Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision

Consent No.	WGN250069	
Consent ID(s)	[39869] Coastal Permit – General Structures	
	[39887] Coastal Permit – Mooring	
Name	Wellington International Airport Limited (WIAL)	
Address	PO Box 14175, Wellington	
Decision made under	Section 104, 104B, 104D, 108 of the Resource Management Act 1991	
Duration of consent	Granted/Commences: 14 October 2024	Expires: 14 October 2044
Purpose for which consent(s) is granted	To place monitoring structures (spotter buoys) and a new swing mooring in and to occupy the Coastal Marine Area to facilitate monitoring of the oceanic environment south of the Wellington International Airport	
Location	Lyall Bay, Wellington Coastal Marine Area (CMA) at or about map reference: **WIAL Buoy A** NZTM 1751087.5422080 **WIAL Buoy B** NZTM 1750854.5422207 **WIAL Buoy C** NZTM 1750541.5420800 **WIAL Buoy D** NZTM 1751191.5420471	
Legal description of land	Coastal Marine Area	
Conditions	See below	

Decision recommended by:	Emma Sinclair	Resource Advisor, Environmental Regulation	
Decision peer reviewed by:	Joseph Medyckyj-Scott	Resource Advisor, Environmental Regulation	
Decision approved by:	Christina Schierlitz	Team Leader, Environmental Regulation	

Processing timeframes:

Application lodged:	17/09/24	**Application officially received:**	17/09/24
Applicant to be notified of decision by:	18/10/24	**Applicant notified of decision on:**	14/10/24
Time taken to process application:	19 working days		

The applicant provided written agreement (-1311733721-63) on 2 October 2024 for an extension of timeframes under s37(1) to process the application. The extension is for 3 working days under sections s37A(4) of the Act.

The reason for the extension is:

- To allow time for the review of draft conditions by the applicant.

In making this decision Wellington Regional Council has given consideration to the following issues, as required by section 37A(1) of the Act:

- The interests of any person who the Council considers may be directly affected by the extension;
- The interests of the community in achieving adequate assessment of the effects of the proposal; and
- The Wellington Regional Council's duty under section 21 of the Act to avoid unreasonable delay.

Decision approved by:	Christina Schierlitz	Team Leader, Environmental Regulation	

Consent conditions

Interpretation

Wellington Regional Council Officer means any Enforcement, Compliance or Duty Officers, Environmental Regulation, Wellington Regional Council

Notification or notice means email of notification to notifications@gw.govt.nz. Please include the consent reference number WGN250069 and the name and phone number of a contact person responsible for the proposed works.

The Manager means the Manager, Environmental Regulation, Wellington Regional Council

CMA means Coastal Marine Area

General conditions

1. The location, dimensions and design of the structures shall be in general accordance with the consent application and its associated plans and photos lodged with the Wellington Regional Council on 17 September 2024 and further information received on:

    - 30 September 2024 (response to request for mooring anchor weight information).

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

2. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.

3. The **Manager**, shall be given a minimum of **two working days** (48 hours) notice prior to the installation of the buoys. If any unexpected issues arise during works/monitoring, the following people shall be notified:

    - The **Manager**. Notifications can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN250069 and the name and phone number of a contact person responsible for the proposed works.
    - The Harbourmaster, Greater Wellington Regional Council. Notifications can be emailed to harbours@gw.govt.nz.

4. The consent holder shall ensure that contact details (including a contact phone number) are clearly visible on all deployed equipment.

Swing Moorings

5. The consent holder shall ensure that reflective tape is located and clearly visible on the mooring buoys.

6. The consent holder shall ensure the moorings are constructed and maintained to ensure the equipment remains attached and in place for the duration of the deployment.

7. The consent holder shall have the moorings inspected by a Wellington Regional Council-approved commercial dive operator by 30 June every year for the duration of this consent.

The inspection report shall contain recommendations for maintenance to ensure the mooring meets the current Wellington Regional Council Moorings Construction Guidelines.

A copy of each inspection report shall be submitted to the **Manager** within one month of the completion of the inspection.

The inspection report shall be to the satisfaction of the **Manager**.

8. The consent holder shall not use or allow the moorings to be used for any vessel, unless written permission is obtained from the Harbour Master, Wellington Regional Council prior to the use of the mooring by another vessel.

Works conditions

9. The consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent, prior to the works commencing.

Note: It is recommended that the contractors be verbally briefed on the requirements of the conditions of this consent prior to works commencing.

