

BEFORE THE PORIRUA CITY COUNCIL AND GREATER WELLINGTON REGIONAL COUNCIL

IN THE MATTER OF

land use and subdivision consent (RC RC6922-SL0046/15) to:

- **undertake a 149 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 stormwater 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 MINUTE OF COMMISSIONERS GINA SWEETMAN, GLENICE PAINE, NIGEL MARK-BROWN
AND KATE MCARTHUR
HEARING PROCEDURES AND COMMISSIONERS DIRECTIONS
DATED 20 APRIL 2016**

**Minute of the Hearings Panel #3
Duck Creek North / Brookside
GWRC WGN160028 and PCC RC6922-SL0046/15**

1. On 7 April 2016, the Hearings Panel adjourned the hearing, following the right of reply from the applicant, with directions that:
 - a. The planners for the Councils and the applicant were to provide an updated set of draft recommended conditions;
 - b. Those conditions would be circulated to submitters for review and comment; with comments restricted to the recommended amendments;
 - c. The applicant's engineer provide details on storage attenuation and sea level rise, which would be reviewed and commented on by the Councils' engineer, Mr Joseph.
2. The Hearings Panel advised that they would issue another direction once this information required in a and c had been received as to how the hearing, including the circulation of the conditions to submitters for review and comment, would proceed.
3. The Hearings Panel received the updated set of draft recommended conditions on 19 April 2016. The Panel has specific queries on some of the recommended changes to the draft conditions relating to the Greater Wellington Regional Council consents that we would like to have responded to prior to the conditions being circulated to the submitters. To this end, the Panel requests a timely turnaround from the planners. We set out these questions below.
4. The Hearings Panel has yet to receive the comments from Mr Joseph. This is an outstanding matter that we require to be addressed before we can move to close the hearing.
5. We received a memorandum from the applicant's counsel on 20 April 2016 asking for the Panel to close the hearing by 26 April 2016. We are not yet in a position to close the hearing by that time; however, we will continue to move towards closing the hearing once we are satisfied that we have received all necessary information to enable us to make a decision.

Questions to the Planners on Conditions:

6. We require the planners to answer the following questions, and provide updated recommended draft conditions if so required in doing so:
 - a. Can you please confirm whether Mr Holmes has checked with Mr Miller around marine monitoring of sediment [we refer to the comment on condition 49 of 33621]? If so, is this reflected in the condition? If not, when can we expect this advice by?
 - b. We note that there is no longer provision to recolonise the stream bed of the diverted channel. We have not received any evidence on the benefits or disadvantages of adding stream bed material to the diverted channel or not. Can you please advise on the rationale for this change, and its implications? In particular, will there be sufficient bed material in the new channel to provide adequate habitat once the diversion is opened? We note that there is a comment from the planners in the deleted conditions that there are sedimentation issues associated with putting old bed material into the new channel. Please advise what these issues are? Are they of a lesser impact than just opening the diversion without adding any gravels? How will conditions relating to provision of a hyporheic zone be met without adding original bed material? Are other materials from outside the stream to be added instead to achieve this?
 - c. Regarding condition 14 of 33621 – our understanding from the evidence we received from Mr Young at the hearing is that the best approach to mitigate the effects of the permanent stream diversion and other adverse effects of the proposal on the stream is to do as much as possible to enhance the existing stream, rather than off site mitigation. We understand that this would include treatment of the permanent flow channel (existing and diverted) and associated channel banks for protection against existing and future erosion due to increasing runoff volumes arising from catchment urbanisation Please provide

additional wording addressing this for condition 14 and advise on the extent of the stream that this be required for (for example it may not be needed within the tidally affected parts of the stream).

- d. Can you please advise why the discovery of artefacts condition is not attached to all consents?

Next Steps

7. The Hearings Panel does not intend to reconvene the hearing.
8. Once we have received the further advice from the planners and are satisfied that our queries have been addressed, we direct that:
 - a. All the draft conditions be circulated to the submitters who were heard at the hearing. The submitters shall have five working days to review and provide comment to the Hearings Panel on the planners' recommended changes to the conditions that were set out in the s42A reports circulated in advance of the hearing. This is not an opportunity to comment on the conditions that are not recommended to be changed or on the wider application itself.
 - b. On the completion of that five working day period, the applicant then has two working days to provide any final right of reply, should they so wish.
9. The Hearings Panel may have further questions arising from 6 and 8a and 8b above. If so, we will issue a further direction. If not, then we will move to close the hearing in a timely manner.

Correspondence

10. Any correspondence to the Hearings Panel should be directed through Amber Owen, Environmental Regulation Administrator at GWRC.



Gina Sweetman
Independent Commissioner – Chair
For and behalf of the Hearings Panel