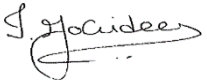


Comments on a substantive application under section 53 of the Fast-track Approvals Act 2024

Mt Welcome, Pukerua Bay, Porirua

Document control

Fast-track application number	FTAA-2603-1181
GW file number	FTA260348
Project name	Mt Welcome, Pukerua Bay, Porirua
Applicant	Pukerua Property Group Limited Partnership
Date	28 July 2026

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Executive summary

1. This document sets out the Wellington Regional Council's (Greater Wellington's) comments on the substantive application for the Mt Welcome, Pukerua Bay, Porirua project (the Project) under section 53 of the Fast-track Approvals Act 2024 (the FTAA).
2. The Project is located within hill country at the headwaters of the Taupō, Kakaho, and Muri catchments. These catchments contain sensitive freshwater and coastal receiving environments, including the Taupō Swamp Complex and the Pauatahanui Inlet Tidal Flats. Water bodies within these catchments are recognised as being regionally ecologically significant and significant to mana whenua. However, they are also recognised as being in a degraded state in relation to urban contaminants and sedimentation. Because of this, regional planning documents including the Natural Resources Plan (NRP) and Plan Change 1 to the NRP seek that the effects (including cumulative effects) of development within these catchments are managed to improve the condition of these receiving environments over time. This is also reflected in Te Wai Ora o Parirua/The Porirua Harbour Accord, which seeks the restoration of the health and mauri of Te Awarua-o-Porirua.
3. The Project's benefits are principally associated with the development of 949 residential allotments and one commercial allotment to enable a future commercial centre. While these benefits are generally recognised by national and regional planning direction, and the future development of the site is recognised by regional and district planning direction, there is considerable uncertainty about when these benefits will be realised due to the 15-year lapse period sought by the Applicant for their consents, and the reliance of the development on upgrades to existing public water supply and wastewater infrastructure.
4. Greater Wellington and its technical experts have reviewed the Application within the scope of its functions as a local authority and consider that there are several unresolved substantive issues associated with the Project. This includes issues associated with:
 - a. Stormwater management;
 - b. Streams and natural wetlands;
 - c. Culverts;
 - d. Earthworks;
 - e. Regional transport and public transport planning.
5. If the substantive issues identified by Greater Wellington are not resolved, Greater Wellington considers that the adverse effects of the Project on the environment are likely to be significant. Greater Wellington has suggested ways that each substantive issue could be resolved, although

Greater Wellington considers that several of the issues that it has identified cannot be deferred to conditions and should be resolved in advance of the Expert Panel deciding on the approvals.

6. A summary of the substantive issues identified by Greater Wellington, and suggested resolutions to these issues, is set out in Table 1 below.

Table 1: Summary of substantive issues identified by Greater Wellington

Substantive issues	Resolutions suggested by Greater Wellington
Stormwater management	
Issue 1: Proposed approach to stormwater management The proposed approach to stormwater management is inadequate as it does not incorporate water sensitive urban design measures, contaminant treatment is significantly undersized, there is no meaningful hydrological control of stormwater discharge volumes, and it is uncertain whether the proposed stormwater management devices can reasonably be maintained. The proposal also includes several unmanaged point source discharges of stormwater from local networks, including over private property. It is uncertain whether intended future stormwater asset owners (Tiaki Wai and potentially NZTA) will accept the proposed stormwater networks.	- Reconsideration of the entire approach to stormwater management in advance of the Panel deciding on the approvals. The reconsidered approach should demonstrate that the substantive issues identified by Greater Wellington and that may be identified by other parties (including PCC, Tiaki Wai, and Te Rūnanga o Toa Rangatira) are adequately addressed. Greater Wellington considers that this cannot be deferred to conditions and should occur before the Panel decides on the approvals. - If the identified issues can be resolved in advance of the Panel deciding on the approvals, Greater Wellington considers that the ongoing effects of stormwater discharges could be managed through conditions.
Issue 2: Proposed retention wetlands There are a range of unresolved technical issues associated with the design of the proposed retention wetlands, including: - Whether they will achieve hydrological control of stormwater discharges; - Hydraulic modelling of baseflows; - Whether they will support wetland environments for the purpose of ecological remediation or offsetting; - Potentially unmanaged adverse water quality effects (including temperature, dissolved oxygen, <i>E. coli</i>, and urban	- Reconsideration of the retention wetlands to resolve identified technical issues, or reconsider whether they are an appropriate method of stormwater management as part of the resolution of Issue 1. Greater Wellington considers that this cannot be deferred to conditions and should occur before the Panel decides on the approvals. - If the retention wetlands are to be retained, their ability to provide effective ecological remediation/offsetting in addition to stormwater management should be reconsidered. This may need to be separated out if it is not possible to maintain the wetlands as stormwater

Substantive issues	Resolutions suggested by Greater Wellington
contaminants) at each wetland and downstream; - Issues with implementing an online retention wetland (Retention Wetland E); - Ability to reasonably maintain the wetlands. There is a material risk that the proposed retention wetlands cannot achieve their ongoing stormwater management functions at the same time as meeting the ongoing ecological obligations that attach to them and cause adverse effects downstream.	management devices while meeting ongoing ecological remediation/offsetting obligations, or if Tiaki Wai will not accept a stormwater asset that has these obligations. If the retention wetlands are to be retained, they should be subject to conditions that require ongoing water quality and hydrological monitoring.
Issue 3: Financial contributions for stormwater discharges The Applicant has proposed to pay financial contributions to offset the residual adverse effects of stormwater discharges but has not proposed conditions that would allow this to occur.	Impose a condition that requires payment of financial contributions in accordance with Schedule 30 of NRP-PC1, with calculation and timing of payment to be based on the staging of stormwater discharges.
Streams and natural wetlands	
Issue 4: Functional need to reclaim the Taupō Stream The Application does not demonstrate a functional need to reclaim the Taupō Stream, because it is uncertain whether the proposed roundabout is the only practicable option to establish an intersection with SH59.	Consent should not be granted to reclaim the Taupō Stream, unless the Panel is satisfied that the proposed roundabout is the only practicable option to provide for access to the site from SH59 in that location.
Issue 5: Assessment and effects management for the loss of the Taupō Stream The proposed compensation for the loss of the Taupō Stream is inadequate, as the SEV assessment and ECR calculations used to determine the compensation use insufficient data and appear to contain errors, and have not in any case been accurately implemented as part of the compensation proposal.	- Undertake a recalculation of the compensation required and provide an updated compensation proposal. Greater Wellington considers that this cannot be deferred to conditions and should occur before the Panel decides on the approvals. - Greater Wellington estimates that this may require between 45 and 164 linear metres of additional stream enhancement, which may necessitate consideration of additional compensation sites. - Impose conditions that require the implementation of the identified remediation,

Substantive issues	Resolutions suggested by Greater Wellington
	offsetting or compensation, including performance targets and monitoring.
Issue 6: Assessment and effects management for the loss of stream beds on site The proposal will affect approximately 790 linear metres of stream bed on site and relies on permanent water habitat created within the retention wetlands to remediate these effects. However, effects of the proposal on streams on site have not been adequately assessed, and it is uncertain whether the retention wetlands will sufficiently remedy these effects.	- Assess the effects of the proposal on streams within the site, and the suitability of proposed remediation within the retention wetlands, using the SEV and ECR method, in advance of the Panel deciding on the proposal. - If this demonstrates that effects are not adequately remediated, this may necessitate consideration of additional compensation sites. - Greater Wellington considers that this cannot be deferred to conditions and should occur before the Panel decides on the approvals. - Impose conditions that require the implementation of the identified remediation, offsetting or compensation, including performance targets and monitoring.
Issue 7: Provision for fish passage through culverts Insufficient data about the presence of fish within the catchments where culverts and piping will be located means that there is insufficient certainty about whether these structures can provide for the passage of fish species that may be present in the catchment.	- Impose conditions that require fish surveys to be undertaken in advance of undertaking the detailed design of culverts and piping, and that require culverts and piping to be designed to provide for the passage of fish species confirmed by the surveys to be within the catchment. - Alternatively, require culverts and piping to provide for the passage of fish that are identified as being present within the relevant catchment under Schedule F1 of the NRP.
Issue 8: Fish management plan The proposed fish rescue plan is inadequate as it does not provide for a range of matters that are necessary to provide for the appropriate salvage and handling of fish encountered during works.	Impose conditions that require a final fish management plan to be prepared and certified, which considers the fish species that may be present within the river reach where works are taking place.
Issue 9: Assessment and effects management for natural inland wetlands The adverse effects of the proposal on natural inland wetlands have not been appropriately assessed or offset. In particular:	- Reconsideration of the proposed wetland offsetting to incorporate: - Creation of new wetland extent to offset the loss of wetland extent at a minimum ratio of 1:1;

Substantive issues	Resolutions suggested by Greater Wellington
- The loss of natural inland wetlands is greater than claimed by the Applicant; - The effects have been inappropriately assessed on a whole-of-catchment basis, which is not consistent with the EIANZ Guidelines. When appropriately assessed, the adverse effects of the project on natural inland wetland extent and ecological values are more than minor. - The proposed approach to offsetting is inappropriate, as it does not offset the loss of wetland extent. There is also uncertainty about whether the proposal will have adverse effects on existing retained wetlands.	- Enhancement of 10,000 m² of existing natural inland wetland (as proposed by the Applicant). - This will require the identification of additional land to provide for the creation of new wetland extent. Greater Wellington considers that this cannot be deferred to conditions and should occur before the Panel decides on the approvals. - Impose conditions that require the implementation of the identified remediation or offsetting, including performance targets and monitoring. - Impose conditions that require the monitoring of existing retained wetlands during construction.
Issue 10: Implementation of freshwater effects management The Application and proposed conditions do not adequately manage the complexity of implementing freshwater effects management (including remediation, offsetting, compensation, monitoring, and adaptive management) in a manner that coordinates with development staging.	- Impose conditions that require the preparation and certification of an Eco-Hydrological Management, Offsetting and Monitoring Plan (EHMP) whose purpose would be to provide a coordinated framework implementing stream and wetland remediation, offsetting or compensation, monitoring and managing the effects of the retention wetlands, and monitoring and managing the effects of the proposal on existing retained wetlands. - To ensure that the EHMP is appropriately implemented, impose conditions that require monitoring and reporting on freshwater remediation, offsetting, or compensation, and adaptive management where trigger levels or performance targets are not met.
Culverts	
Issue 11: Culvert design feasibility There are design feasibility issues with several of the proposed culverts which should be addressed to ensure that the proposed culverts will adequately convey flood flows and avoid	- Resolve identified culvert design feasibility issues. Greater Wellington considers that this cannot be deferred to conditions and should occur before the Panel decides on the approvals. - If culvert design feasibility issues can be resolved, impose conditions that require

Substantive issues	Resolutions suggested by Greater Wellington
adverse effects on natural processes in streams.	detailed design of culverts to be submitted for certification prior to construction.
Earthworks	
Issue 12: Management plan approach for earthworks The structure and purpose of management plans for earthworks is not clear. The flat hierarchy of management plans defers detail to multiple stage-specific management plans, without a clear site-wide approach to guide the implementation of staging.	- Restructure the management plans for earthworks to require: - An Earthworks Construction Management Plan, Chemical Treatment Management Plan, and Stream Works Management Plan that provide a site-wide management approach to guide the implementation of works at each stage; and - Stage-Specific Erosion and Sediment Control Plans that set out the detail of how works will be managed at each stage.
Issue 13: Water quality monitoring and discharge quality conditions The interpretation of sediment treatment device trigger levels is uncertain, the purpose of proposed continuous turbidity monitoring is unclear, and there are no conditions that limit discharge quality.	- Amend the proposed conditions to set a clear turbidity trigger level of 170NTU at sediment treatment device outlets. - Impose conditions that clarify the purpose and location of continuous turbidity monitoring, provide for the setting of trigger levels through the management plans, and provide a process for investigation and adaptive management where trigger levels are exceeded. - Impose a condition that sets discharge quality limits for earthworks.
Issue 14: Implementation of earthworks mitigation measures Separating earthworks from wetlands and streams, and the minimisation of areas of exposed earth, are identified as key mitigation measures for earthworks. However, the implementation requirements for these mitigation measures are not well articulated in the draft Earthworks Construction Management Plan (ECMP) or proposed conditions.	- Amend the draft ECMP to: - Describe how buffer zones around wetland and streams, and sediment controls upstream from wetlands, will be implemented; - Correct errors in Table 1 (stage sizing); - Ensure that appropriate progressive stabilisation techniques are implemented during earthworks; - Incorporate recommendations for surface water management and erosion

Substantive issues	Resolutions suggested by Greater Wellington
	and sediment control included in the Geotechnical Investigation report. • Impose conditions that ensure that minimisation of areas of exposed earth through effective earthworks staging and the implementation of progressive stabilisation.
Regional and public transport	
Issue 15: Need to future-proof for public transport	• Ensure that the development does not preclude the potential provision of a public bus service in the Northern Growth Area, by requiring the provision of at least one north-south connector road capable of carrying buses.
Issue 16: Safe pedestrian/cyclist access to existing Ara Harakeke Pathway	• Safe pedestrian/cyclist access to the existing Ara Harakeke Pathway must be provided for. This facility provides the only existing non-vehicle connection with shops and amenities, railway stations and beyond to employment and education.
Issue 17: Future-proofing active transport links with Pukerua Bay via Muri Block	• Greater Wellington understands that the Muri Block to the north is being developed for residential housing. It is important that the north-connecting road from the Mt Welcome block progresses as planned to ensure that residents can access the Pukerua Bay Station – particularly by active modes – without having to use the State Highway.
Issue 18: Provision for cycling on north-south connector road	• The proposed central north-south collector road has two different typologies for cycling provision – switching from marked cycleway to shared path. In light of its planned future function as a connecting route to the rest of the Northern Growth Area, Greater Wellington considers this should consistently be the highest Connector Road Type A/B level facility.

Overview and scope

7. This document sets out Greater Wellington's comments on the substantive application for the Mt Welcome, Pukerua Bay, Porirua project under section 53 of the FTAA.
8. This document is structured as follows:
 - a. **Overview and scope:** this section sets out the scope of Greater Wellington's comments on the application.
 - b. **Pre-comment engagement:** this section records the engagement undertaken by the Applicant with Greater Wellington, up to the point where the Expert Panel (the Panel) has invited Greater Wellington to comment on the application.
 - c. **Relevant planning documents:** this section sets out the planning documents that are relevant to the project.
 - d. **Benefits:** this section sets out Greater Wellington's understanding of the benefits of the project.
 - e. **Regional resource consents required:** this section sets out Greater Wellington's understanding of the regional resource consents that are required to authorise the project.
 - f. **Substantive issues:** this section sets out the substantive issues that Greater Wellington has identified with the application and sets out resolutions to these issues for the Panel to consider.
 - g. **Regional resource consent conditions:** this section sets out Greater Wellington's position on the conditions proposed by the Applicant for the regional resource consents.

Scope

9. The scope of Greater Wellington's comments on the substantive application is within its statutory functions as a local authority. Relevant to this application, these functions include:
 - a. Functions relating to the management of natural and physical resources described in section 30 of the Resource Management Act 1991 (RMA), including:
 - i. Preparing the regional policy statement (the Regional Policy Statement for the Wellington Region or RPS) and the regional plan and regional coastal plan (the Natural Resources Plan for the Wellington Region or NRP);

- ii. Acting as consent authority for resource consents within the region where consents are required by regulations in a National Environmental Standard or rules in the NRP (referred to as regional resource consents);
 - iii. Undertaking compliance monitoring and enforcement of resource consents and permitted activities throughout the region;
 - b. Preparing the Regional Land Transport Plan and Regional Public Transport Plan and providing public transport planning and delivery functions under the Land Transport Management Act 2003.
10. Greater Wellington is mindful that it is not a decision-maker under the FTAA. However, if the Panel grants the approvals, Greater Wellington must take the decision and implement the regional resource consents under the RMA as if it had granted the approvals itself¹. The approvals may also impact on Greater Wellington's functions under other legislation. On this basis, Greater Wellington has considered the following matters as part of preparing its comments on the application:
- a. Whether the application includes sufficient information so that, if the resource consents are granted, the scope of activities and effects on the environment that have been authorised are clear;
 - b. Whether the correct resource consents have been sought;
 - c. Whether the proposal or the proposed approach to managing adverse effects on the environment is consistent with any of the planning documents that are relevant to Greater Wellington as a consent authority under the RMA;
 - d. Whether the proposed resource consent conditions are consistent with the established principles for conditions under the RMA, including that they are:
 - i. For a resource management purpose relevant to the proposal;
 - ii. Clear, reasonable, and readily interpreted so that there is no doubt about what is required by the conditions; and
 - iii. Not involve an unlawful delegation of the consent authority's duties;
 - e. Whether the proposal has impacts on Greater Wellington's functions under other legislation.

¹ Section 96 and Schedule 5 Clause 31 of the FTAA.

11. Greater Wellington has considered the substantive application within the time available and within the scope of the matters described above and have identified a range of substantive issues and suggested responses for the Panel to consider when deciding on the substantive application. Table 2 sets out the people on behalf of Greater Wellington that have participated in the preparation of these comments.

Table 2: Persons involved in the preparation of comments

Topic	Persons involved in preparing comments
Resource management planning	Andrew Banks, Senior Resource Advisor, Environmental Regulation, Greater Wellington
Wetland ecology	Melanie Dixon, Principal Ecologist, Collaborations
Stream ecology	Dr Gareth Taylor, Principal Ecologist, Collaborations
Hydrology	James Blyth, Water Scientist, Collaborations
Stormwater discharges	Andres Roa, Stormwater Engineer, Wood and Partners Limited
Earthworks	Gregor McLean, Environmental Consultant, Southern Skies Environmental Limited
Water resilience	Kirsty Duff, Senior Engineer, Knowledge and Insights, Greater Wellington Tim Lewis, Senior Engineer, Knowledge and Insights, Greater Wellington
Regional and public transport planning	Catherine Knight, Principal Strategic Advisor Urban Development, Strategy, Greater Wellington

Environment Court Code of Conduct for Expert Witnesses

12. Where technical experts have provided technical memoranda in relation to the regional resource consents sought, those experts have included a statement of expertise and a statement of compliance with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) within their technical memoranda.
13. While this document is issued under delegated authority, the author of this document has read, and agrees to comply with, the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023). A statement of expertise for the author is set out in Appendix 9.

Porirua City Council, Tiaki Wai, and the Department of Conservation

14. Greater Wellington acknowledges that there will be regulatory and functional overlaps between the matters that it is commenting on, and issues that may be raised by other agencies on the

substantive application. As part of preparing these comments, Greater Wellington has engaged with:

- a. Porirua City Council, as the territorial authority for the district within which the application is located, on matters where both Councils have common or interrelated regulatory and planning functions. These include:
 - i. Indigenous biodiversity;
 - ii. Stormwater management;
 - iii. Earthworks;
 - iv. Transport planning (particularly as it relates to Greater Wellington's regional transport planning and public transport authority functions);
- b. Tiaki Wai² in relation to stormwater management generally and the impacts of stormwater discharges on flooding³;
- c. The Department of Conservation in relation to complex freshwater fisheries activities and the impacts of the project on freshwater ecosystems.

Mana whenua

15. Greater Wellington has obligations to uphold Te Tiriti o Waitangi in exercising its functions (including its functions in relation to the fast-track approvals process) and acknowledges the mana whenua within the rohe where the project is located. Greater Wellington has engaged with Te Rūnanga o Toa Rangatira as part of preparing its comments on the application. Greater Wellington understands that the Panel has invited Te Rūnanga o Toa Rangatira to comment on the application and considers that the Panel should have particular regard to the comments provided by them.

Pre-comment engagement

16. The Applicant commenced engagement with Greater Wellington in August 2025. The Applicant's engagement with Greater Wellington up to the point where Greater Wellington was invited to comment on the application by the Panel has included the following⁴:

² Formerly Wellington Water.

³ Except for the ability for culverts to convey flood flows, Greater Wellington has deferred comments on the flood effects of stormwater discharges to Tiaki Wai, as Tiaki Wai have more specific expertise due to their establishment of the flood model for this area.

⁴ The Applicant's record of pre-lodgement engagement with Greater Wellington is set out in Application Appendix 2 Pre-lodgement Consultation, PDF pages 111-201. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24440/Appendix-02-Pre-lodgement-consultation_Redacted.pdf

- a. An initial project briefing and site visit on 4 August 2025. Greater Wellington provided initial pre-application advice in response to this briefing on 12 August 2025.
- b. Subject-matter workshops with Greater Wellington on:
 - i. Stream and wetland ecology (3 September 2025);
 - ii. Earthworks and erosion and sediment control (4 September 2025);
 - iii. Stormwater discharges (5 September 2025);
 - iv. Regional and public transport (17 September 2025);
 - v. The design and construction of a new roundabout on State Highway 59, including a site visit (13 October 2025);
 - vi. Hydrology (23 October 2025).
- c. The Applicant provided draft technical reports in relation to ecology, hydrology, and Erosion and Sediment Control on 24 October 2025. Greater Wellington provided feedback on these reports on 3 November 2025.
- d. The Applicant provided a draft rules assessment on 29 October 2025. Greater Wellington provided feedback on the draft rules assessment on 5 November 2025.
- e. The Applicant provided a draft set of proposed regional resource consent conditions on 11 November 2025. Greater Wellington provided feedback on the draft conditions on 13 November 2025. This included a list of matters that Greater Wellington considered needed to be addressed by the Applicant's proposed conditions.
- f. The Applicant provided an assessment of how their application would address the list of matters to be addressed in conditions provided by Greater Wellington on 13 November 2025. Greater Wellington provided a response to this, along with an indicative set of draft regional resource consent conditions, to the Applicant on 30 January 2026.
- g. Greater Wellington shared its feedback on the completeness and scope of the application with the Applicant
- h. After the Panel Convener conference and in response to directions made by the Panel Convener in their Minute 3⁵, Greater Wellington and the Applicant conferred on information sufficiency issues in late-May and early-June 2026. This resulted in some of

⁵ See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0028/27667/Panel-Convener-Minute-3-Post-conference-directions.pdf

the information sufficiency issues being addressed by the Applicant in amendments to the application on 4 June 2026⁶.

Relevant planning documents

17. The following planning documents prepared under the RMA are relevant to the application and are discussed throughout these comments:

- a. National policy statements, including:
 - i. National Policy Statement for Freshwater Management 2020 (amended December 2025)⁷ (NPS-FM);
 - ii. National Policy Statement on Urban Development 2020 (May 2022)⁸ (NPS-UD);
- b. Resource Management (National Environmental Standards for Freshwater) Regulations 2020⁹ (NES-F);
- c. Regional Policy Statement for the Wellington Region (Proposed Change 1 and Variation 1 Appeals Version)¹⁰ (RPS);
- d. Operative Natural Resources Plan for the Wellington Region 2023¹¹ (NRP);
- e. Proposed Change 1 to the NRP (including Variation 1)¹² (NRP-PC1).

