

**Report to the Hearing Commissioner
on a Notified Notice of Requirement**

11 November 2022

Service Request No: 519248
File Reference: 1058174

<u>Site Address:</u>	127 – 141 Stewart Duff Drive, Moa Point
<u>Legal Description and Owner:</u>	Part Lot 1 DP 78304 & Lot 1 DP 552938 - Her Majesty the Queen Lot 2 DP 381401 -Wellington City Council
<u>Territorial Authority:</u>	Wellington City Council
<u>Proposal:</u>	Notice of Requirement to alter a designation – (Designation Reference No: 58 (Operative District Plan) / WCC6 (Proposed District Plan))

1.0 PROFESSIONAL BACKGROUND

My name is Monique Zorn, and I am a Senior Planner in the Resource Consents team at Wellington City Council.

I hold a Master of Social Science (Geography and English) from the University of Waikato.

I have 20 years of planning experience including three years at Wellington City Council and prior to that, at private planning consultancies in both Wellington and Rotorua. I am an Associate member of the New Zealand Planning Institute.

I confirm that I have read the Code of Conduct for expert witnesses contained in section 7 of the 2014 Environment Court Practice Note and agree to abide by the principles set out therein.

2.0 SITE DESCRIPTION

The Sludge Minimisation Facility (SMF) is to be constructed immediately west of the Moa Point Wastewater Treatment Plant (WWTP) at the southern end of Stewart Duff Drive.

The SMF site is largely within the existing Designation 58 / WCC6 boundary and located at the base of the disused quarry currently containing the existing inlet pump station (IPS) associated with the Moa Point WWTP and the Aviation Ground Services (AGS) building used for repair/maintenance of airport service vehicles.

Immediately adjoining the site to the south is a building housing a pharmaceuticals manufacturer and laboratory (trading as Cyclotek). To the west and north is Wellington International Airport Limited (WIAL) long term parking and DHL Express Service Point. To the immediate east is land that was previously part of the Miramar Golf Course, now owned by WIAL and designated for airport purposes.

The land located to the north of the subject site and Stewart Duff Drive is referred to as 'the hillock' and is shown in Figure 1 in blue and discussed further in section 1.4.3 of the AEE.

Part of the hillock is within Designation 58. The hillock is integral to the construction phase of this proposal in that it will provide the main construction laydown area once levelled. However, the levelling of the 'hillock' is not part of this designation proposal and will be addressed by a separate process.

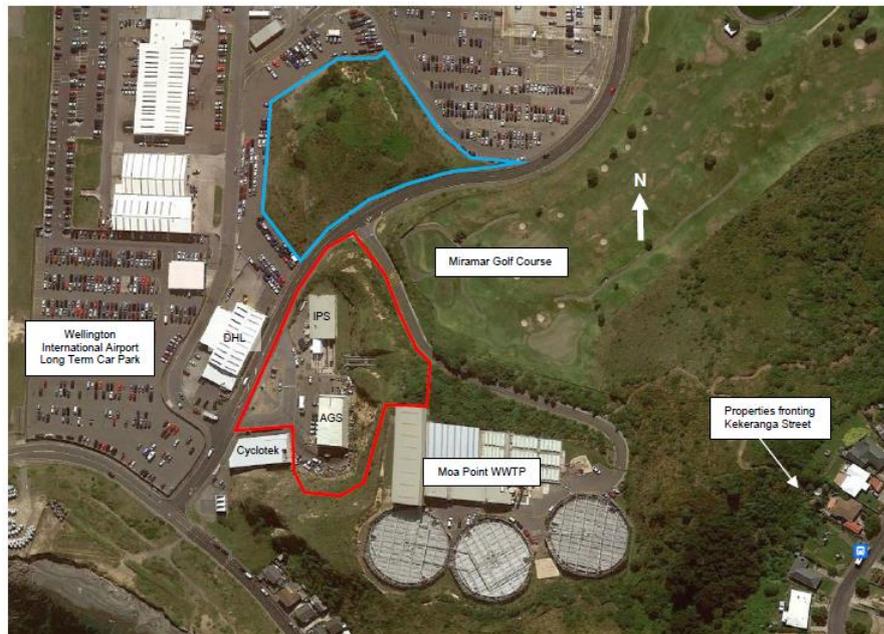


Figure 1: Site and surrounds

Moa Point WWTP is elevated above and to the southeast of the subject site and includes an access road, the wastewater plant itself and a scrub covered steep slope within the Hilltops and Ridgelines overlay. Tukanae Street Reserve separates the greater subject site from the residential properties in Kekeranga Street.

