flows and levels of water bodies so that Policies 6.2.1, 6.2.2, 6.2.12, and 6.2.13, whichever is (are) relevant, is (are) satisfied; and
- having particular regard to offsetting adverse effects on amenity and recreational values; and
- having particular regard to the timing of use and development so that, where practicable, adverse effects on amenity values and recreational use are minimised.

Use and development

4.2.23 To have regard to the benefits arising from any proposal for the use and development of a water body when assessing the proposal.

4.2.24 To have regard to the effects on other established activities when considering any proposal for the use and development of water bodies.

4.2.29 To recognise the needs of existing lawful users of fresh water by:

- allowing existing users to upgrade progressively their environmental performance where improvements are needed to meet the provisions of the Plan; and/or
- giving priority to existing users over new users at locations where the demand for the use of water is greater than the resource can sustain.

4.2.31 To ensure that the process for making decisions relating to the management of fresh water is fair and transparent. In particular, to ensure that as far as practicable, all interested people and communities have the opportunity to be involved in freshwater resource management processes, including significant resource consents.

4.2.35 To have regard to the following matters when determining the nature and extent of any conditions to be placed on a resource consent:

- the significance of the adverse effects arising as a consequence of, or in association with, the proposed activity; and
- the extent to which the proposed activity contributes to the adverse effects; and
- the extent to which the adverse effects of the proposed activity can be, and have been, dealt with by other means; and
- any proposals by the applicant to avoid, remedy or mitigate adverse effects, and any agreements reached at pre-hearing meetings; and
- the monitoring proposed to be carried out by the applicant; and

- the extent to which the community as a whole benefits from the proposed activity and from any proposed conditions on a consent; and
- the financial cost of complying with any conditions on a consent; and
- the extent to which a condition placed on a consent will avoid, remedy or mitigate any adverse effects.

4.2.36 To avoid, remedy or mitigate adverse effects, conditions on a resource consent may relate to all or any of the following:

- project design and implementation, choice of materials, site improvements; or
- habitat restoration, rehabilitation, creation and improvement; or
- restocking and replanting of fauna or flora (with respect to replanting, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock); or
- works and services relating to the improvement, provisions, reinstatement, protection, restoration or enhancement of the matters listed in Policy 4.2.35; or
- the relationship between flow in a river and water quality (e.g. conditions attached to discharge permits can be flow related in respect of compliance with water quality guidelines).

Chapter 5 – Water quality and discharges to fresh water

Water quality and discharges to fresh water

5.2.8 To have regard to the relevant guidelines in Appendix 8 (Water Quality Guidelines) when deciding whether a discharge is able to satisfy Policies 5.2.1 to 5.2.7 (above) when considering applications for resource consents (subject to Policy 5.2.10).

5.2.10 To allow the discharge of contaminants to fresh water which do not satisfy Policies 5.2.1 to 5.2.9, whichever is (are) relevant, only where:

- the discharge is of a temporary nature; or
- the discharge is associated with necessary maintenance work ...

The following freshwater policies are not relevant to this application as the project area is outside the areas identified in the policies.

5.2.3 To manage water quality for trout fishery and fish spawning purposes in those rivers, or parts of rivers, identified in Appendix 4 (the Hutt River from R26 899 119 to R27 700 985) (subject to Policy 5.2.10).

- 5.2.4 To manage water quality for contact recreation purposes in those water bodies identified in Appendix 5 (the Hutt River at Kaitoke, Te Marua, Silverstream, and Melling) (subject to Policy 5.2.10).
- 5.2.6 Except for rivers and streams identified in Appendix 7 (which the Hutt River is not), to manage the water quality of all surface water bodies in the Region for aquatic ecosystem purposes (subject to Policy 5.2.10).

Rule 5 All remaining discharges to fresh water

The discharge of any contaminant or water into fresh water:

- that is not provided for in Rules 1, 2, 3, and 4; and
- which cannot meet the requirements of Rules 1, 2, 3, and 4; and
- which is not a non-complying activity in Rule 6;

is a **Discretionary Activity**.

Chapter 6 - Water quantity and the taking, use, damming or diversion of fresh water

Rule 7 Minor abstractions

The taking or use of less than 20,000 litres per day of fresh water (including fresh water from any aquifer), other than the taking of water from the Lower Hutt Groundwater Zone, is a **Permitted Activity**, provided that it complies with the conditions specified below.

Conditions

- (1) The water shall be taken at a rate of no more than 2.5 litres per second.
- (2) In the case of groundwater, there shall be no adverse effects on the take from adjacent bores.
- (3) There shall be no more than one abstraction point serving the land described in a particular certificate of title.
- (4) Fish, including small fish, are prevented from entering the reticulation system.

Rule 16 Taking, use, damming or diversion of water, or the transfer to another site of any water permit to take or use water

The taking, use, damming, or diversion of any fresh water, or the transfer to another site of any water permit to take or use water:

- that is not specifically provided for in any other rules in this Plan; and

- which cannot meet the requirements of those rules; and
- that, for takes of water from the Lower Hutt Groundwater Zone (Taita Alluvium/Waiwhetu aquifers), would not cause the maximum rate of takes authorised by resource consents to exceed 32.85 million cubic metres per year; and
- which is not a non-complying activity in Rules 17, 18 or 19

is a **Discretionary Activity**.

Chapter 7 - Use of the beds of rivers and lakes and development on the floodplain

Appropriate uses within river and lake beds

7.2.1 To allow the following uses within river and lake beds:

- structures or activities for flood mitigation or erosion protection purposes;
- structures for transportation and network utility purposes; or
- structures for activities which need to be located in, on, under, or over the beds of rivers and lakes; or
- structures for cultural harvest (e.g., pa tuna); or
- the maintenance of any lawful structure; or
- the removal of aquatic weeds from farm drains and urban drains for drainage purposes; or
- the extraction of sand, gravel, or rock; or
- the diversion of water associated with activities that are otherwise authorised; or
- the enhancement of the natural character of any wetland, lake or river and its margins;

provided that any adverse effects are avoided, remedied or mitigated and that the significant adverse effects identified in Policy 7.2.2 are avoided.

7.2.2 To not allow the use of river and lake beds for structures or activities that have significant adverse effects on:

- the values held by tangata whenua; and / or
- natural or amenity values; and / or
- lawful public access along a river or lake bed; and / or

- the flood hazard; and / or
- river or lake bed stability; and / or
- water quality; and / or
- water quantity and hydraulic processes (such as river flows and sediment transport); and / or
- the safety of canoeists or rafters.

7.2.6 To have regard to any relevant Floodplain Management Plan and the information provided in any relevant flood hazard assessment, or in connection with any River Management Scheme, when considering subdivision, use, or development within any river bed or floodplain.

7.2.8 To allow re-contouring of the beds of rivers provided:

- the activity is necessary to avoid or mitigate the effects of flood hazard; and
- the assessment of a resource consent application to carry out the activity is subject to Part II of the Act.

7.2.11 To ensure that the use of any river or lake bed which is not covered by water does not disturb nesting birds or any of the nationally threatened plant species identified in Part B of Appendix 3.

7.2.13 To ensure that the removal of sand, gravel, or rock, from any lake or river bed is located and carried out in such a way that flood or erosion hazards are reduced or there is, at least, no increase to these hazards.

Rule 49 All remaining uses of river and lake beds

The use, of any river or lake bed;

- which is not specifically provided for in Rules 22 to 48; and
- which cannot meet the requirements of Rules 22 to 48; and
- which is not a non-complying or prohibited activity in Rules 50 and 51

is a **Discretionary Activity**.