10. The consent holder shall ensure that:

a) All machinery/equipment is thoroughly cleaned of contaminants and vegetation away from the coastal marine area prior to use in the coastal marine area

b) No contaminants (including oil, petrol, hydraulic fluid) shall be released into water from equipment being used for the works

c) All machinery/equipment shall be well maintained at all times to prevent leakage or spillage contaminants into the coastal marine area

d) No machinery/equipment is cleaned in the coastal marine environment

Maintenance

11. The structures authorised by this consent shall remain the responsibility of the consent holder and shall be maintained so that:

a) Any erosion of the coastal marine area that is attributable to the structures and works carried out as part of this permit is repaired by the consent holder

b) The integrity of the structure is maintained and no materials are dumped or stored on the structure

c) Access to the coastal marine area is not impeded by the structures, and

d) The structures do not pose a hazard to navigation or public safety

The consent holder shall undertake maintenance to the satisfaction of the **Manager**, where a breach of this condition is determined.

Note: Maintenance works shall not include any works outside of the scope of the application. Maintenance of lawful structures is generally permitted under Rule 169 of the Natural Resources

Plan for the Wellington Region. Any additional works (including structures, reshaping or disturbance to the coastal marine) following completion of the construction works as proposed in application may require further resource consents. The consent holder should ensure that the structure is compliant with the Building Act 2004 at all times.

Works complete

12. Upon completion of the buoy installation, all materials surplus to the works shall be removed from the coastal marine area and disposed of in an appropriate manner.

13. The consent holder shall notify the **Manager** when the monitoring is complete and the structures are due to be removed, and provide confirmation that the swing mooring, spotter buoy and any other monitoring structures associated with this consent have been removed.

Notifications can be emailed to notifications@gw.govt.nz. Please include consent reference WGN250069 and the name and phone number of a contact person responsible for the works.

Complaints

14. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects that have or could have resulted in a condition or conditions of this consent being contravened. This record shall include:

- The name and address of the complainant (if provided)
- The date and time that the complaint was received
- Details of the alleged event
- Weather and tidal conditions at the time of the complaint, and
- Any measures taken to mitigate/remedy the cause of the complaint

This record shall be made available to the **Manager**, on request.

Review conditions

15. The Wellington Regional Council may review any or all of the conditions of this permit by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within six months of the first, third, fifth and seventh and ninth anniversaries of the date of commencement of this permit as follows:

a) The review may be undertaken for the following purposes:

- To review the adequacy of, and if necessary amend the monitoring requirements outlined in this permit; and/or
- To address any adverse effects of the receiving environment which may arise from the exercise of this permit; and

b) The review of conditions shall allow for the deletion or amendment of conditions of this permit, and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any adverse effects on the environment which may arise from the exercise of this permit and which it is appropriate to deal with at a later stage.

Note: Notification of any review will occur as required in accordance with the Resource Management Act 1991. This notification shall include notifying the interested parties identified.

16. The Wellington Regional Council shall be entitled to recover from the permit holder the costs of the conduct of any review, calculated in accordance with and limited to that council's scale of charges in-force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

General Notes

a) Where conditions require the submission of information to the **Manager**, information can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN250069 and the name and phone number of a contact person responsible for the information submitted.

b) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 (the Act), shall be paid to Greater Wellington Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under Section 35 (duty to gather information, monitor, and keep records) of the Act.

c) Greater Wellington Regional Council shall be entitled to recover from the Consent Holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to Section 36 of the Act.

d) The granting of this resource consent does not provide you with the right to access private properties. Landowner entry requirements need to be gained and be in place before you may exercise this consent.

e. Additional resource consents from your local city or district council may be required to undertake this proposal. We advise you to contact your local city or district council prior to commencing works.

f. Section 322 of the Act allows any Enforcement Officer to go onto the property at all reasonable times for the purpose of carrying out inspections to determine whether or not this consent is being complied with, or to take samples.

Reasons for decision report

1. Background and proposal

The applicant (Wellington International Airport Limited (WIAL)) has applied to Greater Wellington Regional Council (GWRC) for resource consent to deploy wave monitoring buoys in the Coastal Marine Area (CMA) within Lyall Bay to investigate wave data associated with remedial upgrades to the protective seawall surrounding WIAL.

Wave Monitoring Equipment

The deployment of wave monitoring equipment (likely to be spotter buoys) will allow for real time wave measurements within inner and outer Lyall Bay. The wave data will be used to inform the design and management of the reconstruction and upgrades to the southern and western shoreline defences. The spotter buoys (or similar buoy system) will each be attached to a conventional swing mooring which will anchor the buoys in four different locations within the CMA (see figure 1). Locations will range from approximately 200m to 1,500m offshore from the existing southern seawall.