18. The following planning documents prepared under other legislation are also relevant to the project:

- a. Te Rautaki Whanaketanga ki tua a Wairarapa-Wellington-Horowhenua Future Development Strategy 2024-2054¹³ (FDS);
- b. Wellington Regional Land Transport Plan 2021¹⁴, including the 2024 Mid-term Review¹⁵ (RLTP);

⁶ As set out in Greater Wellington's response to Minute 3. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0027/28683/FTA260348-Greater-Wellington-Response-to-Panel-Convener-Minute-3.pdf

⁷ See: <https://environment.govt.nz/assets/publications/npsfm-2020-amended-december-2025.pdf>

⁸ See: <https://environment.govt.nz/assets/publications/National-Policy-Statement-Urban-Development-2020-11May2022-v2.pdf>

⁹ See: <https://www.legislation.govt.nz/secondary-legislation/pco-drafted/2020/174/en/latest/#LMS364099>

¹⁰ See: <https://www.gw.govt.nz/assets/Plans-policies-bylaws/RPS/RPS-Change-1-Appeals-Version-Sep-2025.pdf>

¹¹ See: <https://www.gw.govt.nz/assets/Documents/2023/07/CORRECT-Natural-Resource-Plan-Operative-Version-2023-incl-maps-compressed.pdf>

¹² See: <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/PC1-home-page-content/NRP-PC1-Full-Plan-Change-Variation-1.pdf>

¹³ See: <https://www.gw.govt.nz/assets/Documents/2025/08/1404-GWRC-WLRC-Future-Development-STRATEGY-2024-240223-06.pdf>

¹⁴ See: <https://www.gw.govt.nz/assets/Documents/2021/10/Wellington-Regional-Land-Transport-Plan-2021web.pdf>

¹⁵ See: https://www.gw.govt.nz/assets/Documents/2024/07/Wellington-Regional-Land-Transport-Plan-2021_2024-Mid-Term-Review-2.pdf

- c. Wellington Regional Public Transport Plan 2025-2035¹⁶;
- d. Te Wai Ora o Parirua Porirua Harbour Accord 2025¹⁷.

Benefits

- 19. The principal benefits of the project include the creation of 949 residential allotments to enable 949 future dwellings, and one commercial allotment to enable a future commercial centre. The applicant also proposes to develop transportation, water supply (although reliance is placed on third-party water supply infrastructure to support some of the development), wastewater reticulation, and stormwater infrastructure, alongside a network of open space reserves, to support the development.
- 20. If the project is fully implemented, the benefits associated with the provision of housing and business land would be generally consistent with the following national and regional planning direction:
 - a. Policy 1(a)(i) of the NPS-UD, which relates to enabling housing, and Policy 1(b) of the NPS-UD, which relates to the provision of sites suitable for business activities, subject to the development being undertaken in a manner that contributes to a well-functioning urban environment;
 - b. Objective 22A of the RPS, which seeks that regional housing bottom lines are met;
 - c. Policy P6(j) of the NRP, which recognises the cultural, social, and economic benefits of using land and water for urban development, where it maintains the quality of the natural environment.
- 21. The project is also located within the Porirua Northern Growth Area, which is described as a Priority Development Area in the FDS.
- 22. However, there is considerable uncertainty about when the benefits of the project will be realised. While the Applicant has indicated that they intend to commence earthworks in 2026 if the approvals are granted, the Applicant has also sought 15-year lapse dates for their resource consents. This means that, should the approvals be granted, the Applicant need not make any substantial progress towards exercising the consents for up to 15 years. The default lapse period for consents under the FTAA is 2 years, compared to 5 years under the RMA. Greater Wellington considers that the uncertainty about when the project's benefits will be realised due to the 15-year lapse period sought by the Applicant is not consistent with the purpose of the FTAA.

¹⁶ See: <https://www.gw.govt.nz/assets/Documents/2025/06/Wellington-Regional-Public-Transport-Plan-2025-web.pdf>

¹⁷ See: <https://www.gw.govt.nz/assets/Documents/Documents/2025/10/TeWaiOraoPariruaPoriruaHarbourAccordsigned6Feb2025.pdf>

23. In addition to this, the full extent of the development, and any associated benefits, relies on public infrastructure upgrades outside of the development occurring in advance. Specifically:
- a. No more than 237 allotments can be developed without the construction of a new water supply reservoir in the Muri Block to the north of the development¹⁸;
 - b. The development of any more than 301 allotments requires modelling to confirm that there is sufficient capacity in the wastewater network to support further development¹⁹.

Regional resource consents required

24. The relevant planning documents that determine the regional resource consents that are required for the project are:
- a. The NES-F;
 - b. The NRP;
 - c. NRP-PC1²⁰.
25. Table 3 sets out the regional resource consents that Greater Wellington considers are required to authorise the activities proposed by the substantive application. Activities shown highlighted in yellow are activities that Greater Wellington considers consents are required for, but which the Applicant has not explicitly sought through their substantive application.

Table 3: regional resource consents required to authorise the project. Activities shown highlighted in yellow are activities that Greater Wellington considers consents are required for, but which the Applicant has not explicitly sought through their substantive application.

Activity	Relevant rule or regulation	Activity status	Resource consents required	Comments
Earthworks				
The use of land for earthworks, and the associated discharge of sediment into water or onto or into land	NRP R107	Discretionary	Land use consent (s9) and discharge permit (s15)	Earthworks will be greater than 3,000m ² per property per 12-month period and within 5 m of surface water bodies. Consents required for all earthworks identified in the substantive
	NRP-PC1 P.R24	Non-complying		

¹⁸ As proposed by the Applicant under Subdivision Consent condition 83. See Application Appendix 7 Proposed Conditions, p.30: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/30184/Appendix-A-Updated-Proposed-Conditions.pdf

¹⁹ As proposed by the Applicant under Subdivision Consent condition 82. See Application Appendix 7 Proposed Conditions, p.29: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/30184/Appendix-A-Updated-Proposed-Conditions.pdf

²⁰ NRP-PC1 was publicly notified on 30 October 2023, and Variation 1 was publicly notified on 1 December 2025. The rules in NRP-PC1 (including Variation 1) have immediate legal effect under section 86B(3) of the RMA.

Activity	Relevant rule or regulation	Activity status	Resource consents required	Comments
where it may enter water from earthworks.				application, including within the site, and within road reserve for the construction of the SH59 roundabout.
Contaminated land				
Discharges from contaminated land to land where contaminants may enter water.	NRP R93	Non-complying	Discharge permit (s15)	PSI identifies potential HAIL activities within the site. Conditions (a) and (b) of Rule R82 are not met as no DSI has been undertaken to demonstrate that discharges will not pose an unacceptable risk to human health or the environment.
Rivers				
The placement, use, alteration, extension, or reconstruction of culverts in, on, over, or under the bed of any river, including any associated temporary damming and/or diversion of water, and discharges of sediment to water.	NES-F Reg. 71	Discretionary	Land use consent (s13), water permit (s14), and discharge permit (s15)	Applies to the placement of culverts P-30, P-31, P-34, P-35, P-36, P37, P-38, P-39, and P-40. Proposed culverts do not meet permitted activity conditions for the dimensions of culverts set out in NRP R126 and NES-F Reg. 70.
	NRP R145	Discretionary		
	NRP R147	Discretionary		
Reclamation of the bed of a river associated with piping, including associated diversion of water, and discharge of sediment to water during construction.	NES-F Reg. 57	Discretionary	Land use consent (s13), water permit (s14), and discharge permit (s15)	Applies to the placement of culverts P-32 and P-33 (the piping of the Taupō Stream to allow the SH59 roundabout). The placement of these culverts is reclamation associated with piping, as the culverts are not for the purpose of forming a reasonable crossing point of the river. Rules R151 and R93 provide for temporary damming and diversion of water, and
	NRP R93	Non-complying		
	NRP R143	Non-complying		
	NRP R151	Discretionary		

Activity	Relevant rule or regulation	Activity status	Resource consents required	Comments
				discharge of contaminants to water, during construction of the culverts.
Damming of water				
The establishment of a new dam that is fixed in, on, or under the bed of a river including any associated disturbance of the bed, deposition of the bed, diversion of water, damming of water, discharge of sediment to water, and damming of water outside the bed by a dam structure.	NRP R145	Discretionary	Land use consent (s13), water permit (s14), and discharge permit (s15)	Applies to the establishment of dams that form Retention Wetlands B and E, which are located on rivers. The dams do not comply with permitted activity conditions under Rule R127 because they have a maximum water level that exceeds 3 m (measured at the natural ground level at the downstream toe of the dam structure) (condition (k)). The dam that forms Retention Wetland E also has an upstream catchment that exceeds 20 ha (condition (l)).
	NRP R147	Discretionary		
Damming and diversion of water associated with the establishment of a new dam.	NRP R151	Discretionary	Water permit (s14)	Applies to the dams that form Retention Wetlands A, C, and D, which are not located on rivers.
Wetlands				
The placement of structures and the clearance of vegetation in a natural inland wetland including any associated disturbance of land in the natural inland wetland, diversion of water, and discharge of sediment to water.	NES-F Reg. 45C	Restricted discretionary	Land use consent (s13), water permit (s14), and discharge permit (s15)	Applies to the placement of structures within natural wetlands proposed as part of the substantive application, including boardwalks, outlets, and monitoring structures.
	NRP R117	Discretionary		

Activity	Relevant rule or regulation	Activity status	Resource consents required	Comments
Earthworks and land disturbance within natural inland wetlands, that result in the reclamation of natural inland wetlands, including any associated damming or diversion of water, and discharge of sediment to water.	NES-F Reg. 45C	Restricted discretionary	Land use consent (s13), water permit (s14), and discharge permit (s15)	Applies to all earthworks that result in the reclamation of natural wetlands, as identified in Appendix 30-41 (Overall Ecological Areas) in the Substantive Application ²¹ .
	NRP R118	Non-complying		
Damming and diversion of water within, or within 100 m, of a natural inland wetland, that will change the water level range or hydrological function of the wetland.	NES-F Reg. 45C	Restricted discretionary	Water permit (s14)	Applies to the damming and diversion of water associated with the formation of Retention Wetlands A, B, C, and E, as this will flood existing natural inland wetlands as identified in Appendix 30-41 (Overall Ecological Areas) in the Substantive Application.
	NRP R118	Non-complying		
Vegetation clearance, earthworks and land disturbance within a 10m setback from a natural inland wetland; and earthworks and land disturbance outside a 10m, but within a 100m setback from, a natural inland wetland; including any associated damming or diversion of water and discharge of water to water.	NES-F Reg. 45C	Restricted discretionary	Land use consent (s9), water permit (s14), and discharge permit (s15)	Applies to vegetation clearance, earthworks, and land disturbance, adjacent to but not within existing natural inland wetlands as identified in Appendix 30-41 (Overall Ecological Areas) in the Substantive Application.

²¹ Application Appendix 30-41 Overall Ecological Areas. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24521/Appendix-30-41-1753-02-SK9250-R1-Ecological-Overlay.pdf

Activity	Relevant rule or regulation	Activity status	Resource consents required	Comments
Stormwater				
The use of land for the creation of new impervious surfaces and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body, natural inland wetland, or coastal water.	NES-F Reg. 45C	Restricted discretionary	Land use consent (s9), and discharge permit (s15)	Applies to the creation of all new impervious surfaces, and the associated discharge of stormwater, as described in the substantive application. This includes the creation of new and redevelopment of existing impervious surfaces for the construction of the SH59 roundabout, and the associated discharge of stormwater. Applicant has sought a land use consent for impervious surfaces but has not sought a discharge permit for stormwater. Greater Wellington considers both a land use consent and a discharge permit are required.
	NRP R50	Restricted discretionary		
	NRP-PC1 P.R10	Discretionary		

Consent duration and lapse periods

26. The Applicant has sought 10-year consent durations for construction-related consents, 35-year durations for ongoing damming and diversion and stormwater discharges, and an in-perpetuity duration for the land use consent to create or redevelop impervious surfaces. Greater Wellington agrees with the durations proposed by the Applicant, on the basis that the durations proposed by the Applicant are from the commencement of the consents²².
27. The Applicant has sought 15-year lapse periods for all consents. Greater Wellington disagrees with the lapse period proposed by the Applicant for the following reasons:
- A 15-year lapse period is a significant departure from the default lapse period of 2 years under the FTAA²³ and 5 years under the RMA²⁴.
 - A 15-year lapse period creates significant uncertainty about whether or when the consents will be given effect to. This is because a consent holder need not make any substantial

²² Section 123 of the RMA.

²³ Schedule 5 Clause 26 of the FTAA.

²⁴ Section 125 of the RMA.

progress towards giving effect to the consent for 15 years. Over this time period, it is likely that the planning framework that applies to the activities for which consent is sought would be subject to review at least once, if not twice. In addition to this, the uncertainty associated with a 15-year lapse period casts doubt on whether the benefits identified by the Applicant will be realised at all, and if they are, whether they would still be as significant as claimed by the Applicant if substantial progress is not made until the end of the lapse period.

- c. For those consents where the Applicant has sought a 10-year duration, it does not make sense for a consent to have a lapse period that is longer than its duration, as a consent cannot be given effect to after it expires.

28. The Applicant has given two reasons for the 15-year lapse period²⁵:

- a. 15 years is the estimated time when all survey plans will be deposited due to construction staging. Greater Wellington acknowledges that the test for giving effect to a subdivision consent is different to other consents under the RMA²⁶. However, Greater Wellington considers that if this is the case, a 15-year lapse period need only apply to the subdivision consent and not all regional resource consents.
- b. The project is complex, involving multiple stages, adjacent development being undertaken by other developers, and the rollout of Council infrastructure. Greater Wellington considers that while the complexity of a staged development may justify a longer consent duration, it does not justify a 15-year lapse period. Greater Wellington notes that the activities for which regional resource consents have been sought need not be completed before the end of the lapse period and considers that there is no reason why these activities should not be able to commence within an ordinary lapse period.

29. Greater Wellington considers that there is no sound justification for departing from the ordinary 5-year lapse period for consents under the RMA, in relation to the regional resource consents sought by the Applicant.

Substantive issues

Existing environment and broader context

30. The project site is located within hill country at the headwaters of three separate catchments (Figure 1). The western part of the site is located within the headwaters of the Taupō Stream catchment, which flows south to the coastal marine area at Plimmerton. The eastern part of the

²⁵ Application AEE, p.84. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/24527/Mt-Welcome-Substantive-application-and-AEE-Redacted.pdf

²⁶ Section 125(2) of the RMA.

site is located within the Kakaho Stream catchment, with two separate reaches of the Kakaho Stream flowing through the site south to enter the coastal marine area at the Pauatahanui Inlet. A smaller area in the north-west part of the site is located within the Muri catchment, which flows north to enter the coastal marine area at Pukerua Bay.

31. The site is located upstream from the Taupō Swamp Complex (in the Taupō Stream catchment) and the Pauatahanui Inlet Tidal Flats (at the end of the Kakaho Stream catchment). Both waterbodies are sensitive receiving environments that are recognised in Schedule A of the NRP as waterbodies with outstanding indigenous biodiversity values. Within the Muri catchment to the north of the site, the Muri Road wetland is recognised in Schedule F of the NRP as having significant indigenous biodiversity values.

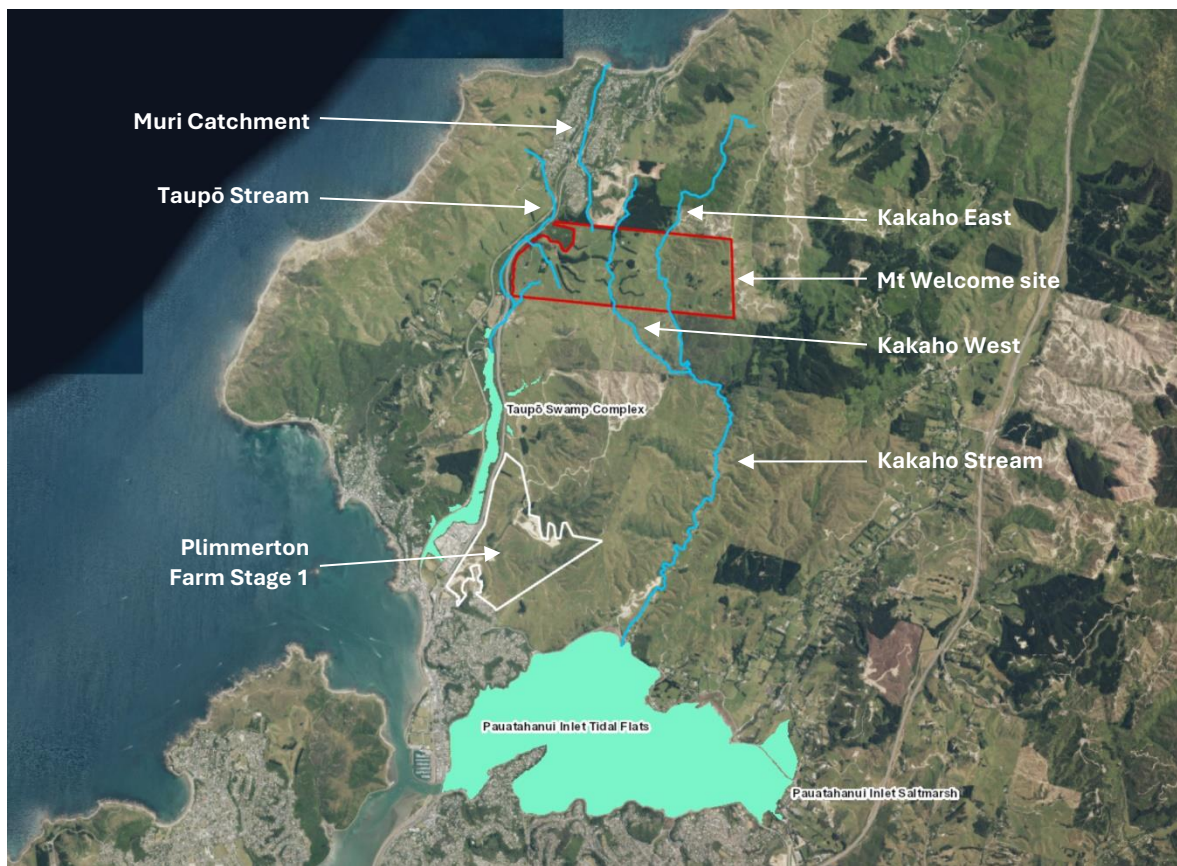


Figure 1: Mt Welcome site context

32. Both the Taupō Swamp Complex and the Pauatahanui Inlet Tidal Flats are within degraded catchments. That both waterbodies are in a degraded state is recognised through the Objectives of NRP-PC1:
 - a. Objective P.O3, which seeks that metal loads entering the harbour arm catchments are significantly reduced, and Objective P.O6, which specifically seeks a reduction in dissolved copper and zinc within the Taupō catchment by 2040.

- b. Objective P.O3 seeks a significant reduction in the sedimentation rate of Pauatahanui Inlet to 2mm/year by 2040 (which requires an approximately 40% reduction from the baseline annual average sediment load²⁷).
33. The cultural values of waterbodies within the catchments affected by the project are described by Te Rūnanga o Toa Rangatira in their pre-lodgement engagement with the Applicant²⁸. The values identified in relation to freshwater bodies include mahinga kai, puna raranga, rongoā, wai māori, wai ora, wāhi tupuna, and wāhi maumahara. They state that these values are inseparable from the wider catchment and Te Awarua-o-Porirua/Porirua Harbour, which include mahinga kai, pā, tauranga waka, marae, and papakāinga. Te Rūnanga o Toa Rangatira also state²⁹:
- The health and values of our waterways have been significantly impacted over the years through discharges of contaminants, reclamation, erosion, and sedimentation. These issues continue to persist due to activities such as earthworks, removal of vegetation, stormwater and wastewater discharges, and construction of in stream structures.*
34. The need to restore the health of waterbodies in the wider Te Awarua-o-Porirua catchment is also recognised by Te Wai Ora o Parirua/The Porirua Harbour Accord³⁰. The Accord is an agreement between Te Rūnanga o Toa Rangatira, Greater Wellington, PCC, Wellington City Council, and Wellington Water (now Tiaki Wai) to develop and implement regulatory and non-regulatory actions to restore the health of Te Awarua-o-Porirua/Porirua Harbour. Objectives of the Accord include that³¹:
- a. A water sensitive catchment is established, where natural water systems are integrated with the built environment to minimise environmental degradation and promote sustainable water outcomes;
 - b. Current and future development and growth must contribute to the protection and restoration of harbour health.
35. The project, if approved, will be a significant urban development located at the head of catchments that include sensitive receiving environments. At the same time, these catchments are experiencing development pressures and land use change, meaning that management of development activities to avoid significant cumulative adverse effects is a key issue. Notable consented development activities within these catchments include:

²⁷ Section 32 Evaluation Report for NRP-PC1, PDF p.91 See: <https://www.gw.govt.nz/assets/Documents/2023/10/Proposed-Plan-Change-1-Section-32-report.pdf>

²⁸ Application Appendix 2 Pre-lodgement Consultation, PDF page 227. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24440/Appendix-02-Pre-lodgement-consultation_Redacted.pdf

²⁹ Application Appendix 2 Pre-lodgement Consultation, PDF page 227.

³⁰ Te Wai Ora o Parirua/The Porirua Harbour Accord, February 2025. See: <https://www.gw.govt.nz/assets/Documents/Documents/2025/10/TeWaiOraoPariruaPoriruaHarbourAccordsigned6Feb2025.pdf>

³¹ Te Wai Ora o Parirua/The Porirua Harbour Accord, p.4.

- a. Consents were granted in October 2024³² for the Plimmerton Farm Stage 1 development, which is a development of approximately 590 residential units on existing farming land at the southern end of the Taupō Stream catchment. This development involves a similar scale and nature of earthworks and works within streams and natural inland wetlands as the Mt Welcome project. These consents are currently being given effect to.
 - b. Consents were granted in October 2023³³ and June 2026³⁴ to undertake earthworks and stormwater discharges associated with a 35-lot rural lifestyle development at the southern end of the Kakaho Stream catchment. Work associated with this development have commenced and are ongoing.
 - c. Consents were granted in February 2024³⁵ for earthworks, stormwater discharges, and culvert placement for a 141-lot residential development on Muri Road, within the Muri catchment to the north of the site. Work associated with this development have commenced and are ongoing.
 - d. Consents were granted in April 2024³⁶ to undertake forestry earthworks and river crossings associated with forestry harvesting on land at 34 Muri Road, in the Muri Block directly to the north of the project site. Forestry harvesting and associated activities have commenced and are ongoing within both the Muri catchment and the Kakaho Stream catchment.
36. In summary, the existing environment within which the project is located contains sensitive receiving environments, including freshwater bodies in the Taupo catchment and the Pauatahanui Inlet Tidal Flats. These waterbodies are identified as being in a degraded state, requiring a reduction in contaminant loads over time to return them to a healthy state. At the same time, there is notable existing development and land use change already occurring within these catchments. Greater Wellington therefore considers that robust management of effects is necessary to avoid significant cumulative adverse effects that would result from any further degradation of waterbodies in the catchment. Greater Wellington considers this can only be achieved by:
- a. Approaches to the management of land use activities and associated discharges that are demonstrated, in advance of the Panel making its decision, to be reliable methods of managing adverse effects on sensitive waterbodies and ecosystems; and

³² Consents for this project were granted by an Expert Panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020. See: <https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Plimmerton-Farm/Decision/Decision-Report-and-Corrected-Conditions-of-Consent-Clean-Version.pdf>

³³ Stage 1 granted under consent reference WGN220120.