3.0 DISTRICT PLAN PROVISIONS

3.1 Operative District Plan:

The underlying site is located within the Airport Area. The following notations apply to the subject site:

- Subject to specific Airport Zone rules
- Part of the site is within the Ridgelines and Hilltop overlay
- Portion of the site within Designation G5 (Airport)
- Portion of the site within Designation G6 (Airport)
- Flood hazard (inundation) - partial

3.2 Proposed District Plan:

The site is located within the General Industrial Zone (GIZ) and the Special Purpose Airport Zone. The following notations apply to the subject site under both zones:

- Height Control Area 12m
- Coastal Environment
- Tsunami Hazard Overlay - Low and Medium
- Flood Hazard - Inundation Area
- Ridgelines and Hilltop Overlay
- Air Noise Overlay

4.0 PURPOSE OF THE DESIGNATION AND DESCRIPTION OF THE PROPOSAL

Pursuant to section 168A of the Resource Management Act 1991 ('the Act'), the Wellington City Council as a territorial authority has given notice to alter the existing Moa Point Drainage and Sewage Treatment Designation (58 / WCC6) within 127 and 141 Stewart Duff Drive, Moa Point, to construct, for public works, a Sludge Minimisation Facility (SMF), and include two adjoining areas of land described above in the altered designation. The proposed alteration is described in section 5.2 of the AEE lodged by the Wellington City Council, dated 3 August 2022, and prepared by Beca.

The proposed alteration to the designation boundaries is shown in Figure 2 below.

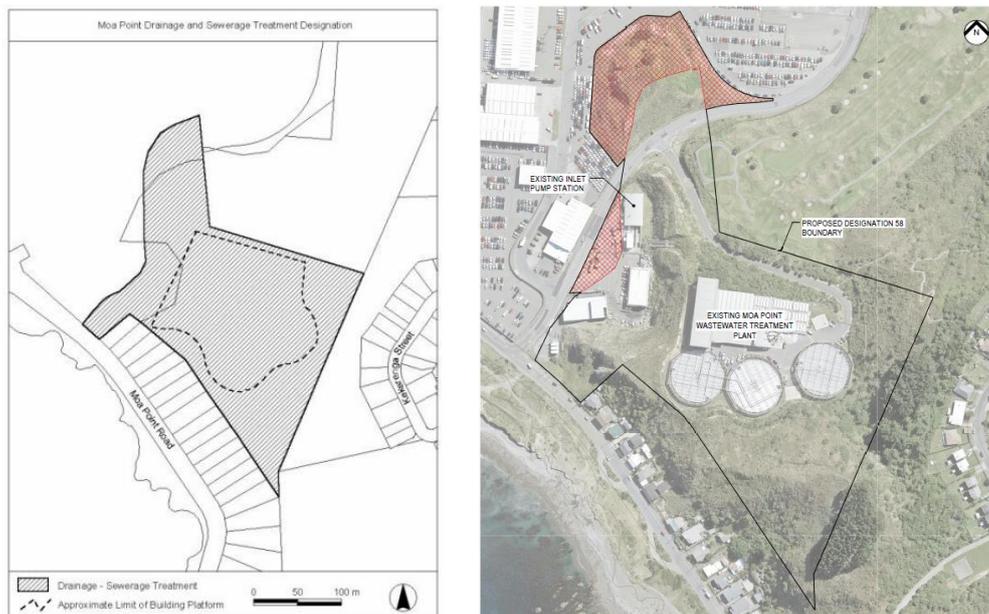


Figure 2: Existing Designation 58 boundary (left) and proposed boundary alterations (area to be added red hatch) on right.

The purpose of Designation 58 is described in Appendix I of the ODP is for drainage and sewage treatment. Under the PDP the Designation WCC6, in Part 3, is for the operation, maintenance and improvement of a sewage treatment plant. The designation will rollover. In accordance with section 75 of the Act any decision made on the NOR will alter both Designation 58 and Designation WW6. For reference I refer to Designation 58 throughout this report.