The spotter buoys are approximately 40cm in diameter and weigh less than 6 kilograms. Because of their size, the spotter buoys can be deployed by hand along with the swing mooring. To prevent the wave monitoring equipment from drifting from the proposed locations, the swing mooring has a weighted device attached to the bottom which will be lowered onto the seabed.

It is proposed that the wave monitoring equipment will be in place until the works on the seawall are completed. This is anticipated to take up to 15 years. Upon completion, the wave monitoring equipment and all remnants will be retrieved from the CMA.

Figure 1: Proposed monitoring equipment in Lyall Bay

1.1 Existing environment or significant features of the proposal area

The proposal activity is located within Te Moana o Raukawa (Cook Strait) which is identified in the following schedules:

- Schedule B as Ngā Toanga Nui a Kiwi for Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika.

- Schedule D as statutory acknowledgments in the Ngāti Toa Rangatira Claims Settlement Act 2014 and the Port Nicholson Block (Taranaki Whānui ki te Upoko o te Ika) Claims Settlement Act 2009.

- Adjacent to Schedule C – Sites with Significant mana whenua values to Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika:

    i. Hue te Taka (Wellington south coast)
    ii. Tapu te Ranga-Owhiro-Haewai
    iii. Te Raekaihau Point reef

- Adjacent to Schedule F2 sites as Habitats for indigenous Birds in the coastal marine area:

    i. Te Raekaihau Point to Moa Point
    ii. Palmer Head to Lyall Bay excluding the seawall at the southern end of the Wellington International Airport

The proposal is located within the Te Whanganui-a-Tara Whaitua.

2. Reasons for resource consent / activity status

2.1 Natural Resources Plan (NRP)

Proposed Plan Change 1 of the Natural Resources Plan (NRP – PC1) was publicly notified by the Council on 30 October 2023. All rules in the NRP – PC1 have immediate legal effect under section 86B(3) of the Act. As the application was lodged after 30 October 2023, the NRP-PC1 is relevant to determining the resource consents required, activity status, the notification decisions and the substantive assessment of the proposal under section 104 of the Act.

There are no rules in NRP-PC1 that are relevant to this activity.

RMA section	*NRP or NRP-PC1*	Rule	Status	Comments
12	*NRP*	R177	Controlled	The deployment of non-temporary monitoring equipment (for special purposes) is a controlled activity pursuant to R177 of the NRP.
12	*NRP*	R203	Non-complying	The new swing mooring outside a designated mooring area is considered a non-complying activity pursuant to R203 of the NRP.

2.2 Overall activity status

Overall, the activity must be assessed as a **non-complying** activity under the operative Natural Resources Plan.

3. Consultation

Iwi authority	Comments
Port Nicholson Block Settlement Trust	Port Nicholson Block Settlement Trust was provided a Te Wāhi snapshot summary of the proposal via email, along with the application documents via the online SharePoint platform. Kara Puketapu-Dentice provided comment on behalf of Port Nicholson Block Settlement Trust. Port Nicholson Block Settlement Trust are working directly with the applicant and have no further comment to provide at the time of processing this application. For further information, see correspondence saved to file -1311733721-64.

Ngāti Toa Rangatira	Ngāti Toa Rangatira was provided a Te Wāhi snapshot summary of the proposal via email, along with the application documents via the only SharePoint platform. Hanita Dinsdale provided comment on behalf of Ngāti Toa Rangatira. Ngāti Toa Rangatira are satisfied that the proposal will have a minor impact on important cultural values and endorse this application. For further information, see correspondence saved to file -1311733721-59.
Applicant group(s) under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA)	**Comments** In accordance with section 62 of the MACA the applicant has confirmed that they have notified and sought the views of the relevant applicant group(s) including: • Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust • Te Ātiawa ki Te Upoko o Te Ika a Maui Trust • Ngāti Toa Rangatira
Other parties or persons	**Comments**
Grant Nalder, Harbourmaster at Greater Wellington Regional Council	A copy of the application was provided to Grant Nalder to review with regard to navigational safety and other harbour activities. Mr Nalder's comments are discussed in section 5 of this report. For further information see correspondence saved to file -1311733721-56.

4. Notification decision

A decision was made to process the application on a non-notified basis on 2 October 2024. Further information on the notification decision is provided in document #-1311733721-49.