³⁴ Stage 3 granted under consent reference WGN260260.

³⁵ Granted under consent reference WGN230148.

³⁶ Granted under consent reference WGN240033.

- b. If the Panel grants the approvals, robust conditions of consent that set clear objectives, targets, or limits for the management of adverse effects, including how works will be managed and monitored to achieve these.

Stormwater management

37. Prior to setting out the issues in relation to stormwater management, it is important to set out that the term *stormwater* has a specific meaning in the NRP. *Stormwater* is defined as follows:

Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure, as a result of precipitation and including any contaminants contained therein.

For the avoidance of doubt, stormwater excludes discharges associated with earthworks, vegetation clearance, break-feeding and cultivation that are managed under rules in section 5.3 of the Plan.

38. As set out in the definition, discharges associated with earthworks are not stormwater discharges and are managed as a separate activity within the NRP (under rules for earthworks and associated discharges). Greater Wellington's comments on earthworks and associated discharges are discussed separately.

Issue 1: Proposed approach to stormwater management

Summary of issue

39. The Applicant's proposed approach to stormwater management employs a reticulated network to convey stormwater from allotments and road services to raingardens for contaminant treatment, and then to a series of "retention wetlands" for volume mitigation, prior to discharging to the receiving environment. However, Greater Wellington considers that the proposed approach to stormwater management is inadequate for several reasons, including that:
- a. The proposal does not incorporate water sensitive urban design methods, including source control of stormwater discharges.
 - b. The proposed method of contaminant treatment is significantly undersized.
 - c. The proposed method of volume mitigation (the "retention wetlands"), while providing peak flow attenuation (hydraulic neutrality), does not appear to provide any meaningful level of retention or extended detention designed to maintain natural stream flows (hydrological control).

- d. Several parts of the reticulated network bypass contaminant treatment and the retention wetlands resulting in unmanaged point source discharges of stormwater. In some cases, the discharge points are located directly adjacent to private property outside the project area.
- 40. Greater Wellington considers that the overall approach to stormwater management needs to be reconsidered to ensure these issues are addressed.
- 41. Greater Wellington notes that the management of stormwater is of interest to PCC and Tiaki Wai, and the New Zealand Transport Agency Waka Kotahi (NZTA) in relation to stormwater assets within Stage Highway 59, and considers that the Panel should have regard to any comments made by these parties and their technical experts in addition to the comments made by Greater Wellington.

Technical expertise

- 42. Greater Wellington's comments on this issue are supported by comments from the following technical experts:
 - a. Andres Roa, Stormwater Discharges (see Appendix 2)

Planning framework for stormwater management

- 43. The following provisions of the NRP provide direction on the appropriate management of stormwater discharges from new urban development:

Objective O38

The adverse quality and quantity effects of stormwater discharges from stormwater networks and urban land uses are reduced over time.

Policy P83: Minimising adverse effects of stormwater discharges

The adverse effects of stormwater discharges shall be minimised, including by:

- (a) using good management practice, and*
- (b) taking a source control and treatment train approach to new activities and land uses, and*
- (c) implementing water sensitive urban design in new subdivision and development, and*
- (d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade, and*
- (e) managing localised adverse effects, including by addressing particular attributes appropriate to the receiving environment.*

Policy P84: Managing land use impacts on stormwater

Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows:

- (a) avoid or minimise scour and erosion of stream beds, banks and coastal margins, and*
- (b) do not increase risk to human health or safety, or increase the risk of inundation, erosion or damage to property or infrastructure,*

including by retaining, as far as practicable, pre-development hydrological conditions in new subdivision and development.

44. NRP-PC1 provides more specific direction on the minimisation of adverse effects of stormwater discharges from new greenfield development. This includes objectives P.O3 and P.O6 (discussed above at para 32), which recognise that fresh and coastal waterbodies in the catchment are in a degraded state, and seek that sediment and urban contaminant loads are reduced over time to restore the health of these waterbodies. The following policies in NRP-PC1 are particularly relevant to achieving these objectives in relation to stormwater discharges:

Policy P.P10: Managing adverse effects of stormwater discharges

All stormwater discharges and associated land use activities shall be managed by:

- (a) using source control to minimise contaminants in the stormwater discharge and maximise, to the extent practicable, the removal of contaminants from stormwater, including through the use of water sensitive urban design measures, and*
- (b) using hydrological control and water sensitive urban design measures to avoid, remedy or mitigate adverse effects of stormwater quantity and maintain, to the extent practicable, natural stream flows, and*
- (c) installing, where practicable, a stormwater treatment system for stormwater discharges from a property or properties taking into account:*
 - (i) the treatment quality (load reduction factor), and*
 - (ii) opportunities for the retention or detention of stormwater flows or volume, including any flood storage volume required, and*
 - (iii) any potential adverse effects that may arise as a result of the stormwater treatment system or discharge, including erosion and scour, and localised adverse water quality effects, and*
 - (iv) inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and*
 - (v) existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit.*

Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces

The adverse effects of stormwater discharges from new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable upon redevelopment, through implementing:

- (a) an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:*

(i) receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and

(ii) achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and

(b) where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.

45. Overall, these provisions seek that stormwater networks are designed, managed, and maintained to:

- a. Manage stormwater discharge volumes to maintain, to the extent practicable, natural stream flows (subsequently referred to as *hydrological control*);
- b. Remove contaminants from stormwater (subsequently referred to as *contaminant treatment*).

Hydrological control

46. In undeveloped catchments, a large portion of rainfall is naturally 'retained' as a result of infiltration or lost due to evapotranspiration. After urban development, clearing of vegetation and changes to surface coverage increase the volume, frequency, response time and flow rate of stormwater runoff entering streams, rivers and other natural environments. Increased flows result in adverse effects on bank erosion, scour, and sedimentation within downstream receiving environments.³⁷
47. Sediment loading is a particular issue for the receiving environment that the Mt Welcome stormwater network will discharge into. As noted above, there are sensitive receiving environments downstream of the project, and Objective P.O3 in NRP-PC1 seeks a significant reduction in the sedimentation rate of the Pauatahanui Inlet.
48. In this context, the purpose of hydrological control is to reduce the adverse effects of stream bank erosion, scour, and associated sediment loads through mimicking, as much as practicable³⁸, the undeveloped water balance for the catchment, with a focus on mitigating development-related changes in small but frequent rainfall events³⁹.
49. To support the implementation of hydrological control measures within new development, Greater Wellington published the *Greater Wellington Hydrological Control Guidance Note (September 2025)*⁴⁰. While this is not a rule or standard, it sets out approaches to achieve

³⁷ Greater Wellington (September 2025). *Greater Wellington Hydrological Control Guidance Note*, pp.4-5. See:

<https://www.gw.govt.nz/assets/Resource-Consents/Stormwater/Greater-Wellington-Hydrological-Control-Guidance-Note-v2.pdf>

³⁸ Greater Wellington (September 2025). *Greater Wellington Hydrological Control Guidance Note*, p.5.

³⁹ Appendix 2 Technical Comments – Stormwater Management, at para 25.

⁴⁰ See: <https://www.gw.govt.nz/assets/Resource-Consents/Stormwater/Greater-Wellington-Hydrological-Control-Guidance-Note-v2.pdf>

hydrological control and design criteria that can be used to achieve effective hydrological control.

Contaminant treatment

50. Stormwater discharges from new impervious surfaces associated with urban development contain entrained heavy metal contaminants, including copper and zinc, which accumulate in downstream receiving environments and result in adverse effects on the ecosystems and indigenous biodiversity within those environments. As noted above, both the Taupo Swamp Complex and the Pauatahanui Inlet Tidal Flats are sensitive receiving environments, and Objectives P.O3 and P.O6 of NRP-PC1 seek reductions in heavy metal contaminant loads to both receiving environments over time.
51. The purpose of contaminant treatment is to remove contaminants from stormwater so that they do not accumulate within downstream receiving environments. Given that the existing environment is in a degraded state with respect to heavy metal contaminants, effective contaminant treatment is particularly important for new urban development within the catchment. To implement contaminant treatment, Policy P.P13 sets out that treatment systems must be designed to receive at least 85% of the mean annual runoff volume of stormwater from impervious surfaces and achieve copper and zinc load reduction factors equivalent to that of a raingarden or bioretention device (90%⁴¹).

Analysis

52. The application includes a Stormwater Management Plan (SMP)⁴² and an associated stormwater network concept design. The proposed stormwater network is described in the SMP as being made up of the following components:
 - a. A reticulated pipe network that conveys stormwater from allotment and road impervious surfaces to one of thirty raingardens that are intended to provide a contaminant treatment function.
 - b. Stormwater is conveyed from the raingardens to one of five stormwater management devices variously referred to in the application as “retention wetlands” or “attenuation ponds”⁴³ that are intended to manage the volume and flow of stormwater from the site. These retention wetlands then discharge, via a culvert outlet, directly into existing natural streams⁴⁴ on site.

⁴¹ As set out in Schedule 28 of NRP-PC1.

⁴² See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0022/24448/Appendix-11-Part-A-Stormwater-Management-Plan.pdf

⁴³ Greater Wellington’s comments will refer to these devices as “retention wetlands” as this is how the Applicant has most commonly referred to them. However, Greater Wellington considers that their function is more akin to attenuation ponds than retention wetlands.

⁴⁴ Where the term “streams” is used in these comments, this should be read as synonymous with *river* as defined in section 2 of the RMA.

53. Greater Wellington has reviewed the proposed approach to stormwater management with a particular focus on whether it achieves the contaminant treatment and hydrological control outcomes required by the regional planning framework described above.
54. Mr Roa's analysis of the stormwater management approach is set out in Appendix 2. Mr Roa highlights several issues with the approach generally, and specifically with respect to contaminant treatment and hydrological control. In summary:
- a. With respect to the general approach (at paragraphs 9 to 16), Mr Roa identifies that the proposed approach does not appear to have considered water sensitive urban design principles (including consideration of source control), stormwater management device catchments are unclear, and maintenance requirements for devices have not been adequately considered. Mr Roa considers an options assessment that considers alternative approaches is necessary to demonstrate that water sensitive design principles have been adequately considered.
 - b. With respect to contaminant treatment (paragraphs 17 to 23), Mr Roa identifies that the proposed raingardens are significantly undersized to treat the impervious surfaces they serve, no treatment is proposed for the commercial allotment, and there are a range of other technical uncertainties due to inconsistency between the SMP and design drawings.
 - c. With respect to hydrological control (paragraphs 24 to 32), Mr Roa considers that this is not provided for by the proposal, either at a catchment scale or at source. Mr Roa also notes that the SMP appears to equate extended detention with peak flow attenuation, without demonstrating how each will be achieved. Mr Roa recommends consideration of stormwater volume mitigation using rainwater tanks and channelised stream erosion protection through the provision of dedicated extended detention.
55. Mr Roa has also identified that there are several parts of the proposed development where stormwater discharges are managed outside of the centralised reticulated network without any contaminant treatment or volume mitigation⁴⁵ (in other words, these are unmanaged point source discharges of stormwater). This includes discharges over land adjacent to private property outside of the project area (the Muri Block, 434 State Highway 59, and the Scaife Block). This is contrary to the approach set out in the SMP, which is based on all discharges through the primary network being captured by the treatment train. Additionally, the adverse effects of unmanaged point source discharges of stormwater (including on adjacent private property) has not been assessed by the Applicant.

⁴⁵ Appendix 2 Technical Comments – Stormwater Management, para 13.

56. Considering the issues set out above, and in detail in Mr Roa's evidence, Greater Wellington considers that the proposed approach to stormwater management:
- a. Will not achieve the objectives to maintain or improve water quality in downstream receiving environments set out in the NRP or NRP-PC1;
 - b. Is contrary to the policies for stormwater management in the NRP and NRP-PC1, because it does not implement water sensitive urban design (P83 and P.P10), does not take a source control approach to managing contaminants and discharge volumes (P83 and P.P10), does not implement an adequate contaminant treatment system (P.P13), and does not provide adequate hydrological control to maintain, as far as practicable, pre-development hydrological conditions or natural stream flows (P84, P.P10, and P.P13);
 - c. Is likely to lead to significant adverse effects (including cumulative adverse effects) on sensitive downstream receiving environments that are already identified as being in a degraded state (the Taupo Swamp Complex and Pauatahanui Inlet Tidal Flats).
57. Greater Wellington has engaged with PCC, Tiaki Wai, and Te Rūnanga o Toa Rangatira during the preparation of these comments. Greater Wellington understands that PCC's comments on the proposal will address the consistency of the proposed approach to stormwater management with the provisions of the District Plan, and that Tiaki Wai will provide comments from its perspective as a stormwater network utility operator that would be responsible for the assets and compliance with any discharge permits (if it accepts them). Greater Wellington considers that its comments on stormwater management should be read alongside the comments of PCC, Tiaki Wai and Te Rūnanga o Toa Rangatira.
58. In relation to the ongoing implementation of any stormwater discharge permit, Greater Wellington considers that Tiaki Wai's position on the proposal is of particular importance. The Applicant's approach to long-term management of the stormwater network is predicated on transferring the stormwater network (and, it is presumed, the discharge permits) to Tiaki Wai to own, operate and maintain⁴⁶. This approach is not feasible if Tiaki Wai are not sufficiently satisfied with the proposal to agree to accept the assets and the transfer of the discharge permit.
59. Greater Wellington also notes the Application proposes localised stormwater networks to manage discharges from the proposed alterations to State Highway 59 (SH59)⁴⁷. While this includes a limited amount of treatment for some impervious surfaces (in the form of swales), it appears that the majority of new or redeveloped impervious surfaces associated with SH59 discharge through sumps directly to the Taupō Stream without any form of contaminant

⁴⁶ The application states that the network will be vested with PCC to be managed by Wellington Water, however this has been superseded by the establishment of Tiaki Wai as the water services entity.

⁴⁷ Application Appendix 30-36 SH59 Drainage. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0018/24516/Appendix-30-36-1753-02-8400-R2-SH59-Drainage.pdf

treatment or volume mitigation. On this basis, the issues identified by Mr Roa in relation to the management of stormwater discharges at the site would also apply to the Applicant's proposed management of stormwater discharges associated with the development of the SH59 intersection. In addition to this, NZTA may also have their own design standards for stormwater network assets within the state highway network that they may become responsible for, in addition to the requirements of the regional plan. Whether the proposed stormwater assets and networks within SH59 are acceptable to NZTA as the future asset owner and permit holder would be a material consideration with respect to the ongoing feasibility of the proposed approach to managing stormwater discharges from SH59.

Resolution suggested by Greater Wellington

60. Greater Wellington considers that the issues raised above, alongside issues that may be raised by PCC and Tiaki Wai (and potentially NZTA), are cumulatively not capable of being resolved through conditions without reconsideration of the overall approach to stormwater management and the design of the stormwater network. Reconsideration of the design of the stormwater network may require consequential amendments to other parts of the development design and consents, including earthworks, culvert design and placement, works within streams and natural wetlands, and the arrangement of drainage reserves and allotments. Because of the potential flow-on effects, attempting to resolve this through conditions risks rendering the consents as unimplementable. On this basis, Greater Wellington considers that any reconsideration of the approach to stormwater management should occur prior to the Panel's decision on the application.
61. Greater Wellington considers that the successful outcome of any reconsideration of the stormwater management approach would be an amended SMP and stormwater network design that:
 - a. Is demonstrated to be the best practicable option⁴⁸ to achieve the stormwater management objectives and policies of the NRP and NRP-PC1, including by addressing the matters identified by Mr Roa, by:
 - i. Incorporating water sensitive urban design measures, including source control;
 - ii. Providing a treatment train that incorporates adequately sized and designed contaminant treatment and hydrological control measures;
 - iii. Avoids unmanaged point source discharges of stormwater;

⁴⁸ Greater Wellington considers this would satisfy section 105(1)(c) of the RMA, which requires that decision-makers have regard to any possible alternative methods of discharge.

- iv. Providing a system that can be reasonably maintained on an ongoing basis;
 - b. Mitigates the adverse quantity and quality effects of stormwater discharges from all impervious surfaces associated with the development on adjacent properties and sensitive downstream receiving environments;
 - c. Addresses any issues raised by PCC in relation to the District Plan and Te Rūnanga o Toa Rangatira in relation to mana whenua values;
 - d. Is acceptable to Tiaki Wai (and NZTA in relation to SH59) as the intended future asset owner and discharge permit holder.
62. Greater Wellington has also identified a range of issues with the proposed retention wetlands, which are discussed separately under Issue 2 below. Any reconsideration of the purpose and function of the retention wetlands as part of the overall stormwater management approach would need to consider and resolve the issues with the retention wetlands identified in Issue 2.
63. If the approach to stormwater management can be reconsidered to achieve the outcomes described in para. 61 in advance of the Panel making its decision, then Greater Wellington considers that the adverse effects of stormwater discharges may be managed through consent conditions. Greater Wellington has included drafting of these conditions in as Conditions 82 to 94 in Appendix 1. In summary, these conditions provide for:
- a. Submission of a stormwater detailed design for certification that demonstrates that the proposed stormwater networks provide adequate contaminant treatment and hydrological control of stormwater discharges, takes into account the results of ongoing hydrological monitoring, and sets out the staged implementation of stormwater discharges from those networks (Conditions 82 to 84);
 - b. Submission of as-built plans that demonstrate that the stormwater networks have been constructed in accordance with the certified detailed design (Condition 88);
 - c. Submission of a stormwater operation and maintenance plan for certification (Conditions 83 and 84) and a requirement that the consent holder operate and maintain stormwater management devices in accordance with the certified management plan (Condition 93) and keep records of inspections and maintenance (Condition 94).

Issue 2: Proposed retention wetlands

Summary of issue

64. The Applicant proposes to construct five “retention wetlands” as a method of controlling stormwater volumes that leave the site. The retention wetlands are constructed by placing an

earth bund dam within a gully that incorporates a culvert outlet to control water levels and volumes. Greater Wellington has reviewed the proposed retention wetlands and considers that there are a range of unresolved technical issues with the proposed approach, including that:

- a. It is unclear whether the retention wetlands provide hydrological control of stormwater discharges;
- b. Hydraulic modelling may overestimate baseflows into the wetlands;
- c. Hydrological conditions within the wetlands do not support wetland environments to the extent claimed;
- d. Standing water may result in adverse water quality effects (such as temperature, lower dissolved oxygen, pest plant invasion, increased nutrient and bacteria levels, and odours) that have not been considered;
- e. The proposed design will result in adverse effects on fish passage;
- f. Retention Wetland E is an online stormwater management device that will receive discharges of contaminants from outside the development which do not appear to have been considered;
- g. Ongoing maintenance requirements are uncertain and may conflict ecological remediation or offsetting conditions and proposed conservation covenants.

65. Greater Wellington considers that, as proposed, there is a material risk that the retention wetlands are not able to achieve their ongoing stormwater management purpose at the same time as meeting the ongoing ecological obligations that will attach to them through consent conditions and conservation covenants.

Technical expertise

66. Greater Wellington's comments on this issue are supported by comments from the following technical experts:
- a. Andres Roa, Stormwater Discharges (see Appendix 2)
 - b. James Blyth, Hydrology (see Appendix 3)
 - c. Dr Gareth Taylor, Stream Ecology (see Appendix 4)
 - d. Melanie Dixon, Wetland Ecology (see Appendix 5)
 - e. Kirsty Duff and Tim Lewis, Water Resilience (see Appendix 6)

67. In addition to this, we note that the retention wetlands are of interest to PCC and Tiaki Wai, and we refer the Panel to the comments made by them and their technical experts, alongside the comments made by Greater Wellington and its technical experts.

Analysis

68. The Applicant has proposed the establishment of five “retention wetlands”⁴⁹ as part of the proposal (Figure 2). The primary purpose of the retention wetlands is explained in the SMP as follows: “the wetland retention ponds provide both water quality and quantity control – retaining and detaining runoff from frequent, low-intensity events and storing flows up to the 1% AEP storm”⁵⁰. In other words, they are intended as a constructed stormwater management device. This is reinforced by the fact that the Applicant proposes to vest the land on which the devices are located to PCC/Tiaki Wai as a drainage reserve.

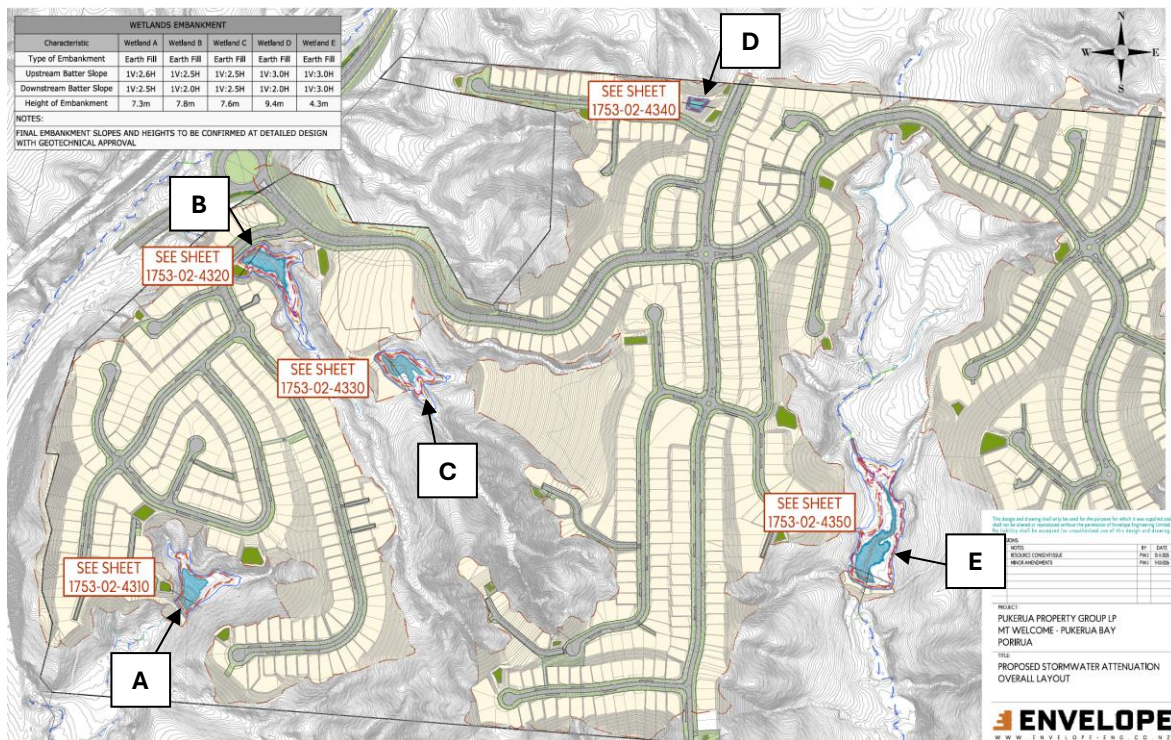


Figure 2: location of proposed "retention wetlands". Source:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24506/Appendix-30-26-1753-02-4300-R2-Drainage-Wetlands.pdf

⁴⁹ The Applicant refers to these features using a variety of terms including “retention wetlands”, “attenuation devices”, “attenuation basin”, “wetland retention pond”, “reservoir”, and “stormwater retention devices (lakes)”. The variety of names used by the Applicant is indicative of the uncertainty associated with the purpose and function of these constructed devices. For consistency, Greater Wellington will refer to these features as “retention wetlands” throughout these comments, although we do not consider that this accurately describes their function (which is more akin to an attenuation pond with vegetated margins).

