

BEFORE THE PORIRUA CITY COUNCIL AND GREATER WELLINGTON REGIONAL COUNCIL

IN THE MATTER

land use and subdivision consent (RC 6922-SL0046/15) to:

- Undertake a 148 lot subdivision consisting of residential lots, road and reserves to vest and balance lots, which includes contravening permitted activity standards in respect to earthworks, financial contributions, outdoor living area, private ways and driveways, site coverage, vehicle movements and front yard; and
- Vary or cancel a consent notice; and
- Vary or surrender existing easements; and
- Waive esplanade reserve requirements

discharge permits, diversion and land use consents (WGN160028) to:

- Divert Duck Creek; and
- Discharge sediment and chemical flocculant in treated stormwater runoff; and
- Discharge into water; and
- Discharge to land; and
- Undertake various works in respect to the bed of any river; and
- Place a stormwater pipe and a sewage pipe; and
- Construct temporary bridges, three permanent bridges, place inlet and outlet structures, and construct an outlet pipe to Duck Creek, a forebay in a pond system and an outlet channel from the pond to land where it will enter Duck Creek; and
- Undertake bank stabilisation works; and
- Reclaim the bed of Duck Creek.

APPLICANT

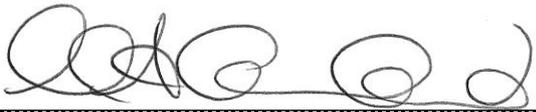
JAGGER NZ LIMITED

2nd JOINT PLANNERS STATEMENT

MAY IT PLEASE THE COMMISSIONERS

1. Although not before the Environment Court this joint planning statement is prepared in a manner consistent with the protocol set out in Appendix 3 of the Court’s practice note 2014.
2. This joint statement relates to further conferencing on the topic of consent conditions for the applications lodged by Jagger NZ Limited (“the Applicant”). The Hearings Panel received an updated set of draft recommended conditions on 19 April 2016. The Panel had some specific queries on some of the recommended changes to the draft conditions relating to the Greater Wellington Regional Council consent conditions. This statement has been prepared as a result of the direction given by the Commissioners on 20 April 2016 in relation to these queries. As directed by the Commissioners the Planners for the Applicant and for Greater Wellington Regional Council have answered four questions.
3. The conferencing that resulted in this statement has occurred between the Planners via email. Mr Dean Miller, ecologist from Tonkin and Taylor (for the Applicant) has also provided technical comment where required.
4. The queries of the Hearings Panel and the response of the Planners is provided in Appendix 1. The suggested amendments to the conditions for the Greater Wellington Regional Council (GWRC) applications are **attached** in **Appendix 2**.

Signed By:



Michelle Conland – Consultant Planner for GWRC



Bryce Holmes – Consultant Planner for the Applicant

21 April 2016

APPENDIX 1

Question 6a – Marine monitoring of sediment

Mr Miller states that his reading of the condition is that it requires a review of any other available marine monitoring information as part of the monitoring work as opposed to undertaking project specific marine monitoring. Essentially this would involve updating the review assessment included with Mr Miller's evidence in chief to include any new data as part of the monitoring work. If this is the case then Mr Miller supports the condition.

Mr Miller further notes that the background to this is that (as pointed out by Megan Oliver) there is little room available for a project specific monitoring site in the intertidal marine environment. Setting one up for the Brookside project would potentially interfere with the Transmission Gully/GWRC monitoring sites. Therefore, the recommendation was to use data collected for other projects.

Mr Holmes can confirm that each version of the GWRC conditions has been sent to Mr. Miller (by Mr Holmes) for expert input/comment. Mr Holmes has provided all Mr Miller's input/comments to the Planners. On condition 49 it is clear that Mr Miller considers the existing monitoring sites (and future data) to be adequate for monitoring. Although it is being collected for other projects, it will be publicly available and has also already informed Mr Miller's EiC around issues of sedimentation.

Ms Conland agrees that Mr Miller's interpretation of what is expected by this condition is correct. Comment MC87 was accidentally left in, in the version of the conditions that was submitted on 19 April 2016, as Mr Miller had reviewed and agreed to the condition by then.

Question 6b – recolonising the new channel by transferring substrates

Mr Miller believes that the issue here is that the diversion consent includes specific requirements around substrate sizes and this may conflict with the substrate mix in the channel to be diverted. In my view the transfer of sediments to speed up periphyton and invertebrate colonisation is relatively unproven. It is a nice to have if appropriately sized material can be easily won, sorted and transferred but not essential. Natural sediments, periphyton and macroinvertebrates are expected to migrate into and colonise the new section of stream quickly from upstream areas, even if imported substrates are used to create the initial bed/hyporheic zone.

Mr Holmes notes that Mr Miller supports the existing conditions (ie. the deletion of the requirement for recolonisation). However, Mr Holmes would be comfortable (if there is a preference) to include guidance in the condition that there is a preference to use the material (if it meets the material size/type standards in the condition) from the original channel in the new channel. Mr Holmes has discussed this previously with Mr Miller and they were both of the view that it would be practical to do so given it is only a short distance from the new and old channels (i.e. It would be practical for the contractor to use the material).