5. Environmental effects

This section provides an assessment of the effects of the proposed activity on the environment. Information has been drawn from the application provided by the applicant and other information sourced during the processing of the application.

5.1 Effects on navigational safety

Any structure in the CMA has the potential to adversely affect navigational boat safety. Grant Nalder was consulted regarding the application in relation to potential navigational effects. He has advised that the proposed activity is low risk, and that he is not concerned with what the applicant is proposing. Given the non-permanent nature and location outside of any navigational protection area, the effects on navigational safety will be no more than minor.

The spotter buoys surface will be reflective to enable them to be visible at night to users of the CMA. To further ensure visibility, Mr. Nalder's has requested the addition of reflective tape on the mooring buoy. He has also requested contact details, phone number inclusive, to be prominently displayed on all deployed parts, should they come adrift or ashore.

Given the high energy area, Mr. Nalder has recommended that the applicant use *'more weight and a stronger mooring than they think they need'* to avoid the buoys coming adrift or ashore from their proposed locations. The applicant has confirmed that they have based their anchor weight of approximately 45-65kg on the Sofar Mooring Guidelines.

Based on Mr. Nalder's review, I am satisfied that the environmental effects from the structures in the CMA can be appropriately managed through the recommended consent conditions, particularly conditions 6 and 7 which requires that the buoys are clearly visibility to users of the CMA and have identification marked on their surfaces.

5.2 Ecological effects

The effects of occupation of space by the new structure in the CMA will be no more than minor. The weighted device on the swing mooring systems will not be placed on any known reef systems and there shall be no disturbance of the seabed caused by the deployment of the equipment. The size and weight of the wave monitoring buoys and swing mooring means that the deployment can be undertaken by hand. The methodology of deployment will ensure that there will be no deposition of materials or contaminants entering the CMA. Therefore, I consider the granting of this consent will have less than minor effects on the ecological processes.

5.3 Public access

The wave monitoring equipment and associated mooring systems will not adversely affect access to the coast marine area from the adjacent land and will not impede access to any part of the CMA. The wave monitoring buoys will float on the surface and are relatively small. The mooring line will be taught with no risk of entanglement by users of the CMA. I consider that the granting of this consent will have less than minor adverse effects on public access to the Coastal Marine Area.

5.4 Schedule D: Statutory Acknowledgement Area

5.4.1 Ngāti Toa Rangatira – Ngāti Toa Rangatira Claims Settlement Act 2014

Te Moana o Raukawa (Cook Strait) is a Statutory Acknowledgement Area under Schedule D2 of the Natural Resources Plan and the Ngāti Toa Rangatira Claims Settlement Act 2014. As the proposed activity is within Te Moana o Raukawa, Ngāti Toa Rangatira were provided a copy of this application to comment on.

As outlined in Schedule D2 of the NRP, Te Moana o Raukawa is of the highest significance to Ngāti Toa Rangatira. It has great traditional, spiritual, historical, political and economic significant to Ngāti Toa Rangatira.

The narrative of Kupe's voyage to Aotearoa tells of how the name Te Moana o Raukawa has its origins. Kupe killed the giant octopus at the entrance to the Tory channel . Nga Whatu Kaiponu are said to be the eyes of the wheke. So, in order that the wheke not be reawakened, the eyes of people on their maiden crossing of the straits were always covered. This tradition was caked Koparetia and was undertaken so that tauhou could not gaze at the rocks as so often the sea was rough and dangerous and in this area paddlers would have to concentrate on getting the waka across the sea. The eyes of the tauhou were covered with kawakawa leaves, hence the original name, 'Te Moana o Raukawakawa'.

Te Moana o Raukawa was an important means of transport and rich source of various resources for Ngāti Toa Rangatira. The Strait was important as a navigable route between Te Ika a Maui (North Island) and Te Waka a Maui (South Island). The lands on both side of the moana were occupied by the same iwi groupings.

Te Moana o Raukawa was central to the development of Ngāti Toa Rangatira's maritime trading domain. Its strategic importance became apparent to Te Rauparaha during the Amiowhenua expedition when a trading ship was seen passing through the Strait. Te Rauparaha saw the ship from Omere, an important lookout commanding wide views over the Strait, located on the ridge above Cape Terawhiti (just north of Oteranga Bay). Te Rauparaha was advised by allied chiefs to seize these lands as the ship indicated potential access to Europeans and their technologies, particularly muskets and steel. A maritime domain which included the Straits would also bring Ngati Toa Rangatira closer to pounamu.