⁵⁰ Stormwater Management Plan, p.19. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/28240/Appendix-C-1-Updated-Stormwater-Management-Plan.pdf

69. Except for Retention Wetland D, the retention wetlands are also proposed to function as freshwater ecological remediation and offsetting⁵¹, specifically:
- a. By providing wetland habitat to remediate the loss of existing natural inland wetlands that sit directly below the retention wetlands;
 - b. By providing for the creation of wetland habitat to (partially) offset the loss of natural inland wetland extent as a result of earthworks elsewhere on the site;
 - c. By providing for the creation of permanent freshwater habitat to offset the loss of stream values and extent both elsewhere on the site (due to the placement of culverts), and as a result of the creation of the retention wetlands.
70. The intended ecological function of the retention wetlands is reinforced by the fact that the Applicant proposes to place conservation covenants over the each of the retention wetlands up to the full extent of the 10% AEP flood level.
71. There is little information in the application about how the retention wetlands will be constructed, however the application does describe the following overall features:
- a. The retention wetlands will be formed by the construction of an earth bund dam within each gully. Bund heights vary from 4.3 m to 7.8 m, depending on the retention wetland.
 - b. A culvert will be placed within each earth bund dam to establish a permanent water level within the retention wetland. Culverts vary in length from 28 m to 61 m, and are generally at steep gradients up to 25%.
 - c. The bund and culvert arrangement results in permanent water depths under modelled baseflow conditions of 2.2m, 1.4m, 2.5m and 2.4m for Retention Wetlands A, B, C and E respectively (with Retention Wetland D being shallower, at approximately 0.3 to 0.4m deep).
 - d. The earth bund dams for Retention Wetlands B and E will be placed within the bed of a permanently or intermittently flowing stream;
 - e. The construction of all retention wetlands will result in the loss of existing natural inland wetlands both below the earth bund dams, and also through inundation by increased permanent water levels.

⁵¹ As explained in the Applicant's Ecological Assessment. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

72. Because of their overlapping stormwater management and freshwater ecology functions, the proposed retention wetlands create significant complexity from a regional consenting perspective. Their existence will be subject to conditions of several regional consents, including the regional stormwater discharge permit, the regional consents to place dams and culverts within the bed of a river, and regional consents to reclaim natural inland wetlands. They will also be subject to the conditions of district land use and subdivision consents, on top of having a drainage reserve status and being subject to restrictive covenants. This means that any future attempts to modify the consented proposal to address design or implementation issues (for example, through an application to change conditions of any one of those consents) may have flow-on effects for related consents (including district consents), with a risk that those consents may not be able to be implemented (for example, a change in design to achieve stormwater management objectives that results in a reduction in functional freshwater habitat may result in consents to reclaim natural inland wetlands becoming unimplementable). There may be further interrelationships with the complex freshwater fisheries approvals administered by the Department of Conservation (DoC).
73. On top of this complexity, the Applicant is relying on Tiaki Wai to accept these assets as part of managing ongoing stormwater discharges from the site. Consistent with Greater Wellington's comments on the overall stormwater management approach above, if it eventuates that Tiaki Wai will not accept the assets, this results in a material risk that the consents will not be able to be implemented over their full duration.
74. Greater Wellington and its experts have identified a range of technical issues with the proposed retention wetlands. Table 4 below summarises these technical issues, which are explained in detail in the technical comments provided by each expert. Greater Wellington understands that PCC and Tiaki Wai will also be commenting on the retention wetlands and suggests that the Panel considers Greater Wellington's comments alongside those of PCC and Tiaki Wai.

Table 4: technical issues with retention wetlands

Technical issue	Reference to Greater Wellington technical comments
Retention wetlands not demonstrated to provide hydrological control It is not clear that the retention wetlands will achieve any meaningful level of hydrological control through retention or extended detention. Wetlands are not suited to provide a retention function, and the design does not demonstrate how extended retention will be achieved.	Appendix 2 Technical Comments – Stormwater Management, para. 26
Hydrological modelling may overestimate baseflows	Appendix 3 Technical Comments – Hydrology, paras. 8-15

Technical issue	Reference to Greater Wellington technical comments
Modelling uncertainty means that the long-term hydrological model may overestimate the runoff out of post-development catchments, risking lower than anticipated baseflows to the retention wetlands.	
Hydrological conditions do not support wetland environments to the extent claimed Hydrological conditions within the retention wetlands are unlikely to support wetland vegetation to the extent claimed by the Applicant (claimed as the full extent of the 10% AEP flood extent). Greater Wellington considers that some parts of the 10% AEP flood extent will be too wet, or too dry, to support wetland vegetation. Specifically: • Approximately 20-30% of Wetlands A, B, and C, and approximately 11% of Wetland E would have a permanent water depth of greater than 0.5m a majority of the time, where it would be challenging to establish permanent aquatic plants. • Wetlands A, B, C, and E will have a larger “zone of influence” within which standing water will fluctuate between 0.5 m and 1 m deep throughout the year, where it would be possible, but challenging, to establish and maintain permanent cover of aquatic plants. • At the outer extent, the 10% AEP flood extent is unlikely to be wet enough to support wetland conditions, with a better proxy being the annual flood level. Ms Dixon considers that the only parts of the retention wetlands that could realistically provide wetland habit are: • Areas of saturated soils within the annual flood level; • Areas of shallow permanent water, less than 400 mm deep under normal (baseflow) conditions. • Areas not subject to stormwater maintenance including access for maintenance.	Appendix 3 Technical Comments – Hydrology, paras. 24-29 Appendix 5 Technical Comments – Wetland Ecology, paras. 16-28
Standing water may result in adverse water quality effects The proposed standing water depths increase the risk of adverse effects associated with stagnation, including higher water temperatures, lower dissolved oxygen, pest plant invasion, increased nutrient and bacteria levels associated with attracting excessive numbers of waterfowl, and discharges of odour. These will result in in-situ and downstream adverse effects on water quality (and potentially air quality), which have not been considered by the Applicant.	Appendix 3 Technical Comments – Hydrology, paras. 24-25 Appendix 5 Technical Comments – Wetland Ecology, paras. 19-20

Technical issue	Reference to Greater Wellington technical comments
As noted by Mr Blyth and Ms Dixon, establishment of vegetation is critical to increase shading, secondary water treatment, and reduce the risk of water becoming stagnant and impacting downstream water quality, however as noted above, vegetation is not likely to be established to the extent claimed by the Applicant. As noted by Ms Dixon, once an area of open water experiences poor water quality problems, it can be very difficult to fix.	
Proposed design will result in adverse effects on fish passage The Applicant proposes to provide fish passage through Retention Wetlands B and E. This is consistent with the requirements of the NES-F, given that the retention wetlands are located on permanently or intermittently flowing streams. Mr Blyth has identified that except for Retention Wetland B, all retention wetlands will experience permanent water levels that drop below the outlet invert level on nearly an annual basis during summer. This is contrary to the Applicant's assertion that the outlets are designed to provide a continuous wetted low-flow pathway to support fish passage, and means that fish passage will be disrupted where it is required at Retention Wetland E. Dr Taylor also identifies steep culvert grades and potential lack of vegetation establishment as leading to potential adverse effects on fish passage through the retention wetlands that have not been assessed.	Appendix 3 Technical Comments – Hydrology, para. 24 Appendix 4 Technical Comments – Stream Ecology, para. 47
Retention Wetland E is an “online” stormwater management device Retention Wetland E is of particular concern because it is an “online” stormwater management device that not only collects stormwater discharges from the proposed development, but will also collect stream, overland, and groundwater flows from the surrounding farm retained within the balance allotment, and the Muri Block to the north. Inputs of sediment and nutrients from outside the development may adversely impact both the stormwater management functionality (in terms of accumulated sediment) or ecological functionality (in terms of accumulated sediment and nutrient loads) of the wetland, which have not been assessed, and may require ongoing maintenance to manage.	Appendix 3 Technical Comments – Hydrology, para. 32 Appendix 4 Technical Comments – Stream Ecology, para. 4 Appendix 5 Technical Comments – Wetland Ecology, para. 25
Ongoing maintenance requirements are uncertain The updated SMP states that the only maintenance requirements for the retention wetlands will be: • Maintaining permanent access to inlet and outlet structures and clearing them of debris and sediment.	Appendix 2 Technical Comments – Stormwater Management, paras. 15-16 Appendix 5 Technical Comments – Wetland Ecology, paras. 24-25

Technical issue	Reference to Greater Wellington technical comments
- Monitoring and maintaining vegetation, and replanting as required to achieve at least 80% vegetation cover in accordance with the landscape management plans. Greater Wellington considers that this underestimates the potential maintenance requirements. Additional maintenance requirements may include: - Regular vegetation clearance around outlet structures. - Clearance of accumulated sediment as a result of erosion and scour caused by discharge of stormwater from outlets in gully heads above the retention wetlands. - Clearance of sediment and other urban contaminants as a result of undersized contaminant treatment (see Issue 1) and bypass events. - Clearance of accumulated sediment within Retention Wetland E as a result of discharges from the Muri Block and ongoing rural land use of the balance allotment within the project area. Measures to mitigate or isolate additional maintenance requirements, such as sediment forebays, and defined areas for vegetation removal that do not overlap wetland remediation or offset areas, have not been considered as part of the proposal.	
Specific maintenance requirements for dams have not been considered Greater Wellington has experience with maintaining dams as part of flood protection schemes. Greater Wellington notes that these types of assets require ongoing maintenance, including the clearance of post-flood debris and sediment (not just from the inlet or outlet structures). Consideration should be given to the operational requirements for undertaking this work safely and practicably, in addition to being able to undertake dam maintenance in a manner that appropriately manages adverse effects on the environment (in other words, that maintenance can be undertaken as a permitted activity).	Appendix 6 Technical Comments – Water Resilience, paras. 1-2
Potential consequences of dam overtopping or failure not assessed While the structures may not be classifiable dams under the Building Act 2004, overtopping or failure of the dams may result in adverse effects downstream. Given the elevation and location of the dams upstream of known flood-prone areas and infrastructure, any adverse downstream or consequential effects of dam overtopping or failure should be assessed.	Appendix 6 Technical Comments – Water Resilience, para. 3.

75. In addition to the technical issues highlighted above, the way in which the Applicant has proposed that these devices serve a stormwater management function *at the same time* as

fulfilling on-going freshwater ecological remediation and offsetting obligations creates a material risk that one or both consents are unable to be implemented in accordance with their conditions. As noted above, the conservation covenants proposed by the applicant cover the entire 10% AEP flood level of the device. These same areas would be subject to the consent conditions to establish, monitor, and maintain freshwater remediation and offsetting as part of the Applicant's consents to reclaim rivers and natural inland wetlands to enable the development, and operational maintenance requirements under the stormwater discharge permits. As a result:

- a. Undertaking necessary maintenance to ensure that the devices continue to provide effective stormwater management (such as clearing vegetation from around outlets or removing accumulated sediment and other contaminants from within the device) may breach both the conservation covenants and regional resource consent conditions where this requires land disturbance or vegetation clearance in areas protected for freshwater ecological remediation or offsetting.
- b. On the other hand, compliance with covenants and regional resource consent conditions to protect remediation or offset areas may result in reduced stormwater management functionality over time because of the restrictions that these would place on undertaking necessary maintenance.

76. This issue could potentially be mitigated by extending the minimum monitoring and maintenance period prior to vesting of the retention wetlands to 5 years (up from 1 year) from the completion of all construction works within the contributing catchment. Both Mr Roa⁵² and Ms Dixon⁵³ consider this to be a reasonable minimum monitoring maintenance period to allow for both the stormwater and ecological performance of the assets to become clear.
77. However, this does not resolve ongoing complexity of what would become overlapping consent obligations in the event that the stormwater management devices and stormwater discharge permit were transferred to Tiaki Wai after the maintenance period. Ongoing consent conditions associated with any ecological remediation or offsetting at the retention wetlands will attach to the Applicant's reclamation consents (which would stay with the Applicant as the consent holder), whereas the conditions for operation and maintenance of stormwater management devices (including the retention wetlands) will attach to the stormwater discharge permit that would be transferred to the new asset owner. The result would be multiple consent holders with potentially conflicting consent obligations applying to the same land. This is an undesirably complex outcome that risks creating disputes between consent holders that would need to be resolved by the regional council.

⁵² Appendix 2 Technical Comments – Stormwater Management, at para. 16.

⁵³ Appendix 5 Technical Comments – Wetland Ecology, at para. 21.

78. The above points may be moot if Tiaki Wai does not accept the assets or a transfer of the stormwater discharge permits from the Applicant. As discussed in Issue 1, this would be an undesirable outcome for the ongoing operation and maintenance of stormwater management assets for the development generally, and contrary to the Applicant's proposal to vest the assets.

Resolution suggested by Greater Wellington

79. Because of the technical and implementation issues identified above, Greater Wellington considers that the proposed retention wetlands will not adequately achieve their intended purpose, either as stormwater management devices or as a method of ecological remediation or offsetting and that there is a material risk that the retention wetlands will lead to unmanaged adverse effects. Greater Wellington considers that the technical issues raised above, alongside any issues raised by PCC and Tiaki Wai, are not capable of being resolved through conditions without reconsideration of the design of the retention wetlands. Any reconsideration of the design of the retention wetlands may require consequential amendments to other parts of the development design or consents being sought by the applicant. Greater Wellington therefore considers that any reconsideration of the retention wetlands cannot be deferred to conditions and must occur prior to the Panel's decision on the application.
80. It may also be the case that, in response to the reconsideration of the overall stormwater management approach suggested in response to Issue 1, the retention wetlands are determined not to be the best practicable option for managing stormwater discharge volumes. On this basis, Greater Wellington considers that any reconsideration of the retention wetlands should occur as part of any reconsideration of the overall stormwater management approach.
81. If the retention wetlands are to be retained as part of the proposal, then Greater Wellington considers that the following matters must be resolved in advance of the Panel deciding on the approvals:
- a. Whether the retention wetlands can provide ecological remediation or offsetting while also functioning as a stormwater management device would need to be reconsidered in light of the issues raised above. If there is any conflict or overlap between maintenance requirements and ecological remediation/offsetting obligations, or if Tiaki Wai would not accept the ecological remediation or offsetting obligations associated with these assets, then Greater Wellington considers that the ecological remediation/offsetting must be separated from the retention wetlands and provided for elsewhere within the development. This is discussed further under Issues 6, 9, and 10 below.

- b. Performance standards for water quality (including dissolved oxygen, temperature, *E. coli* and dissolved zinc and copper)⁵⁴ should be determined, so that they can be monitored and managed through consent conditions.

82. If the retention wetlands are retained in some form, then Greater Wellington considers that conditions requiring the ongoing water quality and hydrological monitoring of discharges from the retention wetlands are necessary, to ensure that the retention wetlands do not cause unanticipated adverse effects downstream (see Conditions 89 to 92 in Appendix 1).

Issue 3: Financial contributions for stormwater discharges

Summary of issue

83. The Applicant has proposed to pay a financial contribution in relation to stormwater discharges, however, has not included any resource consent conditions that would enable a financial contribution to be collected.

Planning framework

84. Policy P.P14 in NRP-PC1 states:

Policy P.P14: Stormwater contaminant offsetting for new greenfield development

The adverse effects of residual (post-treatment) stormwater contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or coastal water, including via an existing or new stormwater network, are to be offset by way of a financial contribution in accordance with Schedule 30 (financial contribution).

85. Schedule 30 of NRP-PC1 sets out the purpose of the financial contribution, how it is to be calculated, and what it will be used for. In summary, the purpose of the financial contribution is to offset the residual contaminant load from stormwater discharges to ensure the maintenance or improvement of water quality within the affected whaitua. The contribution is to be distributed to the relevant stormwater network utility operator to be invested in catchment scale stormwater treatment projects within the same whaitua as the activity for which consent is sought, and if practicable, within the same part freshwater management unit.
86. On 1 December 2025, Schedule 30 was amended by Variation 1 to NRP-PC1 specify that the timing for payment of financial contributions by consent holders will be no earlier than 1 June 2027.

⁵⁴ Appendix 3 Technical Comments – Hydrology, para. 26.

Analysis

87. The Applicant has proposed to pay financial contributions for stormwater discharges in accordance with Schedule 30 of NRP-PC1⁵⁵. However, the Applicant has not proposed any conditions that set out the level of timing of payment.
88. Greater Wellington considers that, to give effect to this, conditions need to be imposed on the stormwater consents that require the level of contribution and timing of payment to be determined in accordance with Schedule 30 of Variation 1 to NRP-PC1⁵⁶. In this case, the level of financial contribution would be calculated based on Table D1 in Schedule 30 (financial contribution calculations for residential greenfield development). Consistent with the Applicant's proposed approach to the staging of stormwater discharges, Greater Wellington also considers that it is appropriate to enable the payment of financial contributions on a staged basis.

Resolution suggested by Greater Wellington

89. Greater Wellington considers that, to provide for the payment of financial contributions for stormwater discharges, conditions should be imposed on the consents for stormwater discharges (see Condition 95 in Appendix 1) that:
- a. Require the financial contribution for stormwater discharges to be calculated in accordance with Schedule 30 of Variation 1 to NRP-PC1; and
 - b. Enable the calculation of financial contributions to be undertaken on a staged basis, with the timing of payment to be prior to the commencement of stormwater discharges for each stage, but not earlier than 1 June 2027.

Streams⁵⁷ and natural wetlands*Technical expertise*

90. Greater Wellington's comments on issues related to streams and natural wetlands are supported by comments from the following technical experts:
- a. James Blyth, Hydrology (see Appendix 3)

⁵⁵ Application AEE, p.106. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/24527/Mt-Welcome-Substantive-application-and-AEE-Redacted.pdf, and

Application Appendix 4 Rule Assessment, p.78. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/24442/Appendix-04-Resource-Consents-Assessment.pdf

⁵⁶ Consistent with section 108(10) of the RMA.

⁵⁷ Where the term "stream" is used in Greater Wellington's comments, this should be read as synonymous with the definition of *river* set out in section 2 of the RMA.

- b. Dr Gareth Taylor, Stream Ecology (see Appendix 4)
- c. Melanie Dixon, Wetland Ecology (see Appendix 5)

Issue 4: Functional need to reclaim the Taupō Stream

Summary of issue

91. The construction of a two-lane roundabout at State Highway 59 (SH59) includes the proposed reclamation of approximately 110 m of a tributary of the Taupō Stream. This will result in permanent adverse effects on river bed extent and freshwater ecology values (which the applicant proposed to address through a biodiversity compensation package), as well as effects on mana whenua values (which appear to be unmitigated). To reclaim a river under the RMA planning framework, the activity needs to demonstrate a functional need to reclaim the river bed. In this instance, Greater Wellington considers that the evidence contained in the application does not demonstrate a functional need, because it appears that there are other reasonably practicable alternatives to providing access to the site that could avoid the reclamation of the river.

Planning framework

92. Greater Wellington agrees with the Applicant's assessment that the following regulations and rules apply to the reclamation of the tributary of the Taupō Stream to construct the proposed roundabout at SH59:
- a. Regulation 57 of the NES-F, which provides that the reclamation of the bed of any river is a discretionary activity.
 - b. Rule R143 of the NRP, which provides that reclamation of the bed of a river associated with the piping of a river is a non-complying activity.
93. Regulation 57(2)(a) of the NES-F states that a resource consent to reclaim the bed of a river "must not be granted unless the consent authority has first satisfied itself that there is a functional need for the reclamation of the river bed in that location". The National Planning Standards define *functional need* as⁵⁸:

the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

94. This regulation relates to Policy 7 of the NPS-FM, which states:

⁵⁸ Ministry for the Environment (2019). *National Planning Standards*, p.58. See: <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf?v=2524784180d5a918833b1f3d2f21932c71cde537>

Policy 7: *The loss of river extent and values is avoided to the extent practicable.*

95. NRP Policy P110 is also relevant to river reclamation, and states as follows:

Policy P110: Loss of extent and values of the beds of lakes and rivers, and natural wetlands

The loss of extent and values of the beds of lakes and rivers and natural wetlands, including as a result of reclamation and drainage, is avoided, except where: ...

(b) in a river:

(i) there is a functional need for the activity in that location; and

(ii) any reclamation or drainage is: ...

2. for the purposes of the development, operation, maintenance and upgrade of Regionally Significant Infrastructure⁵⁹...

Analysis

96. The Applicant proposes to reclaim approximately 110 m of a tributary of the Taupō Stream in order to construct a two-lane roundabout at the entrance to the site on SH59. The Applicant proposes to pipe the existing stream into two lengths of 1,500 x 1,000 m box culvert that are articulated in the middle with a service access point provided at the point where the piping changes direction. The pipe does not follow the direction of the existing bed, which meanders to the south-west of the proposed pipe location.
97. The stream sits within relatively dense vegetation that is also identified in the PCC District Plan as a significant natural area (Figure 3). Permanent adverse effects of the loss of river bed extent and freshwater ecology values are sufficiently significant to necessitate a biodiversity compensation package, which the Applicant has proposed to undertake at the at the west main stem of the Kakaho stream. There are also permanent adverse effects on the loss of terrestrial indigenous biodiversity within the surrounding significant natural area (which are addressed as part of PCC's comments). The reclamation of the river also has adverse effects on mana whenua values that appear, based on pre-lodgement feedback provided by Te Rūnanga o Toa Rangatira, to be unmitigated⁶⁰.

⁵⁹ Noting that SH59 meets the definition of *regionally significant infrastructure* in the NRP/RPS.

⁶⁰ Application Appendix 2 Pre-lodgement Consultation, PDF page 222. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24440/Appendix-02-Pre-lodgement-consultation_Redacted.pdf



Figure 3: tributary of the Taupō Stream at the proposed reclamation location. Source: Greater Wellington Regional Council, 13 October 2025.

98. The Applicant explains the roundabout as follows⁶¹:

The roundabout has been conceptually designed to accommodate full traffic demands from both the Mt Welcome and the adjacent Muri Road block. Two-lane approaches and circulating lanes have been included to provide sufficient capacity and to future-proof the intersection for expected traffic growth. The roundabout can operate at the current 100km/h speed limit but also has been designed with the potential to operate at a reduced 60km/h.

99. The key issue is whether there is a functional need to reclaim the Taupō stream to provide for an intersection at SH59 to access the site. The Applicant has provided an analysis against the requirements of the NES-F, which in relation to this question states that alternatives were considered, but that “the intersection is required by NZTA to be a dual-lane roundabout due to the operating speed of the corridor”⁶².