The detailed purpose of the proposed designation both in terms of what will remain as part of the current designation and what is proposed as part of the alteration is as follows.

- to operate and maintain the existing Moa Point Wastewater Treatment Plant;
- a new Sludge Minimisation Facility with all associated structures and pipework;
- associated connections to the existing Moa Point Wastewater Treatment Plant for transferring water and wastewater;
- associated enabling works, including earthworks and slope stabilisation;
- formation of new vehicular site accesses/egresses to/from Stewart Duff Drive;
- construction activities including site offices and material laydown areas; and

- associated connections to the local water supply and local stormwater and sewer networks.

The NOR has proposed a suite of conditions for the altered designation to provide for the SMF while retaining conditions 1 – 18 relating to the WWTP. The proposed conditions relate to design and layout of the SMF, outline plan requirements, revision of the designation boundary, key personnel meeting on-site, required management plans and design statement, layout and height clarification, ecology, community liaison, complaints register and conditions in relation to construction, traffic, earthworks, potential contamination, noise, odour, reflectivity and stormwater.

The existing Designation 58 contains only the WWTP and has conditions 1 -18 relating to its construction, operation and maintenance. These conditions will not change. A new standalone explanation of the SMF is to be provided, and section 3 *Moa Point WWTP Activities* is modified to define the parameters of the WWTP.

As shown in Figure 2 the designation area will be increased to provide for a laydown area for the construction phase and include the area described as ‘the hillock’. In order for the hillock to be used as a laydown it must be levelled. The NOR states a resource consent will be sought for this process and proposed condition 19.6 would specify: *“The designation does not authorise the removal of the landform to the west of Stewart Duff Drive and within the north-west area of the designation, known as the ‘hillock’, either in whole or in part”*.

The eastern boundary will be adjusted to exclude a small section of the old golf course land now owned by WIAL for future airport purposes, and the north-western boundary up to Stewart Duff Drive kerbing will be retained.

Upon completion of the construction of the SMF, it is intended that part of the designation will subsequently be removed again under the section 182 process of the Act. The final boundary alignment is to house the SMF entirely within the designation boundary and address the golf course inconsistency, but an area of the designation would still overlap with Designation G5 as per the existing situation with Designation 58. Figure 3 below shows the intended final boundary of the designation following removal of parts of the designation area upon completion of the SMF.



Figure 3: Final boundary of designation 58 / WCC6 (areas removed in blue hatch)

In summary, the existing designation area is 5.6ha. The proposed temporary change to the boundary adds approximately 8079m² of land to the designation. The final proposed area upon completion of the SMF and removal of part of the designation will be 4.5ha which is a decrease of 1.1ha and is considered minor overall (Figure 3).

Section 2 of the NOR and AEE document explains the background and reasons for the changes sought to the existing designation. This is primarily for the construction of the SMF. The proposal will require an amendment to the conditions that apply to the designation to reflect the addition of the SMF to the altered designation.

5.0 PROPOSED DISTRICT PLAN

On 18 July 2022 the Council notified the Wellington City Proposed District Plan (PDP).

Regard has been had for the relevant objectives and policies in the PDP later in this report and other relevant aspects of the PDP applicable to the site have been identified above.

6.0 NOTIFICATION AND SUBMISSIONS

Notification:

Pursuant to section 149ZCB(2)(b) of the Act, Wellington City Council (WCC) requested public notification of the NOR on 23 August 2022 with submissions closing on Friday 23 September 2022.

Submissions:

A total of 10 submissions were received in the appropriate form by the close of submissions, and an additional submission was received in the appropriate form at 10am on Monday 26 September 2022. Of these submissions five were in support, five were neutral and one was opposed to the proposal.

The one late submission, received on Monday 26 September 2022, had been preceded by an email dated 23 September 2022, indicating its late arrival. The submission in opposition was received from Fiona Hoang.

Pursuant to section 37 of the Act, the Council may extend a time period specified in the Act.

Section 37A(4)(b) requires that in order to extend the time period either –

- (i) Special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter); or
- (ii) The Applicant agrees to the extension.