Following their migrations south from Kawhia in the 1820s, Ngāti Toa Rangatira quickly established themselves in the Cook Strait Region. In 1824, only six years after the iwi's first taua, Amiowhenua, into the southern North Island, a coalition of southern North Island tribes and northern South Island tribes attacked the Nāgti Toa Rangatira pa at Waiorua on Kapiti Island only to be defeated by Ngāti Toa Rangatira and

their kinfolk of the Ngāti Mango confederation. With Kapiti Island safely under its mana Ngāti Toa Rangatira was able to establish its influence over the extended Cook Strait region based on further battles with other iwi, invasions of key sites on both sides of the Cook Strait, and on its relationships with other related iwi groupings.

Widespread coastal settlements provided the iwi with access to the abundant resources of the ocean, including extensive fisheries and shellfish resources. Their coastal settlements also gave Nāgti Toa Rangatira access to trade opportunities with early settlers. There was multiple whaling stations established within the rohe of Ngāti Toa Rangatira, including on Kapiti Island, at Porirua, Mana Island, Port Underwood, Wairau and on Arapaoa Island.

Control of Te Moana o Raukawa was important to Ngāti Toa Rangatira for political and economic reasons, but this was not the total extent of the significance of the lands and sea of this region. Te Moana o Raukawa could be relied upon at different parts of the seasons for its well-sheltered bays and the supplies of fish in the harbours.

To Ngāti Toa Rangatira, Te Moana o Raukawa was never seen as a barrier to maintaining their areas of mana whenua on both sides of Cook Strait. Instead, Te Moana o Raukawa was more akin to a highway, which facilitated the transportation of resources and trade goods across Cook Strait, and enabled the development of key relationships between Ngāti Toa Rangatira and their communities of interest. Thus, it has always been considered to be just as much a part of the iwi's rohe as the land upon which they settled.

Te Moana o Raukawa remains a site of immense cultural, historical, and spiritual significance to Ngāti Toa Rangatira. Ngāti Toa Rangatira are kaitiaki of Te Moana o Raukawa and its resources. Ngāti Toa Rangatira regard Te Moana o Raukawa as one of their most significant resources. The extensive fisheries resources that exist in the strait provide for the iwi's customary fishing, and allow the iwi to manaaki manuhiri at Ngāti Toa Rangatira hui.

The applicant undertook a Cultural Impacts Assessment in 2016 in relation to the proposed Wellington International Airport Runway extension application, which remains relevant to the coastal environment in which the proposed wave monitoring buoys will be located. Based on the effects of the proposal and the feedback received from Ngāti Toa Rangatira, it was determined that the effects on significant mana whenua values will be less than minor.

5.4.2 Taranaki Whānui ki Te Upoko o Te Ika – Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

The Coastal Marine Area is a Statutory Acknowledgement Area under Schedule D1 of the Natural Resources Plan and the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009. As the proposed activity fall within the Coastal Marina Area, Taranaki Whānui ki Te Upoko o Te Ika were provided a copy of this application to comment on.

The Taranaki Whānui ki Te Upoko o Te Ika coastal marine area extends in the east from the settlement of Mukamukaiti in Palliser Bay. The area proceeds along that coastline towards Turakirae. This was, and is, an area used intensively by Taranaki Whānui ki Te Upoko o Te Ika to gather kaimoana of a great variety and abundance. Turakirae sits at the foot of the range that becomes Remutaka. The area extends past the kainga of Orongorongo and Orua-poua-nui (Baring Head), with their associated marine resources and garden areas (nga kinga), and thence to the multiple sites of Fitzroy Bay which include the ancient Pā of Parangarehu to the bay-bar lakes of Kohanga-te-ra and Kohanga Piripiri. The lakes are very important mahinga kai and match the food producing capacity of the bay itself. Te Rae-akiaki, now known as Pencarrow Head, guarded the entrance to the harbour and travellers heading east crossed the channels of Te Au o Tane (main entrance to the Wellington Harbour) and Te Awa a Taia (the old channel which is now Kilbirnie) from the Harbour.

The coastal marine area extends around the coast past the old Pā of Oruaiti, Rangitatau which is in the vicinity of Palmer Head. It continues to Island Bay, past the ancient Pā of Uruhau (which is opposite Tapu te Ranga in Island Bay) as well as the kainga of Te Mapunga, then around to a village at Owhiro Bay.