⁶¹ Application Appendix 9 Infrastructure Report, Section 8.7. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0024/28239/Appendix-C-1-Updated-Infrastructure-Report.pdf

⁶² Application Appendix 6 NES-F Analysis, pp.13-14. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0018/24444/Appendix-06-NES-F-analysis.pdf

100. The Applicant's Integrated Transport Assessment (ITA)⁶³ takes a more nuanced position. The ITA considers three design options for the intersection, being an upgraded priority tee-intersection, a signalised intersection, and a roundabout. The ITA's evaluation of the signalised intersection option is particularly salient. The ITA identifies that an "opportunity" of a signalised intersection is "a smaller footprint and therefore lesser impact on adjacent ecological areas as compared to a larger footprint intersection such as a roundabout"⁶⁴. The ITA notes the following as a constraint to the signalised intersection option (emphasis added):

*NZTA do not consider traffic signals are appropriate from safety perspective under the current high-speed Highway conditions, **although a lower speed limit in future could support an appropriate design***

101. The application does not include any direct evidence from NZTA in relation to the design of the intersection. Rather, the Applicant's minutes of meetings with NZTA are included in the Applicant's record of consultation. At a meeting on 11 November 2025, NZTA are recorded as suggesting⁶⁵:

the developer could instigate changes to the corridor to change the environment to a lower speed environment. This could change the nature of the intersection intervention required. This would need to be progresses [sic] in conjunction with NZTA and PCC.

102. Greater Wellington considers that for there to be a functional need to reclaim the tributary of the Taupō Stream, it must be demonstrated that the intersection needs to be located over the river bed. To demonstrate a functional need, Greater Wellington considers that it needs to be demonstrated that there are at least no reasonably practicable alternatives to providing for the functional requirement (i.e. the intersection) in a location that would avoid the need to reclaim the river. In this case, it appears that a signalised intersection is an alternative approach that could avoid the reclamation of the river. Whether this is a reasonably practicable alternative turns on whether the speed limit within SH59 is lowered, and this appears to be a plausible outcome that is at least partially within the control of the Applicant (as indicated by NZTA in the minutes to the 11 November 2025 meeting). That this is a plausible outcome is reinforced by the Applicant's approach to the design of the roundabout, which allows for a potential reduction in the speed limit to 60 km/h⁶⁶.

103. Greater Wellington therefore considers that there is not a functional need to reclaim the river to provide for access to the site, on the basis that there appears to be other reasonably practicable

⁶³ Application Appendix 14 Integrated Transport Assessment. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/24460/Appendix-14-Integrated-Transport-Assessment.pdf

⁶⁴ Application Appendix 14 Integrated Transport Assessment, p.30.

⁶⁵ Application Appendix 2 Pre-lodgement Consultation, PDF p.303. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24440/Appendix-02-Pre-lodgement-consultation_Redacted.pdf

⁶⁶ The Infrastructure Report notes that "the roundabout can operate at the current 100km/h speed limit but also has been designed with the potential to operate at a reduced 60km/h speed environment". Application Appendix 9 Infrastructure Report, p.23. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0022/24529/Appendix-09-Infrastructure-Report-compressed.pdf

alternatives that could avoid the need to reclaim the river. Because of this, Greater Wellington considers that:

- a. Any consent for reclamation would be contrary Policy 7 of the NPS-FM and contrary to Policy P110 of the NRP, because a functional need to reclaim the river is not demonstrated and therefore the loss of river extent and values must be avoided;
- b. A consent for reclamation under regulation 57 of the NES-F would not be able to be granted under the RMA because of the preclusion in regulation 57(2)(a) that requires the consent authority to be satisfied that there is a functional need to reclaim the river; and
- c. A consent for reclamation as a non-complying activity under Rule R143 would not be able to be granted under the RMA because it would not satisfy either of the tests for non-complying activities in section 104D of the RMA.

104. It is also worth noting that there are other reasons why adopting a signalised intersection may be a more appropriate approach to provide for access to the site than the proposed roundabout. As set out in Greater Wellington's comments on transport matters, a key transport issue with the proposal is its lack of access to the existing Ara Harakeke shared pathway that connects Pukerua Bay and Plimmerton on the western side of SH59. The ITA states that a signalised intersection "allows for safe and convenient at-grade active mode crossing of the highway (under signal control) to connect Site residents with the existing Ara Harakeke shared path"⁶⁷. As further noted in Greater Wellington's transport comments, this would be an important method of providing safe pedestrian and cycle access to existing train stations at Pukerua Bay and Plimmerton.

Expert Panel Minute 4 – Permanent diversion as an alternative to piping

- 105. On 6 July 2026, the Expert Panel issued Minute 4⁶⁸, which requested that the Applicant comment on whether it had considered a permanent diversion of the Taupō Stream, as an alternative to the piping of the Taupō Stream. The Applicant provided a response to Minute 4 on 17 July 2026⁶⁹.
- 106. Greater Wellington and its experts have not considered the alternative tabled by the Panel in Minute 4 in detail. However, in addition to the engineering issues raised by the Applicant in their response, Greater Wellington has the following high-level comments on the permanent diversion alternative:
 - a. If practicable and successfully implemented, the establishment of a permanent diversion would be likely to be considered an offset under the effects management hierarchy (which

⁶⁷ Application Appendix 14 Integrated Transport Assessment, p.30.

⁶⁸ See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/30269/Minute-4.pdf

⁶⁹ See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/31039/Applicant-Response-to-Minute-4-17-July-2026_Redacted.pdf

must be applied under regulation 57(2)(b) of the NES-F). If it is practicable and able to be successfully implemented, this approach would be preferred by the effects management hierarchy over the approach proposed by applicant (which is based on providing ecological compensation for the reclamation and piping of the stream). It may also reduce or obviate the need for compensation currently proposed by the Applicant.

- b. This approach would not obviate the need for the Panel to be satisfied that there is a functional need to reclaim the existing stream to provide for the construction of an intersection (under regulation 57(2)(a) of the NES-F).
- c. In addition to the engineering issues raised by the Applicant in their response to Minute 4, there are a range of technical design and implementation issues that would need to be carefully worked through to provide reasonable certainty that the diversion will be successfully implemented. These include, but are not necessarily limited to:
 - i. Consideration of the effects of the diversion of flood flows;
 - ii. Design and construction of the bed and banks to avoid erosion and scour;
 - iii. Design and construction of the bed to ensure that an equivalent stream bed habitat is provided for fish habitat and passage. This includes ensuring that the bed is designed and constructed so that base flows are sustained above the bed level to an equivalent extent as the existing stream bed;
 - iv. Establishment of bank vegetation to provide equivalent shading to the bed as is provided by the existing stream bank vegetation.

107. On the matter of whether there is a functional need to reclaim the stream to construct an intersection, the Applicant has stated at paragraph 13 of their response to Minute 4 that:

A signalised option remains the applicant's preferred option should NZTA accept a signalised intersection in the future in advance of the roundabout needing to be constructed.

108. Greater Wellington considers that this statement further demonstrates that there is real uncertainty about whether there is a functional need to reclaim the Taupō Stream to construct an intersection at SH59.

Resolution suggested by Greater Wellington

109. For the reasons set out above, Greater Wellington considers that consents should not be granted to reclaim the tributary of the Taupō Stream, unless the Panel is satisfied that there are no reasonably practicable alternatives to the proposed intersection design that avoid the need to reclaim the river.

110. Greater Wellington notes that declining consents for the reclamation of the tributary of the Taupō Stream is not the same as declining consents for the development. Rather, it would require the development to design and construct an intersection that is within the scope of the other consents that the Panel may grant for the development, or as a permitted activity (for example, the construction of an alternative intersection design such as a signalised intersection may be able to be undertaken as a permitted activity if it involves less than 3,000m² of earthworks and these are not located within 5 m of a surface water body).

Issue 5: Assessment and effects management for the loss of the Taupō Stream

Summary of issue

111. To compensate for the loss of stream bed extent and values associated with the reclamation of the tributary of the Taupō Stream, the Applicant has proposed to undertake an enhancement package which includes fencing and riparian planting along 195 m of the Kakaho West main stem, to an average width of 20 m either side of the stream's wetted channel (Figure 4).
112. Notwithstanding Issue 4 above, if the Panel decides to grant consent to reclaim the tributary of the Taupō Stream, then Greater Wellington considers that the Applicant's proposed compensation is not adequate to compensate for the residual adverse effects of the loss of stream bed extent and values. This is because:
- a. The SEV assessment and ECR calculations use to determine the compensation package use insufficient data and the calculations appear to contain errors;
 - b. The basis for the compensation package, being enhancement of land within an average of 20 m of typical wetted stream bank either side of the stream, has not been implemented as part of the compensation proposal.



Figure 4: proposed area of compensation (fencing and riparian planting) along the Kakaho West main stem, shown yellow. Source: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0013/24520/Appendix-30-40-1753-02-SK9200-R1-Ecological-Remediation.pdf

Planning framework

113. Under Regulation 57(2) of the NES-F, a consent authority may only grant a consent to reclaim the bed of a river if it has applied the effects management hierarchy⁷⁰. This relates to Policy 7 of the NPS-FM, which is described in Issue 5 above.
114. Policy P31 in the NRP also provides for the application of an effects management hierarchy in a similar manner to the NPS-FM. Policy P31 is as follows:

Policy P31: Adverse effects on biodiversity, aquatic ecosystem health, and mahinga kai

Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai shall be managed by:

- (a) in the first instance, activities that risk causing adverse effects on the values of a Schedule F ecosystem or habitat, other than activities carried out in accordance with a wetland restoration management plan, shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by (b) to (g) below.*
- (b) avoiding adverse effects where practicable, and*
- (c) where adverse effects cannot be avoided, minimising them where practicable, and*

⁷⁰ Effects management hierarchy is defined in clause 3.21 of the NPS-FM.

(d) where adverse effects cannot be minimised, they are remedied, except as provided for in (a) to (g), and

(e) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible, and

(f) if biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided, and

(g) the activity itself is avoided if biodiversity compensation cannot be undertaken in a way that is appropriate as set out in Schedule G3, including Clause 2 of that Schedule.

[...]

A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Schedule F.

[...]

Proposals for biodiversity mitigation under (b) to (d) above, and biodiversity offsetting, and biodiversity compensation will be assessed against the principles listed in Schedule G1 (biodiversity mitigation), and Schedule G2 (biodiversity offsetting), and Schedule G3 (biodiversity compensation).

115. Policy P31 refers to the terms *biodiversity offsetting* and *biodiversity compensation*, which for these purposes can be read as synonymous with aquatic offsetting and aquatic compensation referred to in the NPS-FM. Appendix 6 and 7 of the NPS-FM set out the principles for aquatic offsetting and aquatic compensation. Schedules G2 and G3 of the NRP set out the principles for biodiversity offsetting and biodiversity compensation. While these are similar to the NPS-FM, Schedule G2 and G3 go into greater detail about how to determine and provide appropriate consent conditions for biodiversity offsetting and biodiversity compensation.

Analysis

116. Greater Wellington considers that the residual adverse effects on stream extent and values as a result of the reclamation of approximately 110m of the tributary to the Taupō Stream will be more than minor. While it is not expressly stated by the Applicant, we infer that this is the Applicant's position too on the basis that they consider stream enhancement is required to "offset" the loss⁷¹.
117. Greater Wellington considers that the enhancement package proposed by the Applicant is better described as compensation, because no additional stream bed is created to offset the loss. Nevertheless, a compensation package in this instance is still consistent with the effects management hierarchy on the basis that it appears that it is not possible to create any new channel⁷². The Applicant has stated that "for this development, the only plausible stream enhancement options are either the Kakaho East or Kakaho West main stem or in the south-

⁷¹ Application AEE, p.160. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/24527/Mt-Welcome-Substantive-application-and-AEE-Redacted.pdf

⁷² Application Appendix 15 Ecological Assessment, p.54. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

western tributary to the Taupo Stream as these are the only local perennial stable flowing streams worthy of enhancement”⁷³. In this case, the Applicant has proposed to enhance a portion of the Kakaho West main stem (Figure 4).

118. Under Schedule G3 of the NRP, any proposal for compensation must demonstrate that the actions taken to achieve positive effects are additional to what would have occurred without the compensation⁷⁴ and that an explicit calculation of loss and gain has been undertaken as the basis for the compensation design⁷⁵. The Applicant has determined the compensation package using Stream Ecological Valuation (SEV) method to assess the streams at both the loss site and the compensation site and used an Environmental Compensation Ratio (ECR) method to calculate the compensation package. Dr Taylor considers these are appropriate methodologies to determine a compensation package.
119. Dr Taylor has reviewed the compensation package and the SEV assessments and ECR calculations for the Taupō Stream compensation package. His assessment is set out at paragraphs 14 to 30 of his comments on Stream Ecology in Appendix 4. Dr Taylor has identified several steps in the calculation process where there is either insufficient of data to justify certain values, or where it appears that errors may have been made in the calculation. In addition to this, Dr Taylor considers that it the timing of the implementation of the compensation package will also determine whether a multiplier needs to be applied to the ECR calculation.
120. As a result, while the Applicant has proposed to enhance 193 linear metres of the Kakaho West main stem in their original application, Dr Taylor considers that between 238 linear metres (if undertaken prior to the reclamation of the Taupo Stream) and 357 linear metres (if undertaken after the reclamation) would need to be enhanced to appropriately compensate for the loss. Dr Taylor notes that these numbers could be refined if further information is gathered to support the values assigned to some of the attributes.
121. In addition to this, Greater Wellington also notes that there appears to be an inconsistency between what the Applicant’s ecologist considers is necessary for the compensation package (revegetation of an area that is 20 m either side of the stream’s typical wetted width bank)⁷⁶, and what the Applicant has proposed (enhancement within a minimum 10 m setback of the stream bed)⁷⁷. Greater Wellington considers that, if the compensation package has been calculated based on a 20 m setback, this is the setback that should be used to determine the enhancement area.

⁷³ Application Appendix 15 Ecological Assessment, p.54.

⁷⁴ See Principle 2, Schedule G3 of the NRP.

⁷⁵ See Principle 6, Schedule G3 of the NRP.

⁷⁶ Application Appendix 15 Ecological Assessment, p.55.

⁷⁷ Application Appendix 30-40 Proposed Ecological Remediation and Offset, Sheet 3. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0013/24520/Appendix-30-40-1753-02-SK9200-R1-Ecological-Remediation.pdf

122. Greater Wellington notes that its analysis relates only to compensating for the loss of freshwater ecological values associated with the reclamation of the Taupō Stream. It does not account for adverse effects on mana whenua values, which as discussed previously, appear to be unmitigated.

Resolution suggested by Greater Wellington

123. Greater Wellington considers that, if consent is granted to reclaim the Taupō Stream, any proposed compensation must adequately demonstrate, including through an explicit calculation of loss and gain, that it will provide additional positive effects to compensate for the loss. Greater Wellington considers that the Applicant's proposal does not demonstrate this, and that the compensation package should be reconsidered to account for the following:
- a. Based on Dr Taylor's review of the calculation, between 45 and 164 additional linear metres (depending on the timing of implementation) of stream enhancement would be necessary to adequately compensate for the loss;
 - b. If the compensation package is based on enhancement within an average 20 m setback of the stream's typical wetted bank width, this needs to be implemented consistently through the compensation design.
124. Greater Wellington notes that this may require the Applicant to consider the enhancement of additional stream reaches to implement an adequate compensation package. The Applicant notes that there are other plausible enhancement options at the Kakaho East and Kakaho West main stems, but that "access to these areas for the Applicant is not however straight forward and requires third party agreements". Nevertheless, these stream reaches are part of the land subject to the substantive application and should be considered if necessary to achieve adequate compensation.
125. To provide certainty that adequate compensation can be provided, Greater Wellington considers that this needs to be resolved in advance of the Panel deciding on the approvals. If this can be resolved, Greater Wellington considers that the implementation of a final compensation package can be managed through conditions. These would include:
- a. A condition that sets the maximum extent of piping and reclamation of the Taupō Stream authorised by the consent (see Condition 63 in Appendix 1);
 - b. A condition that sets the remediation, offsetting, or compensation required to address the residual adverse effects of the piping and reclamation of the Taupō Stream authorised by the consent (see Condition 67 in Appendix 1);
 - c. A condition that sets performance targets for remediation, offsetting, or compensation (see Condition 68 in Appendix 1);

- d. Conditions that require remediation, offsetting, or compensation to be implemented and monitored in accordance with an Eco-hydrological Management, Offsetting, and Monitoring Plan (discussed under Issue 10 below).

Issue 6: Assessment and effects management for the loss of stream beds on site*Summary of issue*

126. Based on the documentation contained in the application, it appears that approximately 790 linear metres of stream on the site will be affected by culverting, associated structures, and the creation of the retention wetlands. The proposal relies on the creation of new permanent water habitat as part of the retention wetlands to remediate these effects. However, Greater Wellington considers that the effects of the proposal on stream habitat within the site have not been adequately assessed, and as such, it is not certain whether the proposed remediation is sufficient to address these effects, or whether further remediation, offsetting, or compensation is required.
127. The planning framework described for Issue 5 also applies to this issue.

Analysis

128. Dr Taylor has considered the effects of the proposal on streams on site (excluding the reclamation of the Taupō Stream). Dr Taylor's analysis is set out at paragraphs 31 to 36 of his comments on Stream Ecology in Appendix 4.
129. Documentation contained in the application describes that over 745 m of intermittent and perennial stream within the site will be affected by culverting, associated structures, and the creation of the retention wetlands. This includes 450 m of stream length replaced by the retention wetlands, and 295 m of stream length that will be replaced by earth dam bunds, culvert crossings, and ancillary structures.⁷⁸ Dr Taylor also notes that there is one culvert that is 44 m long which appears not to have been considered.⁷⁹
130. Dr Taylor has reviewed the Applicant's Ecological Assessment alongside the staging detailed in the Applicant's AEE and Scheme Plans. In summary, Dr Taylor considers that:
- a. The assessment of streams within the site has not been undertaken using the SEV methodology, which is accepted practice. Dr Taylor considers this is necessary in order provide a clear understanding of values, impacts and required mitigation and offsetting for the development;

⁷⁸ Appendix 4 Technical Comments – Stream Ecology, at para. 32.

⁷⁹ Appendix 4 Technical Comments – Stream Ecology, at para. 34.

- b. The Ecological Assessment considers the effects and mitigation on streams at the end of the development, but does not consider the impacts that staging may have on the timing of effects and any associated mitigation;
- c. There is no offsetting proposed for the loss of stream habitat within the development. Instead, the proposal relies entirely on the retention wetlands to remediate the loss, which is problematic if the retention wetlands are not suitable for this purpose (see Issue 2).

131. Dr Taylor considers that using the SEV and ECR (if needed) would be appropriate to determine the effects of the proposal on stream habitats on site, and any necessary remediation or offsetting.⁸⁰ Similar to Issue 5 above, this may require consideration of enhancement of additional stream reaches, such as the Kakaho East main stem.

Resolution suggested by Greater Wellington

132. Greater Wellington considers that, in order for there to be reasonable certainty that the effects of the proposal on stream habitats within the site have been appropriately assessed and will be adequately remediate, offset, or compensated for, that the issues identified by Dr Taylor need to be addressed in advance of the Panel making a decision on the application. As suggested by Dr Taylor, this could include using the SEV and ECR methods to determine appropriate remediation, offsetting, or compensation, that takes into account the staging of the project.
133. Greater Wellington notes that given the significant role that the retention wetlands play in both causing adverse effects on streams, and remediating adverse effects on streams, whether those devices are determined to be appropriate for ecological remediation or offsetting is of significance to this issue. Any response to this issue should therefore be considered any response to issues related to the retention wetlands set out in Issue 2.
134. If these matters can be resolved in advance of the Panel deciding on the approvals, Greater Wellington considers that a final remediation, offsetting, or compensation package can be confirmed and implemented through conditions. These would include:
- a. A condition that sets the maximum extent of culvert placement within the site authorised by the consent (see Condition 65 in Appendix 1);
 - b. A condition that sets the remediation, offsetting, or compensation required to address the residual adverse effects of the piping and reclamation of the Taupō Stream authorised by the consent (see Condition 67 in Appendix 1);

⁸⁰ Appendix 4 Technical Comments – Stream Ecology, at para. 35.

- c. A condition that sets performance targets for remediation, offsetting, or compensation (see Condition 68 in Appendix 1);
- d. Conditions that require remediation, offsetting, or compensation to be implemented and monitored in accordance with an Eco-hydrological Management, Offsetting, and Monitoring Plan (discussed under Issue 10 below).

Issue 7: Provision for fish passage through culverts

Summary of issue

- 135. While the Applicant proposes to provide for fish passage through all culverts, the data about the presence of fish species within the catchments where new culverts and other structures (such as dams and the piping of the Taupō Stream) is light (and for some catchments, there is no data). As a result there is not sufficient certainty about whether the detailed design of culverts and other structures will provide for the passage of fish that may be in the catchment.
- 136. Greater Wellington notes that the Department of Conservation (DoC) may have an interest in this issue, as it also relates to the complex freshwater fisheries approvals sought by the Applicant.

Planning framework

- 137. Regulation 70 of the NES-F, which is the permitted activity regulation for the placement of culverts, requires that culverts “must provide for the same passage of fish upstream and downstream as would exist without the culvert, except as required to carry out the works to place, alter, extend, or reconstruct the culvert”. This same condition is a requirement of the permitted activity rules for the placement of culverts (Rule R126) and the placement of dams (Rule R127) in the NRP⁸¹. As part of their analysis of rules and regulations for the activities that they are seeking consent for, the Applicant has stated that the proposal complies with these conditions⁸².
- 138. The requirement to provide for the same passage of fish upstream and downstream as would exist without the culvert relates is consistent with the following provisions of the NPS-FM and NRP:
 - a. In the NPS-FM:

Policy 9: The habitats of indigenous freshwater species are protected.

⁸¹ This is provided for under condition (d)(iii) of the *Beds of lakes and rivers general conditions* in section 5.4.4 of the NRP, which is referenced as a condition of both rules.

⁸² Application Appendix 4 Resource Consents Assessment, pp.67 and 81. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/24442/Appendix-04-Resource-Consents-Assessment.pdf

- b. In the NRP:

Policy P32: Fish passage

The construction or creation of new barriers impeding the efficient and safe passage of fish and kōura species at all their life stages shall be avoided, except where this is required for the protection of indigenous fish and kōura populations.

139. In relation to adverse effects on indigenous freshwater fish habitats, the NRP also states:

Policy P43: Effects on the spawning and migration of indigenous fish species

Avoid more than minor adverse effects of activities on indigenous fish species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species or Schedule F1b (inanga spawning habitats), during known spawning and migration times identified in Schedule F1a (fish spawning/migration). These activities may include the following:

- (a) discharges of contaminants, including sediment, and*
- (b) disturbance of the bed or banks that would affect spawning habitat at peak times of the year, and*
- (c) damming, diversion or taking of water which leads to loss of flow or which makes the river impassable to migrating indigenous fish.*

140. Schedule F1 of the NRP (rivers and lakes with significant indigenous biodiversity values) lists the Taupō Stream (including all tributaries) as a migratory fish habitat and a threatened or at-risk fish habitat. Schedule F1 also identifies that the Kakaho Stream and all tributaries are a migratory fish habitat.

141. Schedule F1 identifies that the following species have been recorded in the catchment:

- a. In the Taupo Stream and all tributaries:
 - i. Banded kokopu, giant kokopu, inanga, longfin eel, redfin bully, and shortfin eel;
- b. In the Kakaho Stream and all tributaries:
 - i. Banded kokopu, common bully, common smelt, giant bully, grey mullet, inanga, longfin eel, redfin bully, and shortfin eel.