In accordance with section 37A(4)(b)(ii), the Applicant agreed to the extension of time in which to accept the submission. Therefore, the further submission was accepted.

Submissions were received from the following parties:

#	Submitter	Address	Support/ Oppose
1	Andrew Page	2/50 Devonshire Road, Miramar	Support
2	Martyn Howells	35 Moa Point Road, Moa Point	Support
3	Elise Webster	40 Moa Point Road, Moa Point	Neutral

#	Submitter	Address	Support/ Oppose
4	Wellington International Airport Limited C/- Jo Lester	PO Box 14175	Support
5	Carl Savage	PO Box 10777	Support
6	Greater Brooklyn Residents Association Inc C/- Carl Savage	Brooklyn Community Centre, 18 Harrison Street, Brooklyn	Support
7	Guardians of the Bays C/- Yvonne Weeber	143 Queens Drive, Lyall Bay	Neutral
8	Strathmore Park Residents Association Inc	C/- 108 Strathmore Avenue, Strathmore	Neutral
9	Cyclotek Pharmaceuticals Ltd C/- Teressa Muller	PO Box 14115	Neutral
10	Te Whatu Ora National Public Health Service, Hutt Valley and Wairarapa C/- Jess Cooper	Private Bag 31907, Lower Hutt 5040	Neutral
11	Fiona Hoang	6 Kemp Street, Kilbirnie	Oppose

The following issues were raised in the submissions:

- Concerns in relation to odour and dust with four submitters concerned about the SMF emitting odour during the commissioning of the plant and during the operation, and two submitters raising concerns over the southern landfill which is not part of the NOR but hopeful the SMF might help address the odour problems at the landfill.
- Four submitters raise concerns over construction noise, especially at night-time.
- Vibration is a concern to two submitters – one submitter is a neighbouring sensitive site and the other submitter raises general concerns.
- Dust over the boundary was raised by three submitters, two with regard to safety and one with regard to nuisance.
- Visual effects on the landscape was raised by three submitters with one particularly concerned about height.
- WIAL noted a number of matters pertaining to safety for airport activities.
- Construction management and construction related traffic are concerns of two submitters with specific reference to Lyall Bay and conflicts with recreational users.
- Cost considerations was raised by two submitters, one with reference to escalating costs and the other to the business case for the proposal.
- Two submitter groups promoted the value of community liaison groups and community meetings.
- One submitter is concerned the proposal will limit access along Stewart Duff Road.
- Stormwater management was raised by one submitter with regard to potential flooding
- Lizard protection matters were highlighted by one submitter group
- The neighbouring pharmaceutical site has a particularly sensitive use and has concerns around interruption to their critical supply services.
- A number of operational matters were raised by Cycloytek including air handling system, specific odour control, dust and bacterial / viral particles, increased likelihood of particle transfer from exterior to interior via clothes and footwear, vibration, background noise, access to secure parking, ease of courier access, air

intake location, electrical supply, radiation safety, gas plant compliance and fire safety rating.

7.0 STATUTORY CRITERIA

When considering a requirement and any submissions received under s168A, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:

- (3)(a) *any relevant provisions of—*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*
 - (iii) *a regional policy statement or proposed regional policy statement:*
 - (iv) *a plan or proposed plan; and*
 - (3)(b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (3)(c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (3)(d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
- (3A) *The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.*

Upon the completion of the hearing, the commissioner may make a recommendation to the territorial authority. The recommendation could be to do one of four things; confirm the requirement, modify the requirement, impose conditions, or withdraw the requirement. Following this, the territorial authority will need to decide whether it accepts or rejects the commissioner's recommendation in whole or in part. Subject to this decision and any concerns the submitters may have, the decision of the territorial authority may then be appealed to the Environment Court.

8.0 ASSESSMENT – SECTION 168A(3) and 168(3)(A)

As prescribed by section 168(3) of the Act, when considering a requirement and any submissions received, a territorial authority must consider the effects on the environment of allowing the requirement, having particular regard to the relevant statutory planning documents, the consideration of alternatives, the necessity for the designation, and any other relevant matters. This assessment is subject to Part 2 of the Act.

8.1 Consideration of Effects s168A(3) & (3A)

The following assessment will consider the effects of allowing the requirement. I will first undertake a general assessment of the key effects that will be created by the designation, and then go on to make a further assessment specifically against the matters set out by section 168(3)(a) to (d). I will conclude with a specific assessment against Part 2 of the Act.