The Wellington south coast has many sites dating from the earliest Māori occupation. Rimurapa (Sinclair Head) like Turakirae is a traditional marker as is Pariwhero (Red Rocks). The next pā was Wai-komaru then around to Pirihira Kainga at Waiariki Stream through the kainga at Wai-pahihi (Karori) stream and then to the exposed kainga at Oterongo.

The west coast from Te Rawhiti, the western most point around to the bays which each contained at least one pā or kainga of Ohau then around to Te Ika Maru with its ancient headland pā and its rich resource of paua and other kaimoana. The next embayment heading north is Opau which is followed by many sitesto Makara Beach and the Ohariu Pā along with Te Arei Pā and thence to the northernmost settlement of Ngutu Kaka just north of Pipinui Point near Boom Rock.

The applicant undertook a Cultural Impacts Assessment in 2016 in relation to the proposed Wellington International Airport Runway extension application, which remains relevant to the coastal environment in which the proposed wave monitoring buoys will be located. Based on the effects of the proposal and the feedback received from Taranki

Whānui ki Te Upoko o Te Ika, it was determined that the effects on significant mana whenua values will be no more than minor.

5.5 Schedule B: Ngā Taonga Nui a Kiwa

5.5.1 Ngāti Toa Rangatira

While travelling, Te Rauparaha observed a trading ship passing through Te Moana o Raukawa as he stood at a well-known lookout point in Omere near Cape Terawhiti. The strategic advantages of Te Moana o Raukawa as a major travel and trade route were well noted by those who observed the ship and the layout of the land. When Te Rauparaha returned to Kawhia to find that the on-going conflicts had intensified he commenced a historic campaign to lead Ngāti Toa from Kawhia to settle the land around Te Moana o Raukawa.

The abundance of natural life historically supported by Te Moana o Raukawa provided a wealth of kai moana. This is recorded in numerous historical accounts by Ngāti Toa and early foreign visitors. The passing of the Treaty of Waitangi (Fisheries) Settlement Act 1992 provided iwi with quota shares of which Ngāti Toa gained benefit within the FMA2 (Tepāo Kapo ki Turakirae).

he abundance of kai moana provided by Te Moana o Raukawa is renowned by iwi Māori and recorded in legend. In addition to providing sustenance for Ngāti Toa and guests, kai moana gathered from Te Moana o Raukawa was an important commodity for trade and gifts. There is a shared mana whenua, mana moana area from Turakirae to Pipinui Point with Taranaki Whānui.

This body of water has extensive pressures placed on it from commercial fisheries, marine transport, as well as stormwater and wastewater discharges form Wellington City and Hutt City. Recreational and commercial fisheries are still sustainable if somewhat diminished.

A defining feature of Ngāti Toa settlement in the Wellington area and integral to Ngāti Toa identity

Numerous sites in and around Te Moana o Raukawa bear testament to not only the history of Ngāti Toa, but also the formative history of New Zealand

5.5.2 Taranaki Whānui ki Te Upoko o Te Ika

Raukawa Moana is the area now known as Cook Strait. This was and remains the highway between the takiwā of Te Ātiawa/Taranaki whānui ki te Upoko o te Ika and the Te Ātiawa takiwā of Totaranui/Tory Channel, Arapāoa/Arapāwa and Waikawa. Te Ātiawa used Raukawa Moana between their two takiwā in the North and South Islands. In 1839 Te

Ātiawa from Te Tau Ihu o Te Waka a Maui/South Island sailed across Raukawa Moana to join the battle of Kuititanga at Waikanae where Te Ātiawa joined with some hapū of Ngāti Toa fought Ngāti Raukawa and other hapū of Ngāti Toa. At the end of the battle they sailed home though to Tory Channel. The south coast of Wellington had many Pā and kainga of Te Ātiawa and on the west coast of Ngāti Tama. These included: Te Mapunga kainga (Island Bay), Owhiro kainga (Owhiro Bay), Pirihira kainga at Waiariki, Oterongo kainga, Te Rama a Paku Pā (Ohau), and Te Ika Maru Pā all associated with Ngāti Waipongo hapū of Te Ātiawa, along with Ohaua Pā and Ohariu Pā (Makara Beach) and Ngutu Kaka Pā near Boom Rock (Pipinui Point) associated with Ngāti Tama.