Analysis

142. Section 6.13 of the Applicant's SMP states that culverts will be designed to ensure that they "support fish movement".⁸³ The SMP sets out a range of design measures that will be implemented to achieve this, with the overall conclusion being that "the proposed culvert and

⁸³ Application Appendix 11 Part A Stormwater Management Plan, pp.27-28. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/28240/Appendix-C-1-Updated-Stormwater-Management-Plan.pdf

wetland system will remove existing barriers, provide continuous aquatic connectivity, and result in a net improvement to fish habitat and passage relative to the current condition. Specific fish passage design details will be developed and finalised during the detailed design phase.

143. The ability for culverts to provide for the passage of fish depends on the species of fish that are present within the catchment. Some species (inanga for example) are poor climbers and so certain gradients of culvert and methods of providing fish passage (such as baffles) may not actually provide fish passage for those species. Because of this, sufficient knowledge of the fish species that may be present in the catchment of stream reaches that are affected by the placement of new structures is necessary to ensure that the design of those structures provides for adequate fish passage.
144. Dr Taylor has reviewed the information about the presence of fish species contained in the Application, and his analysis is set out at paragraphs 37 to 41 of his comments on Stream Ecology in Appendix 4. In summary, Dr Taylor considers that the fish data presented in the application is “very light”, and in relation to the Kakaho West main stem, absent. Dr Taylor notes that reliable data is important to inform fish passage design (by confirming the species that are present), effects management (to inform fish salvage protocols), and offsetting (to understand how widespread fish are).
145. Dr Taylor recommends that conditions are imposed to require fish passage to be provided for all culverts that is informed by a fish survey, and that detailed design of culverts that demonstrate this are provided for certification⁸⁴. Greater Wellington considers that this approach may work, but it comes with potentially considerable risk to the consent holder. Some of the culverts proposed by the Applicant are steep, long, and result in high velocities. If at the detailed design stage, it is found that it is not possible to provide for fish passage through a culvert because of the species that are confirmed to be present in the catchment, then it would not be possible to certify the detailed design of the culvert. This would leave the consent holder with an unimplementable consent, requiring re-design and re-consenting that may have flow-on effects for other aspects of the development. However, Greater Wellington acknowledges that because of the time constraints associated with the fast-track approvals process, it is unlikely to be practicable to request that the Applicant undertake fish survey work to provide reasonable certainty on this matter in advance of the Panel making its decision.
146. Dr Taylor has also highlighted that the Applicant’s Ecological Assessment states that the Taupō Stream culvert does not need “any specific fish passage requirements given the current absence of passage into the reach”⁸⁵. Dr Taylor disagrees with this proposition⁸⁶. Greater Wellington considers that, regardless of any artificial fish passage barriers down-stream, the requirements

⁸⁴ Appendix 4 Technical Comments – Stream Ecology, at para 41.

⁸⁵ Application Appendix 15 Ecology Assessment, p.54. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

⁸⁶ Appendix 4 Technical Comments – Stream Ecology, at paras 43-47.

of both the NES-F and the NRP to provide for the passage of fish through new culverts and other structures apply. Regulation 70(2)(a) of the NES-F directs that the culvert provide the same ability for fish to pass through it as the existing bed of the natural stream that the culvert replaces. Policy P32 requires that new barriers are avoided. An existing artificial barrier elsewhere in the reach does not alter the physical qualities of the natural bed that provide for fish passage at the location where the Taupō Stream is proposed to be piped. On this basis, Greater Wellington disagrees with the Applicant's Ecological Assessment, and that as a matter of both regulation and policy fish passage must be provided for through the proposed piping of the Taupō Stream.

147. In any case, the artificial downstream barrier to fish passage (which is a perched culvert) may be remedied as a permitted activity under the NES-F (regulation 69), and the NRP (Rules R130 and R126). On this basis, the artificial barrier to fish passage need not be considered as part of the existing environment for the purpose of considering the potential for fish passage at the reach where the piping of the Taupō Stream is proposed.
148. Additionally, the Applicant has stated that fish passage design will be undertaken with reference to the New Zealand Fish Passage Guidelines (2018, NIWA)⁸⁷. Greater Wellington assumes that this is an error, as the most current version of this document is the New Zealand Fish Passage Guidelines Version 2.0 (June 2024, NIWA and the Department of Conservation)⁸⁸. Greater Wellington considers that any conditions relating to the Guidelines should refer to the most recent version.

Resolution suggested by Greater Wellington

149. To ensure that the approvals are consistent with Policy 9 of the NPS-FM and Policy P32 and P43 of the NRP, Greater Wellington considers that fish passage is required to be provided through all new culverts on site, as well as the piping of the Taupō Stream. On this point, Greater Wellington agrees with the Applicant's assessment of rules that relate to the placement of culverts and other structures within the beds of rivers.
150. However, ensuring that fish passage is provided in practice is dependent on the fish species that are present in the catchment, and the detailed design of the culvert. Greater Wellington considers that the information contained in the Application is not a sufficiently certain representation of the fish species that may be present in the reaches where culverts will be placed. On this basis, Greater Wellington considers that conditions should be imposed that require:

⁸⁷ Application Appendix 11 Part A Stormwater Management Plan, p.27.

⁸⁸ See: https://niwa.co.nz/sites/default/files/2025-07/NZ%20Fish%20Passage%20Guidelines%20v4.5_July2025.pdf

- a. All structures placed within the bed of a river to provide for fish passage in accordance with the New Zealand Fish Passage Guidelines Version 2.0 (June 2024, NIWA and the Department of Conservation) (Condition 53 in Appendix 1).
- b. That fish surveys are undertaken in advance of the detailed design of any structure to be placed within the bed of a river, to inform the fish species for which fish passage needs to be designed for (Condition 48 in Appendix 1). An alternative approach may be to assume the presence of all fish species as identified in Schedule F1 of the NRP, however this may be unnecessarily onerous if a reliable fish survey demonstrates otherwise.
- c. That detailed design of each structure is submitted to the Council for certification prior to the commencement of construction of the structure, that demonstrates that each structure will provide fish passage for the species of fish that the fish survey finds (or Schedule F1 states) may be located in the catchment of that structure, in accordance New Zealand Fish Passage Guidelines (Condition 49 in Appendix 1).

151. Greater Wellington notes, however, that this approach comes with risks to the consent holder's ability to implement the consents. As discussed above, if the fish survey determines that there are species within the catchment for which fish passage cannot be achieved because of the size, gradient, or velocities within the culverts proposed by the Applicant, the Applicant may need to seek a change of conditions or new consents in order to amend the design of the culverts to provide for fish passage.

Issue 8: Fish management plan

Summary of issue

- 152. The Fish Management Plan (FMP) proposed by the Applicant is inadequate as it does not incorporate a range of management issues that may arise during the salvage of fish.
- 153. Greater Wellington notes that the Department of Conservation (DoC) may have an interest in this issue, as in some circumstances, the handling and relocation of freshwater fish requires authorisation from DoC.

Planning framework

- 154. Policy P43 of the NRP, as set out in Issue 7, is particularly relevant to this issue because it sets out how effects on the spawning and migration of indigenous fish species are to be managed.
- 155. Schedule F1a of the NRP is also relevant to this issue, as this schedule sets out the known spawning and migration times for indigenous fish species that may be affected by the proposal.

Analysis

156. The Applicant has proposed to undertake works in accordance with a Fish Management Plan that is set out within the Applicant's Ecology Assessment.⁸⁹ As stated in the FMP, its purpose is to minimise the potential effects of the proposed development on indigenous fish prior to and during the removal of their potential habitats. The FMP sets out how fish rescue/salvage will occur within both the Kakaho and Taupō Stream catchments.
157. Dr Taylor has reviewed the FMP and considers that it is inadequate on the basis that there are several technical matters that have not been provided for. Dr Taylor sets these out at paragraph 49 of his comments on Stream Ecology in Appendix 4. These include:
- a. Response to chance finds of fish;
 - b. Acknowledgement that other fish species may be present and fish may be more widespread than identified in the ecological assessment;
 - c. Hand capture of stranded fish during dewatering prior to "muck out";
 - d. Quantitative measurements for fish size and fish numbers salvaged and relocated;
 - e. Reference to other permits required and held by personnel implementing the plan;
 - f. Reference to DOC approval under Freshwater Fisheries Regulations given the proposed use of exclusion methods;
 - g. A section on maintenance and re-fishing requirements should there be a high flow event, given the proposed use of exclusion screening;
 - h. Detail on timings, including seasonal requirements and development phasing.
 - i. Addressing for potential salvage once the development is operational.
158. Dr Taylor also considers that any fish salvage plan to be informed by the survey to confirm the presence of the fish at each site or take a conservative approach to fish salvage that assumes that indigenous fish will be present in any flowing stream on site.⁹⁰ This is particularly important, as it will determine the times when works within the streams must be avoided in accordance with Policy P43 and Schedule F1a of the NRP.

⁸⁹ Application Appendix 15 Ecology Assessment, pp.79-83. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

⁹⁰ Appendix 4 Technical Comments – Stream Ecology, at para. 41.

Resolution suggested by Greater Wellington

159. Greater Wellington considers that, for the proposal to be consistent with Policy P43 of the NRP, the FMP should be amended to incorporate the additional technical matters identified by Dr Taylor. Greater Wellington considers that this could be managed through conditions, by requiring a final FMP to be submitted for certification that incorporates the additional matters identified by Dr Taylor and is informed by any fish survey undertaken prior to the commencement of works that confirms the absence of fish (Conditions 46 and 49 in Appendix 1). Alternatively, Dr Taylor considers a conservative approach could be taken that assumes the presence of fish, in the absence of a fish survey.
160. Greater Wellington also considers that, to be consistent with Policy P43, conditions should be imposed that restricts works being undertaken within the bed of any river during the migration and spawning times for the indigenous fish species identified in Schedule F1a of the NRP. The restrictions would be determined either by the results of a fish survey, or if this does not take place, assuming the presence of those species identified in Schedule F1 of the NRP (Condition 54 in Appendix 1).

Issue 9: Assessment and effects management for natural inland wetlands*Summary of issue*

161. The application states that the project will result in the calculated loss of 15,311m² of natural inland wetland⁹¹, and that this loss is assessed as a less than minor adverse effect⁹². The Applicant proposes to offset this loss through the creation of approximately 5,000m² of additional wetland as part of the retention wetlands, and a further 10,000 m² of enhancement of existing natural inland wetlands on site.
162. While Greater Wellington agrees with the Applicant's delineation of natural inland wetlands, however Greater Wellington disagrees with the Applicant's approach to managing adverse effects on natural inland wetlands on the basis that:
- a. The identified loss of natural inland wetlands because of the project is in fact 27,220 m².
 - b. The way the Applicant has applied the EIANZ Guidelines to assess the adverse effects on natural inland wetlands is inappropriate, as it adopts a whole-of-catchment approach to assessing effects.

⁹¹ Application AEE, p.74. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/24527/Mt-Welcome-Substantive-application-and-AEE-Redacted.pdf

⁹² Application AEE, p.157.

- c. Offsetting is required because residual adverse effects on natural inland wetlands are more than minor, when appropriately assessed under the EIANZ Guidelines.
- d. The Applicant's proposed approach to offsetting is not appropriate as it does not offset the loss of natural inland wetland extent.

Planning framework

163. Regulation 45C(6)(c) of the NES-F (which relates to resource consents for activities in natural inland wetlands for the purpose of constructing urban development) requires that consent must not be granted unless the consent authority has applied the effects management hierarchy. The relevant provisions in the NPS-FM (definition of *effects management hierarchy*) and NRP (Policy P31) that relate to the application of the effects management hierarchy are set out in Issue 5 above.

164. In addition to this, the following provisions of the NPS-FM and NRP are relevant to this issue:

- a. In the NPS-FM:

Policy 6: *There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.*

- b. In the NRP:

Policy P42: Ecosystems and habitats with significant indigenous biodiversity values

Protect in accordance with Policy P31 and Policies P38-P41 and, where appropriate, restore the following ecosystems and habitats with significant indigenous biodiversity values: ...

(c) natural wetlands, including the natural wetlands identified in Schedule F3 (identified natural wetlands), ...

Note

All natural wetlands in the Wellington Region are considered to be ecosystems and habitats with significant indigenous biodiversity values as they meet at least two of the criteria listed in Policy 23 of the Regional Policy Statement 2013 for identifying indigenous ecosystems and habitats with significant indigenous biodiversity values; being representativeness and rarity.

Analysis

165. Ms Dixon has reviewed the Applicant's delineation, assessment, and proposed management of effects on natural inland wetlands set out in the Applicant's Ecological Assessment. Her comments on this are set out in Appendix 5.

166. The Ecology Assessment included in the application delineates the natural inland wetlands located at the site⁹³. These are also set out in the Overall Ecological Areas drawing set out in Appendix 30-41 of the Application⁹⁴. Ms Dixon agrees with the Applicant's delineation of natural inland wetlands on the site⁹⁵.
167. The application, if approved, will result the loss of 27,220 m² (or 2.722 ha) of wetlands, as summarised in Table 5 below. This is more than has been assessed in application, as it the applicant has identified, but excluded, 5,020 m² of pasture wetlands.⁹⁶
168. While the applicant has delineated pasture wetlands, it appears that they have assumed that the "pasture exclusion" in clause (e) of the definition of *natural inland wetland* in the NPS-FM applies. Greater Wellington considers this to be an incorrect interpretation of the exclusion, which only applies to "a wetland that is within an area of pasture *used for grazing*" (emphasis added). The activity that the Applicant has applied for consent for is vegetation clearance, earthworks, and land disturbance *for the purpose of constructing urban development* under regulation 45C of the NES-F.⁹⁷ Because of this, when the activity for which consent is sought occurs, the wetland will not be within an area of pasture used for grazing, and the pasture exclusion does not apply. This is important from both an effects assessment and consenting perspective, as Greater Wellington considers that it needs to be clear that if consent is granted to undertake activities in natural inland wetlands, that the consents authorise these activities in pasture wetlands.

Table 5: wetland loss. Source: Appendix 5 Technical Comments – Wetland Ecology, at para. 8

	Area (m ²)
Wetland loss due to development of 'retention wetlands'	
Loss due to retention wetlands as identified in the Ecological Assessment ⁹⁸	6,900
Wetland loss due to earthworks (reclamation)	
Loss of wetlands reclaimed by earthworks, identified in the Ecological Assessment	15,311
Additional loss of pasture wetlands as identified in the Overall Ecological Areas plan	5,020

⁹³ Application Appendix 15 Ecology Assessment. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

⁹⁴ See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24521/Appendix-30-41-1753-02-SK9250-R1-Ecological-Overlay.pdf

⁹⁵ Appendix 5 Technical Comments – Wetland Ecology, para. 1.

⁹⁶ Appendix 5 Technical Comments – Wetland Ecology, para. 8.

⁹⁷ Greater Wellington's position on this is consistent with Ministry for the Environment *Pasture Exclusion Assessment Methodology* guidance (December 2022), which states (at page 9): "The purpose of the NPS-FM pasture exclusion clause is to support the continuing use of pasture for grazing purposes. The exclusion is not targeted at pasture being converted for urban development or for other land uses." See: <https://environment.govt.nz/assets/publications/Pasture-exclusion-assessment-methodology.pdf?v=a15554927315ac85748d0a88c5ab9d7bff33d97a>

⁹⁸ Based on the descriptions in the Ecological Assessment, it is not clear whether this figure includes pasture wetland which may be an extra (~100m²) or so.

Subtotal	20,320
TOTAL WETLAND LOSS	27,220

169. Sections 4.2 and 5.2 of the Applicant's Ecological Assessment⁹⁹ set out the Applicant's assessment of the effects of the project on natural inland wetlands. The Applicant's Ecological Assessment references the EIANZ Guidelines (2018)¹⁰⁰ as the method that has been used to determine the effects of the project on the ecological values associated with natural inland wetlands. The Applicant's Ecological Assessment assesses that the level of effect associated with wetland loss in the Taupō, Kakaho West, and Kakaho East catchments is *very low* (in terms of the EIANZ Guidelines), which the Applicant's ecologist interprets as a *less than minor adverse effect* (presumably in terms of the RMA).

170. Greater Wellington notes that there will also be a loss of natural inland wetland in the Muri catchment, but this has not been assessed in the Applicant's Ecological Assessment.

171. Ms Dixon disagrees with the Applicant's ecologist on the scale at which the effects should be assessed. Where the Applicant's ecologist has considered the effects at a catchment scale and in a regional context, Ms Dixon states, at paragraph 12:

In contrast, I consider that the wetlands being lost on-site are discrete features that should not be aggregated with downstream wetlands for the purpose of assessing effects. While it is not necessary to assess each of the 62 mapped wetland features individually, a more appropriate approach to assess the magnitude of effect is to consider their loss at the sub-catchment scale and within the broader context of the ecological district (i.e., the Wellington Ecological District).

172. On this basis, Ms Dixon has undertaken an assessment of effects following the EIANZ methodology. This is set out in Attachment 1 of her comments in Appendix 5. In contrast with the Applicant's assessment, Ms Dixon finds that:

- a. The level of ecological effect for wetlands in the Taupō, Kakaho West, and Kakaho East sub-catchments will be *moderate adverse*; and
- b. The level of ecological effect for wetlands in the Muri catchment, and pasture wetlands in the Taupō sub-catchment will be *low adverse*.

173. Greater Wellington considers that the scale at which Ms Dixon has considered the adverse effects more appropriately represents the existing environment that would potentially be impacted by the loss of natural inland wetlands associated with the project. Based on Ms

⁹⁹ Application Appendix 15 Ecological Assessment, pp.38-39. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

¹⁰⁰ Environment Institute of Australia and New Zealand Inc., May 2018. *Ecological Impact Assessment (EiA) EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems*. See: <https://www.eianz.org/document/item/4447>

Dixon's findings, Greater Wellington considers that the adverse effects of the proposal on natural inland wetland extent and values will more than minor (in RMA terms) on the basis that they will be discernible, and materially and permanently adverse when considered at the scale assessed by Ms Dixon.

174. It follows that, contrary to the Applicant's view that offsetting is not necessary, offsetting is in fact required by the effects management hierarchy under both the NPS-FM and Policy P31 of the NRP because the residual adverse effects of the project on natural inland wetland extent and values are more than minor.
175. Greater Wellington acknowledges that the Applicant has proffered a form of offsetting in the form of the creation of 5,000 m² of "surplus" wetland as part of the retention wetlands¹⁰¹, and enhancement of approximately 10,000 m² of existing natural inland wetlands on site¹⁰². Ms Dixon has reviewed the proposed offsetting and sets out her findings at paragraphs 33 to 40 of her comments in Appendix 5.
176. With respect to whether the 5,000 m² of "surplus" wetland as part of the retention wetlands can be considered as reliable wetland creation, this matter is already discussed as part of Issue 2 (retention wetlands). In summary, Greater Wellington considers it is unlikely that the retention wetlands would provide wetland habitat to the extent claimed by the applicant, if indeed the Panel considers it appropriate to use the stormwater management devices proposed by the applicant as wetland offsetting.
177. Ms Dixon notes that the remaining offsetting proposed by the applicant (enhancement of existing natural inland wetlands) does not offset the loss of wetland extent¹⁰³, as it enhances existing delineated natural inland wetlands, but does not create any new extent. On top of this, Ms Dixon has identified that the wetland enhancement proposed by the Applicant is also intended to mitigate the effects of changes in catchment hydrology on the existing wetlands, on the basis that the Applicant's Hydrological Assessment states that appropriate planting of existing wetlands will allow them to cope with changes in hydrology¹⁰⁴.
178. Greater Wellington therefore considers the Applicant's proposed enhancement of existing natural wetlands cannot, on its own, be considered as an appropriate offset for the loss of natural inland wetland extent and values as a result of the project. The proposal does not offset the loss of extent, and it is uncertain whether it will offset the loss of values, as the proposed

¹⁰¹ Application Appendix 15 Ecology Assessment, p.47. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0017/24461/Appendix-15-Ecological-Assessment.pdf

¹⁰² Application Appendix 15 Ecology Assessment, p.51.

¹⁰³ Appendix 5 Technical Comments – Wetland Ecology, para. 33.

¹⁰⁴ Appendix 5 Technical Comments – Wetland Ecology, para. 34.

wetland enhancement is also intended to mitigate the effects of changes in catchment hydrology.

179. Ms Dixon considers that wetland loss in these circumstances should be offset at a minimum 1:1 ratio¹⁰⁵. This is, as a minimum, consistent with Policy 6 of the NPS-FM which states in plain terms that there will be no further loss of extent of natural inland wetlands. Ms Dixon cites the natural inland wetland offsetting package for the Plimmerton Farm Stage 1¹⁰⁶ development further south in the Taupō Catchment, which involved a lesser extent of natural inland wetland loss, with an offsetting package on a slightly greater than 1:1 ratio (in addition to further remediation).¹⁰⁷ Ms Dixon recommends that adverse effects on natural inland wetlands are addressed by (as a minimum)¹⁰⁸:
- a. Remediation and/or creation of 27,220 m² of new wetland extent¹⁰⁹;
 - b. Enhancement of 10,000 m² of existing natural inland wetland (as proposed by the Applicant).
180. Ms Dixon observes that, in order to achieve the additional creation of wetlands, opportunities to do so may need to be considered within the application site, including in the flat area south of Retention Wetland A (up to, and including the site boundary) and within the lower reaches Kakaho East catchment.¹¹⁰
181. Finally, neither the Application AEE or Appendix 15 Ecology Assessment discuss the effects of the proposal on existing retained wetlands (existing wetlands that will not be reclaimed by earthworks or inundated by the retention wetlands). Greater Wellington infers from this that it is the Applicant's position there will be no discernible adverse effects on existing retained wetlands. However, Mr Blyth considers that because of the uncertainty associated with the existing monitoring and hydrological modelling, there is a risk that the development may cause lower baseflows to existing retained wetlands¹¹¹. If this occurs, this may result in adverse effects of the extent and ecological values of existing retained wetlands. Mr Blyth considers that this can be managed through ongoing hydrological monitoring¹¹².

¹⁰⁵ This is the same ratio considered by the Applicant's ecologist, as discussed on pages 47 and 48 of the Application Appendix 15 Ecology Assessment.

¹⁰⁶ Resource consents for this development were approved by an Expert Panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 in October 2024. See: <https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Plimmerton-Farm/Decision/Decision-Report-and-Corrected-Conditions-of-Consent-Clean-Version.pdf>

¹⁰⁷ Appendix 5 Technical Comments – Wetland Ecology, para. 37.

¹⁰⁸ Appendix 5 Technical Comments – Wetland Ecology, para. 39.

¹⁰⁹ The extent to which remediation is required is dependent on the outcome of any reconsideration of the proposed retention wetlands in response to Issue 2.

¹¹⁰ Appendix 5 Technical Comments – Wetland Ecology, para. 40.

¹¹¹ Appendix 3 Technical Comments – Hydrology, para. 14.

¹¹² Appendix 3 Technical Comments – Hydrology, para. 38.