Ms Conland agrees with Mr Miller's assessment, and the comments of Mr Holmes. Ms Conland notes that there are sedimentation risks with transferring substrate, if the bed material is taken out of the wet bed of the existing stream (and deposited in the dry, new channel), or if it is taken from the dewatered existing channel and then deposited into the new channel once the stream has been diverted (ie. there will be flowing water in the new channel). However, if the entire flow of Duck Creek is temporarily diverted to provide for this transfer of material, then the risks of sedimentation would be reduced. Given Mr Miller's views about the unconfirmed benefits of recolonisation, and the risks of additional disturbance and sedimentation of Duck Creek, this condition was deleted. However, as noted by Mr Holmes, if the Hearing

Panel views the transfer of bed substrate as beneficial, the conditions could provide for this. Amended wording of the original condition has been attached at Appendix 2.

Question 6c – existing and future erosion

Ms Conland notes that condition 14 of WP [33621] requires the details and plans of stormwater outlets and bank stabilisation measures be provided. The conditions in relation to the stormwater pipes are provided in LU [33623]. Condition 26 provides that any erosion or scour due to the stormwater pipes be remedied. In relation to the increased stormwater following construction of the development, this is not consented by GWRC (it is a permitted activity), and so we cannot include conditions on these consents in relation to the increased discharge of stormwater due to catchment urbanisation – the discharge permit [33622] only relates to discharges due to the earthworks during construction. Regardless, the proposed planting and bank stabilisation measures should assist with any stream bank erosion in the future.

In terms of the extent of the erosion works, they are shown conceptually on the Cardno Plan (as amended by the engineers' joint statement at the hearing). An amendment to condition 14 is proposed to specifically reference this plan in the condition, as shown in Appendix 2.

Question 6d – discovery of artefacts

Ms Conland notes that this condition is usually included on discharge permits in relation to bulk earthworks as during earthworks is often when discoveries are made. However, it is appropriate to also include this condition on the other consents as well for this application. Mr Holmes states that he is comfortable with adding it to all consents. This condition is provided in Appendix 2 along with the numbers of the consents that it would need to be included within.

APPENDIX 2

Addition to Land use consent [33624]

Recolonisation of bed material

- xx. To provide for the recolonisation of bed material with algae, periphyton and invertebrates in the constructed stream channel, bed material from the original stream bed shall be transferred to the new stream reach. The flow of Duck Creek shall be diverted around the reaches to be reclaimed and constructed using a suitable flexible pipe or similar method for temporarily diverting Duck Creek. The methodology to be used shall be set out in the Environmental Monitoring and Adaptive Management Plan. Following the draining of the existing stream channel and prior to any reclamation, suitable material, as determined by a suitably qualified and experience ecologist and in accordance with condition 15 of Water Permit [33621] from the original stream bed shall be removed and deposited into at least the upper half of the new reach. Once the material has been deposited into the new reach of stream, the flow can be permanently diverted into this section of stream channel.

Amendments to Water Permit [33621]

Ecological Remediation and Compensation Plan

14. The consent holder shall prepare and submit an Ecological Remediation and Compensation Plan (EcoRCP) to the Manager, Environmental Regulation, Wellington Regional Council, at least **20 working days** for approval prior to the proposed commencement date for the works authorised under this consent.

The EcoRCP shall be prepared by a person suitably qualified and experienced in Stream Ecological Valuation, in consultation with the engineer responsible for erosion control and the landscape designer. The environmental remediation and compensation shall as a minimum provide for 776 metres of riparian mitigation planting, and non- SEV compensatory measures, including the provision of approximately 210 metres of inanga spawning habitat from the northern site boundary up to but not including the remnant bush located adjacent to the property Lot 1444 DP 54453 at 24 Observatory Close.

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

- a) Updated SEV, including ECR calculations
- b) Details and plans of the location and width of riparian planting, and stream channel design including run, riffle, pool sequencing.
- c) Details and plans of the location of any non-compensative requirements within the identified riparian mitigation planting zone, including but not limited to any stormwater outlets, retention areas and other infrastructure, pathways, and maintenance accessways, ~~and~~ as well as bank stabilisation measures in general accordance with those shown in Plan 251, as attached to the Joint Statement of the Flood and Erosion experts, dated 6 April 2016.
- d) Details of other non-SEV compensatory measures, including inanga spawning

habitat enhancement.

The EcoRCP shall be the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council, **prior** to any works authorised by this consent commencing.

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to Section 127 of the Resource Management Act 1991. The provision of inanga spawning habitat may require further resource consent from Wellington Regional Council.

Addition to consents [33621], [33623], [33624], [33647], [33648], [33649]

Discovery of artefacts

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

Note 1: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.

Note 2: Recorded archaeological sites in the vicinity of the subdivision indicate the possibility of further unrecorded archaeological sites that may be disturbed by soil disturbance associated with development of the new lots. An application for an Archaeological Authority must be made to Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site or if there is reasonable cause to suspect that an archaeological site may be modified or destroyed. It is an offence to modify or destroy a site for any purpose without an authority and the Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. These provisions apply irrespective of whether the works are permitted under the Resource Management Act 1991 by the provisions of a plan or resource consent. Seeking advice from Heritage New Zealand is recommended when planning for any soil disturbances, such as building platforms, fencing or landscaping.