Raukawa Moana, including the south and west coasts of Wellington is the primary customary fishing resource for Te Ātiawa/Taranaki whānui. The kaitiaki role for Te Ātiawa/Taranaki whānui is extensive in this area for the iwi. Commercial fishing interests of the iwi based on the customary right are also extensive in Raukawa Moana. Raukawa Moana is known for kōura, pāua, kina, hāpuku and many other fin fish including hoki. Raukawa moana is an important migratory route for various species of whale and orca.

Te Ātiawa/Taranaki whānui has many sites of significance around Wellington South and west coast where the iwi established permanent villages based on the marine resources of these coastal habitats. Many of these villages included urupā (for example Waiariki and Oterongo) and extensive gardens (ngakinga) on adjacent land. There are also sites of significance around the story of Kupe and they are named by him and his people relating to events that occurred in his travels through this area. These are sites significant to many iwi including Te Ātiawa/Taranaki whānui who also have mana whenua over the sites.

Raukawa moana was, and remains, the essential link between the takiwā of Te Ātiawa/Taranaki whānui either side of the Cook Strait in terms of kaimoana and for all cultural events for whānau, hapū and iwi.

The health of Raukawa Moana started the road to recovery with the introduction of sewage treatment plants for both Wellington and Hutt Cities, however much remains to be done to ensure the health of the waters is improved.

Raukawa Moana is essential to the mana of Te Ātiawa/Taranaki whānui and has been traversed and used in maintaining the important links between the hapū and whānau on either side of the strait.

Raukawa Moana is a significant part of the identity of Te Ātiawa/Taranaki whānui equal to that formed by the land. The people were equally a part of both the land and the sea with the foreshore being the interface.

5.6 Summary of effects

Given the assessment above, it is considered that the effects of the activity are, or will likely be no more than minor when undertaken in accordance with the recommended consent conditions.

6. Statutory assessment

6.1 Part 2

Consideration of an application under section 104 of the Act is 'subject to Part 2' (sections 5, 6, 7 and 8) of the Act. Part 2 sets out the purpose and principles of the Act. I acknowledge the caselaw direction in R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316 that the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2 because it would not add anything to the evaluative exercise. However, if there is doubt that a plan has been "competently prepared" under the RMA, then it will be appropriate and necessary to have regard to Part 2.

In my view, the operative and proposed plans are competently prepared, and I do not consider there is a need to refer to Part 2.

6.2 Matters to be considered – Section 104-108AA

Section 104-108AA of the Act provides a statutory framework in which to consider resource consent applications. All relevant matters to be considered for this application are summarised in the table below:

RMA section	Matter to consider	Comment
104(1)(a)	Actual or potential effects on environment	See Section 5 of this report.
104(1)(ab)	Measures to offset or compensate for adverse effects on the environment	The applicant has not proposed any measures to offset or compensate for adverse effects on the environment.
104(1)(b)(iv)	**New Zealand Coastal Policy Statement**	
	Objectives 1	This objective relates to safeguarding the integrity, form, functioning and resilience of the coastal environment. The effects of the proposed activity have been assessed to be less than minor on the coastal

RMA section	Matter to consider	Comment
		environment. Therefore, I consider the proposal to be consistent with this objective.
	Objective 3 Policy 2	These provisions relate to ensuring the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account and kaitiakitanga is recognised in relation to the coast environment. As part of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), the agent notified the local iwi of the works, and provided opportunity for comment on the proposal. The proposed activities are located within a Schedule D – Statutory Acknowledgement area, as such, Greater Wellington also notified and consulted with the local iwi. Ngāti Toa Rangatira returned with comment that there were no concerns with the proposed activity. Taranki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement Trust) returned comment that they are working directly with the applicant.
	Objective 4	This objective relates to maintaining and enhancing the public open space qualities and recreation opportunities of the coastal environment. The deployment of monitoring equipment will have less than minor effects on public open space and recreation opportunities. The monitoring equipment will be small in natural (approximately 40cm in diameter) and the associated mooring is standard. Therefore, I consider the proposal consistent with this objective.