Resolution suggested by Greater Wellington

182. For the reasons stated above, Greater Wellington considers that the residual adverse effects of the project on natural inland wetland extent and values will be more than minor. An appropriate offsetting package is therefore required in order for the project to be consistent with Policy 6 of the NPS-FM, and Policies P31 and P42 of the NRP. Greater Wellington considers that the enhancement of 10,000 m² of existing natural wetland on its own is not a sufficient offset, because it does not offset the loss of extent, and appears at least in part to be mitigation for changes in catchment hydrology.
183. Greater Wellington considers that an appropriate package of works to address the adverse effects of the project on natural inland wetlands would include, as a minimum
- a. Creation of new wetland to offset the loss of existing natural inland wetland at a minimum ratio of 1:1 (the quantity of wetland creation, and whether or not remediation is also required, will depend on the outcome of any reconsideration of the retention wetlands in response to Issue 2);
 - b. Enhancement of 10,000 m² of existing natural inland wetland (as proposed by the Applicant).
184. To provide sufficient certainty that there is appropriate available land to implement the offset package if the consents are granted, Greater Wellington considers that available land within the application site needs to be identified for the creation of new wetlands prior to the Panel making its decision on the approvals, with consequential amendments made to the Ecological Remediation and Offset drawings in Appendix 30-40 of the application¹¹³.
185. If this can be resolved in advance of the Panel deciding on the approvals, Greater Wellington considers that the effects of the proposal on natural inland wetlands can be managed through conditions. These would include:
- a. A condition that sets the maximum extent of authorised wetland reclamation (see Condition 74 in Appendix 1);
 - b. A condition that requires that there will be no loss of extent of ecological value at any existing retained wetland, and requires monitoring to demonstrate that this will be achieved (see Conditions 73 and 75 in Appendix 1);
 - c. A condition that sets the remediation or offsetting required to address the residual adverse effects of wetland loss authorised by the consent (see Condition 76 in Appendix 1);

¹¹³ See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0013/24520/Appendix-30-40-1753-02-SK9200-R1-Ecological-Remediation.pdf

- d. A condition that sets performance targets for remediation or offsetting (see Condition 77 in Appendix 1);
- e. Conditions that require remediation, offsetting, or compensation to be implemented and monitored in accordance with an Eco-hydrological Management, Offsetting, and Monitoring Plan (discussed under Issue 10 below).

Issue 10: Implementation of freshwater effects management

Summary of issue

186. As demonstrated by the range of issues associated with the management of the effects of the development on freshwater receiving environments described above, alongside the Applicant's proposed approach to integrate stormwater management with freshwater remediation and offsetting, and the Applicant's desire to achieve flexible staging, means that there is a high degree of uncertainty about how freshwater effects will be managed throughout the implementation of the consents. Greater Wellington considers that the Applicant's proposed consent conditions do not grapple with this complexity, and as such there is a high degree of uncertainty about whether stream and wetland remediation, offsetting, or compensation will be effectively implemented, whether the retention wetlands will result in unmanaged adverse effects on downstream water quality, and whether the develop will have unmanaged adverse effects on existing retained wetlands.

Analysis

187. As can be seen from the range of issues identified by Greater Wellington in relation to stormwater management, effects on streams, and effects on natural inland wetlands, the effects of the project on freshwater ecosystems are complex and multifaceted. This is due to a range of factors, including: the existing topography, geology and hydrology of the site; the positioning of the site at the headwaters of several catchments containing sensitive receiving environments; hydrological data for the site that only covers a short time period; lack of data about the presence of fish species; insufficient calculation of stream and wetland remediation, offsetting, or compensation packages; and the Applicant's approach to combining stormwater management with ecological remediation, offsetting, and compensation through retention wetlands, the creation of which also causes adverse effects on existing natural inland wetlands and stream environments. On top of this, the Applicant seeks to implement the project through "flexible staging"¹¹⁴.

188. Greater Wellington acknowledges that staging is a necessary part of the implementation of any large-scale development project. However, staged implementation has implications for when

¹¹⁴ Application AEE, p.50. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0020/24527/Mt-Welcome-Substantive-application-and-AEE-Redacted.pdf

adverse effects on freshwater environments occur, when they are consequently remediated, offset, or compensated for, and because of any lag between the two, how much remediation, offsetting, or compensation is required. Where additional data is required to inform effects management, this also needs to be factored into the implementation of staging. Additionally, the implementation of a staged approach to effects management needs to be supported by monitoring to identify whether the effects are being appropriately managed, and any remediation, offsetting, or compensation is achieving its intended outcome. On top of this, the staging of freshwater effects management needs to be considered alongside the staging of earthworks, and the staging of stormwater discharges. Greater Wellington considers that the Applicant's proposed conditions do not adequately grapple with the complexity of the implementation of the project in a manner that manages its effects on freshwater ecosystems, particularly considering the flexible staging sought by the Applicant.

189. Dr Taylor and Ms Dixon both consider that this complexity can be managed through an integrated Eco-Hydrological Management, Offsetting, and Monitoring Plan (EHMP)¹¹⁵. The purpose of the EHMP would be to provide a coordinated framework for ecological, water quality, and hydrological monitoring, management, and reporting. The plan would include hydrological performance criteria and trigger levels for streams, retained wetlands, and remediation/offset wetlands, together with defined management responses should these triggers be exceeded.¹¹⁶
190. Dr Taylor, Ms Dixon, and Mr Blyth set out a range of matters that could be managed through an EHMP:
 - a. In relation to stream remediation, offsetting, or compensation, confirmation of final SEV assessments for affected river reaches, ECR calculations for offsetting or compensation packages, confirmation of the final areas of remediation, offsetting, or compensation, and confirmation of the timing of implementation of these packages¹¹⁷;
 - b. Confirmation of the details of the package of wetland remediation, offsetting, or compensation, including environmental performance requirements, minimum offset outcomes, and ecological targets for retained, remediation, and offset wetlands¹¹⁸;
 - c. Confirmation of water quality and hydrological targets for the retention wetlands¹¹⁹;
 - d. Confirmation of monitoring and trigger levels for existing retained wetlands¹²⁰.

¹¹⁵ Appendix 4 Technical Comments – Stream Ecology, paras 51-52, and Appendix 5 Technical Comments – Wetland Ecology, paras 45-49.

¹¹⁶ Appendix 5 Technical Comments – Wetland Ecology, para 46.

¹¹⁷ To address the issues raised by Dr Taylor at paras 14 through 36 of his assessment in Appendix 4 Technical Comments – Stream Ecology.

¹¹⁸ Appendix 5 Technical Comments – Wetland Ecology, para 47.

¹¹⁹ Appendix 5 Technical Comments – Wetland Ecology, para 48, and Appendix 3 Technical Comments – Hydrology, para 26.

¹²⁰ Appendix 5 Technical Comments – Wetland Ecology, para 47, and Appendix 3 Technical Comments – Hydrology, paras 38-40.

191. As noted by Ms Dixon, integrating ecological and hydrological monitoring and management within a single plan would provide a more efficient and transparent framework for assessing progress and responding adaptively to unforeseen outcomes¹²¹. Greater Wellington agrees with this, but considers that key parameters for determining appropriate remediation, offsetting, or compensation for adverse effects on streams and wetlands need to be provided for in the conditions to ensure that they are enforced in accordance with the EHMP. In addition to this, while it may be appropriate to determine monitoring and reporting approaches and trigger levels through a management plan, requirements to undertake monitoring, reporting, and adaptive management where trigger levels are exceeded should be provided for through conditions to ensure that these requirements can be enforced.
192. Greater Wellington considers that an EHMP as described above would provide a pragmatic method of resolving the residual uncertainty associated with the Applicant's approach to freshwater effects management in a manner that allows for coordination with the Applicant's proposed approach to staging of the development. It does not however displace the need to resolve the fundamental issues that Greater Wellington has identified previously in these comments, where Greater Wellington considers these need to be resolved in advance of the Panel deciding on the application¹²².

Resolution suggested by Greater Wellington

193. In order to manage the complexity of the implementation of freshwater effects management alongside the staged approach to development proposed by the Applicant and resolve residual uncertainty with respect to the Applicant's proposed approach to freshwater effects management, Greater Wellington considers that the conditions should require the preparation and implementation of an integrated Eco-Hydrological Management, Offsetting, and Monitoring Plan. As discussed above, the purpose of the EHMP would be to provide a coordinated framework for ecological, water quality, and hydrological monitoring, management, and reporting, and the plan would address the detail of stream and wetland remediation, offsetting, or compensation, water quality and hydrological monitoring for retention wetlands, and monitoring of the effects of the proposal on existing retained natural inland wetlands. The EHMP would also identify how the implementation of freshwater effects management would be coordinated with the staging of the development, including the staging of earthworks and stormwater discharges. Proposed Condition 45 in Appendix 1 sets out the requirements for an EHMP, based on the matters discussed above.

¹²¹ Appendix 5 Technical Comments – Wetland Ecology, para 49.

¹²² Including Issue 1: reconsideration of approach to stormwater management; Issue 2: reconsideration of retention wetlands; Issue 4: functional need to reclaim the Taupō Stream; Issue 5: reconsideration of compensation package for the loss of Taupō Stream; Issue 6: identification of appropriate remediation, offsetting, or compensation for adverse effects of the development on streams within the site; and Issue 9: reconsideration of offset package for loss of natural inland wetlands.

194. To provide for effective implementation of freshwater effects management described in the EHMP, Greater Wellington also considers that conditions should be imposed that:
- a. Set the minimum requirements and performance target parameters for stream remediation, offsetting, or compensation (Conditions 67 and 68 in Appendix 1);
 - b. Set the minimum requirements and performance target parameters for wetland remediation, offsetting, or compensation (Conditions 76 and 77 in Appendix 1);
 - c. Require monitoring of the effects of the development on existing retained wetlands (Condition 73 in Appendix 1);
 - d. Require monitoring and reporting on the performance of stream and wetland remediation, offsetting, or compensation, and whether the development is causing loss of extent or ecological values at any existing retained wetland (Condition 79 in Appendix 1), and require adaptive management if performance targets are not met (Condition 80 in Appendix 1);
 - e. Require water quality and hydrological monitoring and reporting for the retention wetlands (Conditions 90 and 91 in Appendix 1) and require adaptive management where trigger levels for the retention wetlands are exceeded (Condition 92 in Appendix 1).

Culverts

Issue 11: Culvert design feasibility

Summary of issue

195. Greater Wellington considers that there are feasibility issues with several of the proposed culverts that need to be addressed to ensure that the proposed design of culverts will adequately convey flood flows and avoid adverse effects on natural processes. Greater Wellington considers that these issues need to be addressed to provide reasonable certainty that the detailed design of culverts can be certified through conditions.

Technical expertise

196. Greater Wellington's comments on issues related to culvert design for the conveyance of flood flows are supported by comments from the following technical experts:
- a. Kirsty Duff and Tim Lewis, Water Resilience (see Appendix 6)

Planning framework

197. The beds of rivers are defined as *high hazard areas* in the NRP. Because of this, Policy P25 in the NRP is relevant to the placement of culverts within the beds of rivers:

Policy P25: High hazard areas

Use and development, including hazard mitigation methods, in on or over high hazard areas shall be managed to ensure that:

- (a) they have a functional need or operational requirement or there is no practicable alternative to be so located, and*
- (b) an overall increase in risk of social, environmental and economic harm is avoided, and*
- (c) the hazard risk and/or residual hazard risk to the development, assessed using a risk-based approach, is acceptable or as low as reasonably practicable, recognising that in some instances an increase in risk to the development may be appropriate, and*
- (d) the development does not cause or exacerbate hazard risk in other areas, and unless effects are avoided, remedied or mitigated in accordance with a hazard risk management strategy, and*
- (e) adverse effects on natural processes (coastal, riverine and lake processes) are avoided, remedied, or mitigated, and*
- (f) natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise over at least the next 100 years, are taken into account.*

198. The thrust of this policy is that culverts placed in the bed of a river will:

- a. Convey flood flows in a manner that does not cause or exacerbate hazard risk in other areas (including within the development and on other properties downstream);
- b. Avoid adverse effects on natural processes within rivers, including erosion, scour, and geomorphic processes (such as the natural transport of sediment or other natural material).

199. This is reinforced by the permitted activity conditions for culverts set out in Rule R126 of the NRP.

Analysis

200. The Application proposes to place 11 culverts in rivers on site and as part of the construction of the SH59 intersection¹²³. The Flood Risk Assessment contained in the Application includes the proposed culverts as part of the overall assessment and model of the effects of the proposal on

¹²³ Application Appendix 11 Stormwater Management Plan, pp.25-26. See:
https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/28240/Appendix-C-1-Updated-Stormwater-Management-Plan.pdf

the conveyance of flood flows¹²⁴. Information contained in the Application on the proposed design of culverts is at a conceptual level only. This includes drawings that indicate the size, shape, and gradient of culverts, and a typical detail at a culvert outlet (there is no typical detail for culvert inlets). The Applicant proposes that detailed design of the culverts would be undertaken by way of consent conditions, although the conditions do not set out the requirements for the detailed design.

201. Mx Duff and Mr Lewis have considered the high-level information on the design of culverts contained in the application and have identified a range of concerns with the feasibility of several of the culvert proposals. Their concerns are set out in Table 1 (at paragraph 4) of their Water Resilience comments in Appendix 6. Greater Wellington considers that these concerns should be addressed in advance of any decision on the approvals, to provide reasonable certainty that any detailed designs for the culverts will be able to be certified through consent conditions.
202. Greater Wellington also notes that other parties, including NZTA, PCC, and Tiaki Wai may have an interest in the detailed design of culverts, particularly if they are located on land that is owned by them (in the case of NZTA for the SH59 intersection) or will be vested to them (in the case of PCC and Tiaki Wai, as is proposed by the Applicant)¹²⁵. For example, in Greater Wellington's experience, NZTA have additional engineering design standards that may apply to culverts on top of the requirements of the regional plan described above. It is not clear whether the Applicant has engaged with other parties on the design of culverts, or whether the proposed culvert design takes these parties' requirements into account. If this has not occurred, Greater Wellington considers this should occur in advance of the Panel making their decision, to reduce the risk that the consents may need to be amended to take into account any design requirements that these parties may have.
203. If the feasibility concerns identified by Mx Duff and Mr Lewis are able to be addressed in advance of the decision, and there is reasonable certainty that any design requirements of parties' who may take over responsibility for the culverts have been taken into account, Greater Wellington considers that it would be appropriate for the detailed design of culverts to be certified by way of consent conditions. While the Applicant has proposed this already, Greater Wellington considers that there needs to be clearer criteria in the conditions to determine the certification of the detailed design. Mx Duff and Mr Lewis consider that the following matters should be demonstrated by the detailed design of culverts¹²⁶:
- a. The design of each culvert does not result in an increase in flood depth, flood velocity, or flood hazard compared to the site flood assessment;

¹²⁴ Application Appendix 11 Flood Risk Assessment. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0023/24449/Appendix-11-Part-B-Flood-Assessment-and-Model-Build.pdf

¹²⁵ Appendix 6 Technical Comments – Water Resilience, para. 5.

¹²⁶ Appendix 6 Technical Comments – Water Resilience, para. 5.

- b. Each culvert inlet and outlet is protected against erosion and scour;
- c. Each culvert is designed to avoid any aggradation, erosion, and scour of the bed, including any erosion and scour at the inlet and the outlet of the culvert;
- d. Each culvert will avoid causing or increasing flooding on any neighbouring property;
- e. Each culvert is designed to avoid blockage by debris or other geomorphic processes (such as the movement of sediment).

204. Greater Wellington notes that these requirements would apply in addition to any requirements to design culverts for the provision of fish passage (which are discussed in Issue 7 above).

Resolution suggested by Greater Wellington

205. Because the Applicant is relying on the detailed design of culverts to be undertaken by way of consent conditions, Greater Wellington considers that there should be reasonable certainty that the culverts proposed by the Applicant are feasible and take into account the requirements of parties who may take over responsibility for them in future. Greater Wellington therefore considers that the following should be undertaken in advance of the Panel making their decision on the approvals:

- a. That the Applicant resolve the feasibility concerns for the specific culverts identified by Mx Duff and Mr Lewis at paragraph 4/Table 1 of their Water Resilience comments in Appendix 6;
- b. If it hasn't occurred already, that the Applicant consult with parties (which may include NZTA, PCC, and Tiaki Wai) about any specific design requirements that those parties might have in relation to culverts and ensure that these requirements are incorporated into the proposal.

206. If this can be undertaken in advance of the Panel deciding on the approvals, Greater Wellington considers that the detailed design and requirements for undertaking monitoring and maintenance of culverts can be addressed through the consent conditions (see Conditions 47 and 49 in Appendix 1).

Earthworks

Technical expertise

207. Greater Wellington's comments on issues related to earthworks are supported by comments from the following technical experts:

- a. Gregor McLean, Erosion and Sediment Control (see Appendix 7)

Planning framework

208. Objective O37 in the NRP seeks that the amount of sediment-laden runoff entering water is minimised. Objective P.O3 in NRP-PC1 seeks that sediment loads entering Te Awarua-ō-Porirua (including through freshwater bodies) are significantly reduced by 2040, and Objective P.O6 seeks that sediment loads within the Taupō catchment are reduced to achieve the specified target attribute state by 2040.

209. Earthworks have the potential to accelerate soil erosion and mobilise sediment, leading to discharges of sediment to receiving environments if not appropriately managed. To achieve the objectives to minimise (NRP) or reduce (NRP-PC1) sediment loads, the following policies provide for the management of earthworks:

a. In the NRP:

Policy P107: Land use activities, erosion and associated discharges

Earthworks, vegetation clearance and plantation forestry harvesting activities that have the potential to result in significant accelerated soil erosion, or to lead to off-site discharges of silt and sediment to surface water bodies, shall use measures, including good management practice, to:

- (a) minimise the risk of accelerated soil erosion, and*
- (b) control silt and sediment runoff, and*
- (c) ensure the site is stabilised and vegetation cover is restored.*

b. In NRP-PC1:

Policy P.P27: Management of earthworks sites

The risk of sediment discharges from earthworks shall be managed by:

- (a) requiring retention of soil and sediment on the site using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021), for the duration of the land disturbance, and*
- (b) limiting the amount of land disturbed at any time, and*
- (c) designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and*
- (d) requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.*

210. In addition to Policy P.P27, NRP-PC1 also includes a policy that sets out discharge quality expectations for earthworks and a requirement that discharges are monitored (P.P28), and a

policy that requires earthworks over 3,000 m² in area to be shut down during the period from 1 June to 30 September each year (the winter period).

211. In addition to this, section 107(1) of the RMA requires that a discharge permit must not be granted if the discharge is likely to give rise to any of the following effects in the receiving waters:
- a. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - b. any conspicuous change in the colour or visual clarity:
 - c. any emission of objectionable odour:
 - d. the rendering of fresh water unsuitable for consumption by farm animals:
 - e. any significant adverse effects on aquatic life.
212. Achieving the policies for earthworks, and avoiding unacceptable discharge quality, relies on earthworks being undertaken in accordance with good management practice. Good management practice for earthworks in the Wellington region is set out in the *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*¹²⁷ (ESC Guide).

Issue 12: Management plan approach for earthworks

Summary of issue

213. The Applicant has proposed a range of management plans to manage earthworks and construction within streams. However, the structure and purpose of the management plans is not clear, and the flat hierarchy provides that most management plans are developed and certified on a stage-by-stage basis, without any site-wide management approach to guide the implementation of staging.

Analysis

214. Mr McLean has reviewed the overall management approach to earthworks set out in the application and the draft Earthworks and Construction Management Plan (DECMP), at paragraphs 5 to 8 of his comments on Erosion and Sediment Control in Appendix 7.
215. Mr McLean identifies that the DECMP requires the production of several further management plans, including:

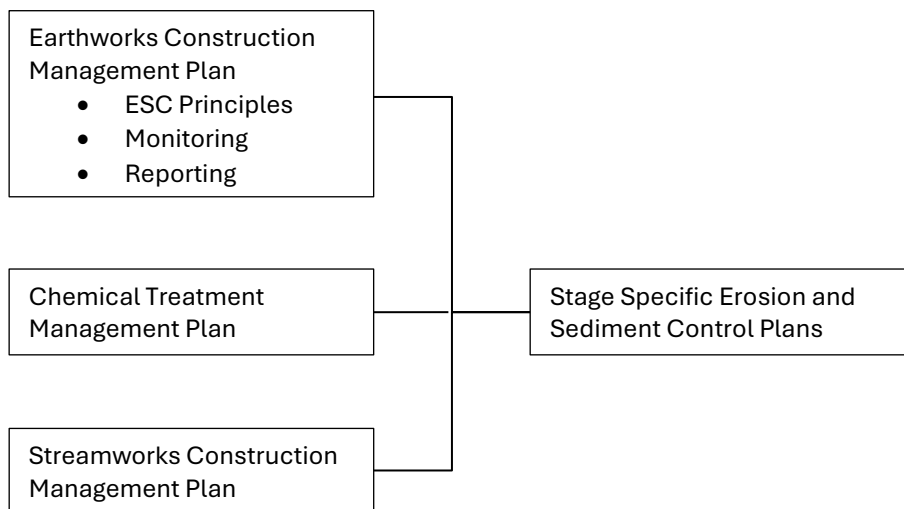
¹²⁷ Greater Wellington Regional Council (February 2021). *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*. See: <https://www.gw.govt.nz/assets/Documents/2022/03/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>

- a. Detailed Erosion and Sediment Control Plan (ESCP) for each stage;
- b. Flocculation Management Plan;
- c. Stream Works Management Plan;
- d. Stream Diversion Plan.

216. This differs from the Applicant's proposed conditions, which require:

- a. Stage Specific Earthworks and Construction Management Plan;
- b. Stage Specific Erosion and Sediment Control Plan;
- c. Stage Specific Chemical Treatment Management Plan;
- d. Streamworks Construction Management Plan.

217. Mr McLean considers that the purpose and structure of the proposed management plans may lead to some confusion, and considers that a clearer structure would be as follows:



218. In this model, the Earthworks Construction Management Plan, Chemical Treatment Management Plan, and Streamworks Construction Management Plan would set out the overall management principles, practices, and monitoring and reporting requirements. These management plans would cover the project and be submitted for certification prior to the commencement of any works. Stage Specific Erosion and Sediment Control Plans would set out the specific erosion and sediment control measures for each stage and be submitted for certification prior to each stage.

219. Greater Wellington considers that the approach described by Mr McLean is a clearer and more certain method of managing earthworks, because it ensures that the overall approach to managing earthworks informs stage-specific erosion and sediment control plans, and avoids the overall approach needing to be reconsidered at each stage. A clear hierarchy of plans provides greater certainty for contractors and enforcement officers, and only requiring one plan to be certified for each stage (the Stage Specific Erosion and Sediment Control Plan) reduces administrative complexity.
220. Mr McLean also notes (at paragraph 9 to 12) that the draft Erosion and Sediment Control Plan for Stage 1 included in the Application¹²⁸ is not consistent with the ESC Guide, citing the example of decants and primary spillways for sediment retention ponds being shown centrally within the pond (rather than at the end of the pond). Mr McLean considers that this can be addressed through conditions that require the Stage Specific Erosion and Sediment Control Plan (SSESCP) to be prepared in accordance with the ESC Guide. Greater Wellington agrees that this could be addressed through a reconsidered SSESCP for Stage 1 that is prepared in accordance with the ESC Guide.