The territorial authority has supplied an amended set of draft conditions (dated 11 November 2022) taking into account the concerns raised by advisors and submitters. The following assessment references those conditions and not Appendix D of the originally submitted NOR.

The NOR assessment relates primarily to the SMF and not the WWTP. The conditions relating to the WWTP, being 1 to 18.7 as currently set out in Designation 58 and Appendix D, will remain.

An Assessment of Environmental Effects has been provided in Section 8 of the NOR, which should be read in conjunction with this report. Effects assessed include:

- Air Quality
- Archaeological
- Landscape and Visual
- Ecology
- Noise
- Transport and Traffic
- Land Contamination
- Erosion and Sediment
- Flooding and Stormwater

I agree with and adopt this assessment and the conclusions reached, as further informed by the section 92 further information response dated 14 October 2022 with regards to air quality, land contamination, land stability and geotechnical, ecology, mana whenua engagement, landscape and transport effects. The same controls that apply to resource management matters within the existing designation (which include but are not limited to odour, construction earthworks and traffic, construction noise and vibration, landscape, stormwater management, and ecology) will extend to apply to all works within the enlarged designation area and the SMF.

No further analysis of the potential or actual environmental effects with respect to the above items or any other adverse effects are considered necessary; however, a number of these matters were discussed with the Council’s experts as noted below. I am satisfied that any adverse effects related to the specific matters above upon the environment will be no more than minor and acceptable.

In assessing the alteration, I have consulted with the relevant WCC advisors within the Council, being:

Advisor	Area of Expertise	Date of Report
Deborah Ryan	Consultant Air Quality Expert	11 November 2022
Sarah Duffell	Senior Urban Design Advisor RMA	26 October 2022
Daniela Biaggio	Urban Ecology Planner	7 November 2022
Mohammad Hassan	Team Leader Land Development Engineer (WWL)	31 October 2022
Soon Teck Kong	Manager Transport and Engineering – Operations	4 November 2022
Lindsay Hannah	Acoustic Engineer	20 October 2022
Dave Bull	Site Contamination Expert	10 November 2022
John Davies	Senior Earthworks Engineer	27 October 2022

I have also included advice from Iain Dawe, GWRC's Senior Hazard Analyst with regard to natural hazards as part of a shared arrangement with GWRC for their consenting process.

I have shared the various conditions as requested by these advisors with the territorial authority, as appropriate, and they are largely included in the amended set of draft conditions (dated 11 November 2022) found in Appendix 11. Further analysis is discussed below in relation to matters assessed by the experts listed above.

8.1.1 Air Quality

Pattle Delamore Partners Limited's Air Quality Expert, Deborah Ryan, has undertaken a review of air quality matters for both Greater Wellington Regional Council (GWRC) and WCC. Ms Ryan considers the main issue is with the threshold which is lower in the proposed conditions than in the existing conditions and providing clear monitorable conditions.

The existing condition 6 covering Designation 58 states (emphasis added) with relation to the WWTP:

*There shall be **no discernible odour** resulting from the operation of the wastewater treatment plant, at or beyond the boundary of the plant site as designated in the District Plan.*

There shall be no discharge into the air of any contaminant from the wastewater treatment plant which has adverse effects at or beyond the site boundary.

The NOR sought that condition 6 remain unchanged in relation to the WWTP and condition 31.4 be added to address odour relating to the SMF. In Appendix D of the NOR this condition was presented:

*During operation the discharge of contaminants into air **shall not cause offensive or objectionable odour** at the boundary of a sensitive activity.*

In response to matters raised by Ms Ryan in the section 92 further information request the territorial authority has amended the proposed wording of condition 31.4 as recommended to:

*During operation the discharge of contaminants into air shall not cause offensive or objectionable odour **to the extent that it causes an adverse effect** at the boundary of a sensitive activity.*

The reason for this further amendment provided by the territorial authority was to align the condition's wording with Ministry for the Environment guidance *Good Practice Guide for Assessing and Managing Odour (2016)* (Odour GPG) where the common law principle of the "opinion of the ordinary reasonable person" is applied. Ms Ryan supports this alignment.