RMA section	Matter to consider	Comment
104(1)(b)(v)	**Regional Policy Statement (including Proposed Change 1)**	
	Objectives	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the objectives of the RPS (including proposed change 1).
	Policies	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the policies of the RPS (including proposed change 1).
104(1)(b)(vi)	**Natural Resources Plan** (Including Proposed Change 1)	
	Objectives O3 and O4; Policy P18	These provisions relate to maintaining the Mauri and intrinsic values of coastal waters. I consider from the proposed activity, there will be less than minor effects on the natural resources and processes, therefore consistent with these provisions.
	Objective O7 and O8 Policies P7, P8	These provisions relate to maintaining the recreational values and public access to and along the coastal marine area. The proposed works will not restrict public access to the coastal marine area for recreational or other purposes. Therefore, I consider the proposed activity consistent with these provisions.
	Objectives O12 and O13 Policies P19, P20, P21, P22	These provisions relate to recognising kaitiakitanga and Māori relationships with the environment. Ngāti Toa Rangitira and Taranaki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement Trust) were provided with a copy of the resource consent; Ngāti Toa Rangatira confirmed they had no concerns with the

RMA section	Matter to consider	Comment
		application. Port Nicholson Block Settlement Trust are working directly with the applicant. Provided the recommended conditions of the consent are adhered to, I consider these provisions will be met.
	Objectives O17, O18, O19, WH.O1 and WH.O3 Policy P30	These provisions relate to ensuring the water quality, biodiversity, ecosystem health and mahinga kai of the coastal marine area is maintained or improved and is suitable for contact recreation and Māori Customary use. I consider from the proposed activity, there will be less than minor effects on the water quality, biodiversity, ecosystem health and mahinga kai, therefore, I consider these provisions will be met.
	Policies P47 and P48	These policies relate to protecting and restoring and managing adverse effects on sites with significant mana whenua values. A Cultural Impacts Assessment (CIA) was prepared in 2016 in relation to the proposed Wellington Internation Airport runway extension. The CIA outlined the cultural values and associations with the marine area within Lyall Bay. The values and associations outlined in the CIA report from 2016 are still considered to remain relevant for this proposal. The effects of the proposed activities will be less than minor and avoided. The applicant liaised with mana whenua with respect to this proposal to discuss any impacts on their values and association with Lyall Bay and the wider coastal environment.

RMA section	Matter to consider	Comment
		I consider that the proposed activity is consistent with these policies.
	Objectives O45, O48, O51 Policies 139, P141, P142, P145	I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with these provisions. I consider the location, scale and density of the buoys and associated mooring within the coastal marine area to be appropriate and necessary to obtain the wave monitoring data required. The effects on safe passage on vessels and aircraft will be less than minor. The buoys will be sufficiently visible to users of the coastal marine area and the location is not within a navigation protection area. The collection of wave monitoring data from the buoys and mooring system within the coastal marine area is necessary to enable the upgrades of regionally significant infrastructure at Wellington International Airport.
104(1)(c)	Any other matter	There are no other matters relevant to this application.
108 – 108AA	Conditions on resource consents	Standard conditions of consent for this activity type are recommended. All standard conditions of consent meet s108AA and have been agreed to by the applicant.

As the application falls for consideration as a non-complying activity, pursuant to section 104D of the Act a 'gateway test' is required to be met before a decision on whether consent can be granted can be made. Section 104D prescribes that the consent authority may only proceed to the substantive assessment (s104), and make a decision on whether to

grant a resource consent application for a non-complying activity, only if it is satisfied that either:

(a) the adverse effects of the activity on the environment will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of the Natural Resources Plan.

If the application cannot meet either of the gateway tests outlined above the consent application must be declined.

As outlined in section 5, the adverse effects of the environment will be no more than minor. As such, the proposal meets the first gateway test. The application is also considered to be consistent with the objectives and policies of the relevant planning documents and therefore also meets the second gateway test.

6.3 Weighting of the NRP Proposed Plan Change 1

As the conclusion reached under the operative NRP assessment is consistent with that reached under the proposed NRP-PC1 there is no need to undertake a weighting exercise between the operative NRP and proposed NRP- PC1.

7. Main findings

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.

2. The proposed activity is consistent with the relevant objectives and policies of the Regional Policy Statement (including proposed change 1), the Natural Resources Plan (including Proposed Plan Change 1) and the New Zealand Coastal Policy Statement.

3. The proposed activity is not contrary to the objectives and policies of the and the Natural Resources Plan.

4. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be no more than minor.

5. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.

6. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

8. Duration of consent

The occupation of the coastal marine area by the wave monitoring equipment is expected to extend for a duration of up to 15 years while seawall upgrades take place. To allow for any unforeseen circumstances or delays to the seawall works, under section 123 of RMA, I propose a consent duration of 20 years to be appropriate.

9. Monitoring

9.1 Monitoring schedule

Under our Strategic Compliance monitoring programme this activity will not be monitored, and no compliance monitoring charges are applicable. However in the event of actual or suspected non-compliance GWRC will initiate monitoring of the consent and compliance monitoring charges will apply.