Resolution suggested by Greater Wellington

221. Greater Wellington considers that the various approaches to management plan structure set out in the Applicant's proposed conditions and DECMP should be set aside and replaced with the following management plan structure for earthworks described by Mr McLean. This would include:
- a. An Earthworks Construction Management Plan (Condition 19 in Appendix 1), Chemical Treatment Management Plan (Condition 20 in Appendix 1), and Streamworks Management Plan (Condition 46 in Appendix 1) that are submitted prior to the commencement of works and certified for the project;
 - b. A SSESCP that is submitted prior to the commencement of each stage and certified for that stage (Condition 22 in Appendix 1).

Issue 13: Water quality monitoring and discharge quality conditions

Summary of issue

222. The Application proposes water quality monitoring for sediment treatment devices and continuous turbidity monitoring at the boundary of the site. However, the interpretation of some

¹²⁸ Application Appendix 30-17. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0026/24497/Appendix-30-17-1753-02-2400-R1-Proposed-ESCP-Stage-1.pdf

trigger levels is uncertain, and the purpose of continuous turbidity monitoring is unclear. In addition to this, no enforceable discharge quality limits are proposed.

Analysis

223. Mr McLean has reviewed the proposed approach to monitoring at paragraphs 13 to 22 of his comments on Erosion and Sediment Control in Appendix 7.
224. Mr McLean has identified the following issues with the proposed approach to water quality monitoring:
- a. While the Applicant has proposed a range of discharge quality triggers for sediment treatment devices, no discharge quality triggers have been proposed at the outlet of the device. Measuring quality at the outlet is a pragmatic method of measuring the performance of the device and Mr McLean considers a discharge quality trigger of 170NTU¹²⁹ is an appropriate discharge quality trigger at the device outlet¹³⁰. This is consistent with discharge quality triggers for sediment treatment devices on earthworks sites throughout the region.
 - b. Monitoring locations need to be clearly identified in the erosion and sediment control plans.¹³¹
 - c. In addition to device monitoring, continuous turbidity monitoring is proposed at three points at the site boundary to monitor the effectiveness of erosion and sediment controls. However, Mr McLean notes that if continuous turbidity monitoring was to be of use during construction then turbidity trigger levels would need to be established, and appropriate actions and reporting specified.¹³² In addition to this, in order for continuous turbidity monitoring to be useful within the Kakaho Stream catchment, both the east and west main stems should be monitored (as both are exposed to earthworks), and the upstream entry to the site should be monitored to allow for the determination of effects occurring within the site.
225. Greater Wellington considers that these matters can be addressed either through the management plans or through the conditions. With respect to continuous turbidity monitoring, Greater Wellington considers that a clear purpose for this monitoring would be to demonstrate that there will be no increase in the discharge of sediment from the site during the works authorised by the consents, compared to before the commencement of the works. This requires the establishment of baseline turbidity levels, which may be set in the ECMP, subject to

¹²⁹ Nephelometric turbidity unit.

¹³⁰ Appendix 7 Technical Comments – Erosion and Sediment Control, at para. 16.

¹³¹ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 17.

¹³² Appendix 7 Technical Comments – Erosion and Sediment Control, at paras 19-21.

sufficient monitoring occurring before the commencement of earthworks in each affected catchment.

226. It is important to note that exceeding a discharge quality trigger is not a breach of consent conditions. Rather, it sets off a course of action (prescribed in the conditions) that requires the consent holder to investigate why the trigger was breached and implement changes to prevent a reoccurrence. In other words, it is a tool for identifying and addressing poor performance, but it is not an enforceable limit on discharge quality.
227. The draft conditions included with the Application do not include any enforceable limits on discharge quality for earthworks. Without a limit, the consent holder may continue to discharge in excess of the quality triggers for the duration of the consent. To ensure that the discharge permit is consistent with the relevant discharge quality policies in the NRP¹³³ and NRP-PC1¹³⁴, and section 107 of the RMA, Greater Wellington considers that a condition should be included that requires that the discharge does not result in any of the effects set out in section 107(1) of the RMA, or a decrease in water clarity of 30%¹³⁵, occurring beyond a zone of reasonable mixing¹³⁶.

Resolution suggested by Greater Wellington

228. To address the matters raised by Mr McLean, and ensure that discharges from earthworks are consistent with the relevant policies in the NRP and section 107 of the RMA, Greater Wellington considers that:
- a. The proposed conditions should be amended to include a discharge quality trigger of 170NTU at sediment treatment device outlets (Condition 31 in Appendix 1);
 - b. Conditions should be imposed to clarify the purpose and location of continuous turbidity monitoring, provide for the setting of trigger levels through the management plans, and provide a process for investigation and adaptive management where trigger levels are exceeded (Conditions 32 to 34 in Appendix 1);
 - c. A condition is imposed that sets discharge quality limits for earthworks discharges (Condition 18 in Appendix 1).

¹³³ Policy P79.

¹³⁴ Policy P.P28

¹³⁵ Consistent with Policy P79 and P.P28.

¹³⁶ See definition of *zone of reasonable mixing* in the NRP. For this project, the zone of reasonable mixing will be 50 m downstream from the discharge point.

Issue 14: Implementation of earthworks mitigation measures*Summary of issue*

229. The Application acknowledges that sediment discharges during earthworks are a significant risk for water quality, and that these will be managed through a range of mitigation measures, including the separation of earthworks from wetlands and streams and minimisation of the area of exposed earth. However, requirements for these mitigation measures are not well articulated in the DECMP or proposed conditions.

Analysis

230. Mr McLean has reviewed the proposed approach to monitoring at paragraphs 23 to 31 of his comments on Erosion and Sediment Control in Appendix 7. Mr McLean highlights that the key mitigation measures identified in the DECMP include:

- a. Establishing buffer zones around wetlands and streams.
- b. Minimising the extent of exposed earth at any one time.
- c. Installing sediment retention and diversion devices.
- d. Locating sediment controls upstream of wetland areas to prevent sediment ingress.

231. Mr McLean considers that the Application documents (including the DECMP) do not explain how setbacks from wetlands and streams (a) and locating sediment controls upstream of wetland areas (d) have been considered or will be implemented.¹³⁷ This will be a particular issue where earthworks cut across existing streams and natural inland wetlands, where a setback will not be possible. This occurs frequently throughout the proposed development. Figure 5 shows an example of this in the south-western extent of the site.

232. Greater Wellington considers that, on the basis that these are key mitigation measures proposed by the Applicant, explanation as to how setbacks from streams and wetlands and the location of sediment controls upstream from wetlands will be implemented, particularly where earthworks are adjacent to or cut through existing natural inland wetlands. The DECMP also states that earthworks within or near ecologically sensitive areas will be managed using processes developed jointly with the ecologist, but without stating what these processes would be¹³⁸. Mr McLean considers that parameters for these mitigation measures need to be established and incorporated into the ECMP and subsequent SDESCPs.¹³⁹

¹³⁷ Appendix 7 Technical Comments – Erosion and Sediment Control, at paras 19-21.

¹³⁸ Application Appendix 10 Draft Earthworks and Construction Management Plan, p.10. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0021/24447/Appendix-10-Earthworks-Construction-Management-Plan.pdf

¹³⁹ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 24.

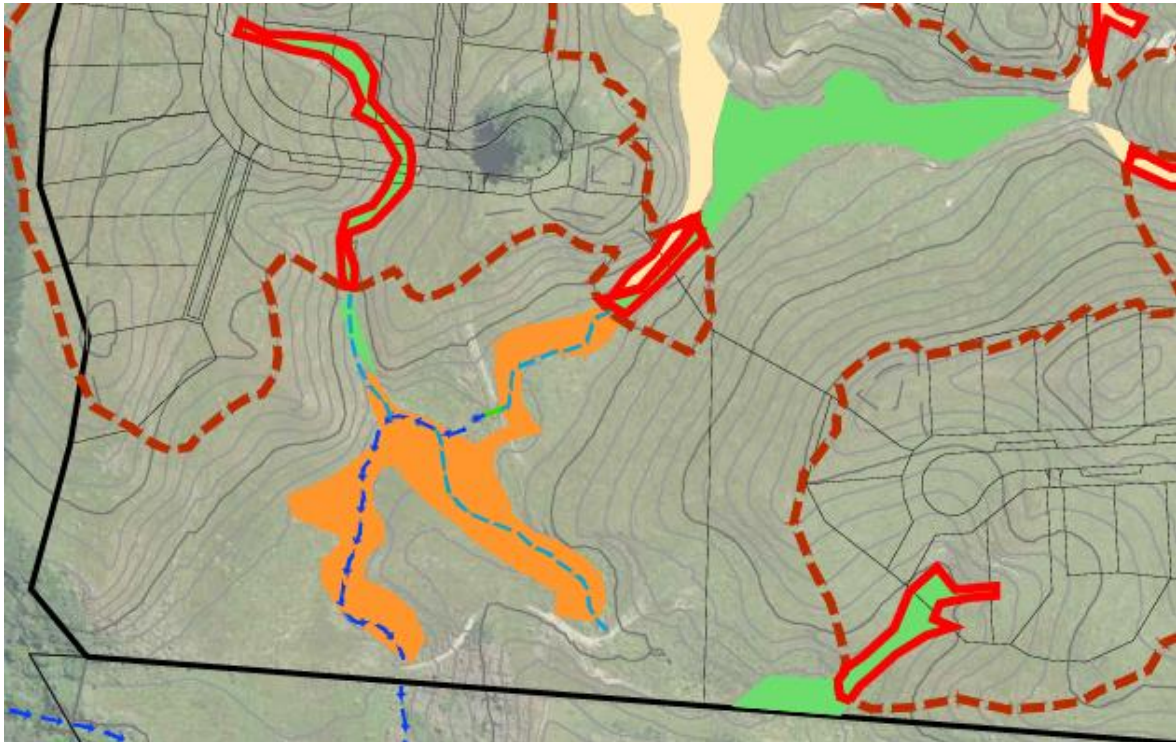


Figure 5: Earthworks cutting across streams and natural wetlands to the south-west of the site. Earthworks extent is shown in red dashed line. Source: Application Appendix 30-41 Overall Ecological Areas.

233. With respect to minimising the extent of exposed earth at any one time (b), Mr McLean notes that could be achieved through staging of earthworks¹⁴⁰, and progressive stabilisation of earthworks¹⁴¹. Mr McLean notes that this is important to limit sediment yield and transport offsite and reduce the risk of large-scale one-off erosion events causing significant adverse effects.
234. Regarding staging, the applicant has proposed to undertake earthworks across 8 separate stages, ranging in size from 2.8 ha for Stage 5, to 28.8 ha for Stage 2¹⁴². Greater Wellington considers that the area attributed to Stage 2 in the DECMP is likely an error, on the basis that Stage 2C (SH59 intersection works) is significantly smaller than the 15.9 ha attributed to it in the DECMP. The measured area of Stage 2C is closer to 1.6 ha, meaning that the total area of Stage 2 is 14.5 ha.
235. Noting the importance of staging to reduce the potential for sediment discharges, Greater Wellington considers that condition should be imposed to limit the maximum exposed area of earthworks to be no greater than the areas attributed to each stage by the Applicant in their application (noting that the area attributed to Stage 2C in the Application is likely and error that

¹⁴⁰ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 27.

¹⁴¹ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 28.

¹⁴² Application Appendix 10 Draft Earthworks and Construction Management Plan, p.10.

would need to be corrected prior to imposing a condition). This would ensure that staging that genuinely limits exposed area will be implemented and avoids multiple stages occurring at once.

236. As described by Mr McLean, progressive stabilisation is also a critical method of minimising exposed land¹⁴³. Mr McLean observes that the methods of progressive stabilisation provided for in the DECMP are limited, and that implementation of stabilisation at the completion of works is not consistent with the concept of progressive stabilisation, which occurs progressively throughout the project rather than at the completion of works¹⁴⁴. Mr McLean considers that no methods of stabilisation should be excluded, and that conditions should be considered requiring progressive stabilisation and to ensure that the stabilisation techniques implemented are suitable for the soil types, time of year and climatic conditions¹⁴⁵.
237. Mr McLean also points out that recommendations have been made in the Application Geotechnical Investigation in relation to stabilisation and surface water management to reduce erosion, but that these have not been included in the DECMP¹⁴⁶. Recommendations in that report include (but are not limited to)¹⁴⁷:
- a. Directing overland flow away from existing slopes to reduce the risk of ponding and erosion;
 - b. Implementing mitigation solutions for large fills greater than 3 m in height to control runoff and scouring. Options referenced in the report include benching, use of geogrid (subject to engineering design), a site-specific hydroseeding plan, and bunds at the top of batters.

Resolution suggested by Greater Wellington

238. To address the matters raised above Greater Wellington considers that the DECMP should be amended by the Applicant to:
- a. Describe how buffer zones around wetlands and streams will be implemented, where works are located adjacent to or cut across streams and natural inland wetlands;
 - b. Describe how sediment controls upstream from wetlands will be implemented, particularly where works are located adjacent to or cut across natural inland wetlands;
 - c. Correct what appears to be an error in Table 1 around the sizing of stages (particularly Stage 2C);

¹⁴³ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 27.

¹⁴⁴ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 28-29.

¹⁴⁵ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 30.

¹⁴⁶ Appendix 7 Technical Comments – Erosion and Sediment Control, at para 31.

¹⁴⁷ Application Appendix 26 Geotechnical Investigation, p.33. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0021/24474/Appendix-26-Geotechnical-Investigation-Part-A.pdf

- d. Ensure that progressive stabilisation is implemented during earthworks, not at the completion of earthworks;
- e. Provide for identification of progressive stabilisation techniques that are suitable for the soil types, time of year and climatic conditions;
- f. Incorporate recommendations made in the Application Geotechnical Investigation in relation to surface water management and erosion and sediment control.

239. Greater Wellington also considers that to ensure staging and progressive stabilisation are implemented in a manner that minimises the area of open earth, conditions should be imposed that:

- a. Provide that the area of earthworks within each stage does not exceed the area proposed for each stage in the Application, subject to correcting what is likely an error in the area attributed to Stage 2 in the DECMP (Condition 23 in Appendix 1);
- b. Require that no more than one stage is undertaken at any one time (Condition 24 in Appendix 1);
- c. Describe progressive stabilisation and require that it be implemented throughout earthworks (Condition 25 and a definition of “progressive stabilisation” in the Interpretation section in Appendix 1).

240. Greater Wellington considers that this would ensure that earthworks will be undertaken in a manner that is consistent with Policy P107 in the NRP and Policy P.P27 in NRP-PC1.

Regional and public transport

Issues 15 to 18: Regional and public transport matters

- 241. In addition to its resource management functions under the RMA, Greater Wellington is also responsible for preparing the Regional Land Transport Plan (RLTP) and Regional Public Transport Plan (RPTP) and providing public transport planning and delivery functions (through Metlink) under the Land Transport Management Act 2003.
- 242. Greater Wellington has considered the Application in light of the provisions of the RLTP, RPTP, and the relevant transport and urban development provisions in the RPS, alongside the impacts that the project may have on the existing and future public transport network. Greater Wellington’s comments on these matters are set out in Appendix 8 Organisation Comments – Regional and Public Transport.

243. In summary, Greater Wellington has identified the following key issues with the project in relation to regional and public transport¹⁴⁸:

- a. The location of the development is likely to result in high private vehicle use.
- b. There will be limited active transport connectivity to existing amenities.
- c. A safe pedestrian/cyclist SH59 crossing (which is not proposed by the project) is critical to provide access to Ara Harakeke Pathway, which in turn provides access to Pukerua Bay rail station and shops to the north and other amenity centres and hubs to the south.
- d. Providing a public bus service for the proposed development in isolation is unlikely to be viable. Nevertheless, Greater Wellington strongly supports future-proofing north-south connecting roads by designing them for bus routes and linking to adjoining sites, to optimise the viability of a bus route in the future.
- e. There is limited capacity for a bus to service Pukerua Bay station.
- f. There are likely to be impacts on park-and-ride facilities at Pukerua Bay and Plimmerton stations, which are already at capacity.
- g. The development design does not support internal connectivity.

244. Greater Wellington considers that there are four key matters that should be considered as part of deciding on the approvals. These are set out at paragraphs 10 to 13 of Appendix 8 and repeated in Table 6 below.

Table 6: key regional and public transport issues to be considered (Appendix 8, paras. 10-13).

Issue	Consideration
Issue 15: Need to future-proof for public transport	<i>It is crucial that this development does not preclude the potential provision of a public bus service in the Northern Growth Area once the necessary conditions (populations thresholds etc) are met. As noted above, this will require the provision of at least one connector road suitable for buses from the proposed site, connecting north through to Pukerua Bay and south through to Plimmerton. We note that the structure plan for the Northern Growth Area envisaged one north-south connector road capable of carrying buses.</i>
Issue 16: Safe pedestrian/cyclist	<i>Safe pedestrian/cyclist access to the existing Ara Harakeke Pathway must be provided for. This facility provides the only existing non-vehicle connection with shops and amenities, railway stations and beyond to employment and</i>

¹⁴⁸ Appendix 8 Organisation Comments – Regional and Public Transport, paras. 2-9.

Issue	Consideration
access to existing Ara Harakeke Pathway	<i>education. Safe connection could be most effectively provided through an at-grade signalised crossing, rather than the proposed roundabout on SH59. It also requires a lower speed limit to be applied to this section of SH1, which currently drops to 50km just to the north of the proposed roundabout. (Refer assessment of intersection types/options in the Integrated Transport Assessment - Table 7-1: SH59 intersection options.)</i>
Issue 17: Future-proofing active transport links with Pukerua Bay via Muri Block	<i>Greater Wellington understands that the block to the north of this site is being developed for residential housing. It will be important that the north-connecting road from the Mt Welcome block progresses as planned to ensure that residents are able to access the Pukerua Bay Station – particularly by active modes – without having to use the State Highway. This connectivity will bring safety, public health, emissions and productivity benefits (because there will be fewer residents using the State Highway).</i>
Issue 18: Provision for cycling on north-south connector road	<i>The proposed central north-south collector road has two different typologies for cycling provision – switching from marked cycleway to shared path (see Figure 8-4, page 42 of ITA). To support cycling, a consistent and high level of service for this core route should be established from the outset. In light of its planned future function as a connecting route to the rest of the Northern Growth Area, we consider this should be the highest Connector Road Type A/B level facility – i.e., on-road cycle lanes, shared path on one side and footpath on the other.</i>

Regional resource consent conditions

245. Greater Wellington has reviewed the regional resource consent conditions proposed by the Applicant¹⁴⁹. Because of the range of substantive issues raised by Greater Wellington, Greater Wellington has prepared a new set of draft regional resource consent conditions that it considers would manage the effects of each of the activities for which regional resource consent is sought, subject to the resolution of the substantive issues identified by Greater Wellington above¹⁵⁰. These are set out in Appendix 1. Where the Applicant proposed conditions that Greater Wellington considers are appropriate, these have been incorporated into the draft set contained in Appendix 1.

¹⁴⁹ Application Appendix A Proposed Conditions. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0016/30184/Appendix-A-Updated-Proposed-Conditions.pdf

¹⁵⁰ Greater Wellington acknowledges that Issues 15 to 18, which relate to transport, cannot be resolved through regional resource consent conditions, and would be subject to the Panel's findings on the district consent conditions.

246. Greater Wellington agrees with the Panel that resource consent conditions should be SMART¹⁵¹, and considers that the conditions that it has suggested in Appendix 1 achieve this objective.
247. The draft regional resource consent conditions set out in Appendix 1 are structured to follow the consents that are required to authorise the activities associated with the project, as follows:
- a. General conditions that apply to all regional resource consents;
 - b. Earthworks conditions;
 - c. Contaminated land conditions;
 - d. Rivers and wetlands conditions;
 - e. Stormwater conditions.
248. A key component of the draft conditions is the “regional resource consent matrix” that sits at the head of the conditions. The purpose of this matrix is to make it clear to the consent holder and consent authority the activities that have been authorised by the regional resource consents, the duration and lapse periods for those consents, and the conditions that apply to each consent. The matrix is based on the identification of resource consents required to authorise activities associated with the development, as set out at paragraph 25 above.
249. Greater Wellington notes that the conditions suggested in Appendix 1 are similar to those provided by Greater Wellington to the Applicant during pre-lodgement engagement¹⁵², although Greater Wellington has updated them to incorporate the advice provided by its technical experts in response to the substantive issues raised above, and to remove unnecessary duplication and complexity. Greater Wellington acknowledges that the draft conditions set out in Appendix 1 may need to be amended depending on the Panel’s findings on the substantive issues identified by Greater Wellington and other parties.
250. Greater Wellington acknowledges Minute 5 of the Expert Panel¹⁵³, which sets out the Panel’s SMART review of the Applicant’s proposed consent conditions. Greater Wellington will consider and intends to respond to this minute after the close of the Section 53 comments period.

¹⁵¹ SMART stands for Specific, Measurable, Achievable, Relevant, and Time-bound, as set out at paragraph 10 of Minute 2 of the Expert Panel. See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0035/29996/Panel-Minute-2.pdf

¹⁵² Application Appendix 2 Pre-lodgement Consultation, PDF pages 144-180. See:

https://www.fasttrack.govt.nz/_data/assets/pdf_file/0014/24440/Appendix-02-Pre-lodgement-consultation_Redacted.pdf

¹⁵³ See: https://www.fasttrack.govt.nz/_data/assets/pdf_file/0012/31152/Minute-5-of-the-Panel.pdf

Appendix 1: Greater Wellington draft regional resource consent conditions

Refer separate attachment.

Appendix 2: Technical comments – Stormwater Management

Refer separate attachment.

Appendix 3: Technical comments – Hydrology

Refer separate attachment.

Appendix 4: Technical comments – Stream Ecology

Refer separate attachment.

Appendix 5: Technical comments – Wetland Ecology

Refer separate attachment.

Appendix 6: Technical comments – Water Resilience

Refer separate attachment.

Appendix 7: Technical comments – Erosion and Sediment Control

Refer separate attachment.

Appendix 8: Organisation comments – Regional and Public Transport

Refer separate attachment.

Appendix 9: Section 53 Comments Author Statement of Expertise

My full name is Andrew Peter Banks.

I hold a Bachelor of Architecture from Victoria University of Wellington, obtained in 2009, and a Master of Resource and Environmental Planning from Massey University, obtained in 2023. I am a Full Member of the New Zealand Planning Institute.

I am employed as a Senior Resource Advisor in the Environmental Regulation unit at Wellington Regional Council (Greater Wellington). I am warranted by Greater Wellington as an enforcement officer under section 38 of the Resource Management Act 1991.

I have 17 years' experience working in the planning and built environment professions, including 5 years' experience working as an architectural graduate, 7 years' experience working as a registered architect, and most recently 5 years' experience working as a planner in local government and private consultancy.

My professional planning experience includes:

- a. Coordinating Greater Wellington's participation in the fast-track approvals process for a range of projects;
- b. Processing and peer reviewing resource consent decisions for a range of activities including wetland reclamation, earthworks and associated discharges, stormwater, culverts, streamworks, flood diversions, cleanfilling, bores, dewatering, and activities in the coastal marine area;
- c. Compliance monitoring and enforcement of resource consents, and responding to environmental incidents as a warranted enforcement officer;
- d. Preparing plan changes for local authorities, including drafting planning provisions and section 32 evaluation reports, summarising submissions and presenting planning evidence on behalf of the local authority;
- e. Participating in and facilitating expert conferencing;
- f. Preparing resource consent applications.