Ms Ryan's report also reviews dust and particulate matter beyond the boundary. She notes the appropriate wording that aligns with the Odour GPG is *at or beyond the boundary of the site* rather than 'at the boundary of a sensitive activity'. The final recommended conditions 24.5 and 31.6 use *at or beyond the boundary of the site*.

The submissions relating to air quality, specifically the neighbouring residential properties, note the condition for the SMF is less restrictive than the odour condition for the WWTP. There is potential to reduce the quality of the air environment in relation to odour however Ms Ryan notes GWRC have received the same advice and recommendations given to WCC on the air discharge consents to provide wrap around consistency. She agrees with the territorial authority "that the project essentially has an odour offset, which is associated

with better enclosure and control of the Inlet Pumping Station (IPS) that has been linked to complaints in the past. With the high level of enclosure, extraction, and control at the SMF, the odour impacts are predicted not to materially change from the current operations and are below the relevant assessment criteria”.

One submitter’s concern was the higher odour emissions which will occur in the commissioning phase. Ms Ryan notes these will be actively managed through the Commissioning Odour Management Plan imposed as part of the GWRC consent. She recommends, as part of this process, that proactive monitoring of odour beyond the boundary should be undertaken during plant commissioning, with actions taken to investigate and address odours from the SMF if detected. Further that if odour continued, a communication plan with the affected community should be initiated.

Cyclotek Pharmaceutical Ltd (Cyclotek), have identified odour, dust and particulate matter including microorganisms, as having potential impacts on its operation. I agree with Ms Ryan that the requirements for this operation are very specific, and the recommended conditions are in accordance with good practice for managing the effects for odour and particulate matter. Any additional mitigation is between the territorial authority and submitter.

Overall, the recommendations made by the Council’s Air Quality Expert have been incorporated into the amended conditions and reflect good practice. I consider, based on the territorial authority’s assessment provided in Appendix F and Ms Ryan’s assessment that the effects on air quality will be acceptable.

8.1.2 Landscape and Visual

The Council’s Senior Urban Design Advisor RMA has reviewed the AEE, the Landscape and Visual Assessment (Appendix G) and the information provided as a response to the section 92 further information request. Additionally, Ms Duffell has reviewed the submissions.

Ms Duffell agrees with the territorial authority’s Landscape and Visual Assessment (Appendix G) and considers it a thorough response and adopts it in full.

Ms Duffell notes there is little guidance provided with regard to design and landscape in the Operative District Plan rules for the underlying site however, she notes, *the buildings are generally designed, massed and located in accordance with the limited space available and the operational requirements of the facility. The separation of form into a number of discrete modules with differing height and bulk and shapes helps to moderate the mass of buildings and structures.*

I note Ms Duffell’s findings are that: *“The use is an agreeable outcome for the location by virtue of location next to both the WWTP (in terms of functional proximity) and the airport (in terms of size, building type and reduction in sensitivity.)”*

Ms Duffell acknowledges there is little scope to alter the shape and size of the facility given its purpose and the conditions suggested in the section 92 further information request have been incorporated in the amended set. These conditions address reflectively, the white gas bags, the texture and colour palette of the overall facility.

WIAL has submitted with regard to the landscaping and visual effects. I note the amended condition set addresses the bulk of their concerns Ms Duffell states: *“Although this will facilitate less landscaping that would usually be desirable especially for a facility of this scale and visual impact, landscaping outcomes must be balanced with the operational and safety requirements of the adjacent airport”.*

Ms Duffell does outline one urban design concern over the difference between landscaping that provides visual screening, and landscaping which moderates the visual impact of something. I agree with her that it would be unreasonable in this context to expect that landscaping would screen all views of the development and if it could, landscaping of that scale would most likely have a detrimental effect on the operation of the airport or be visually dominant in itself. The Council's Urban Design advisor supports the use of landscaping to moderate the view and provide a suitable degree of visual softening of the facility.

With regard to Guardians of the Bays and Strathmore Residents Association's submission around visual effects, Ms Duffell believes the extended condition 21.1 may provide the visual relief they seek.

WIAL and Guardians of the Bay both identified heights as being an issue height which the Applicant has clarified in Beca Drawing 3258521-DA-K1202B where all new buildings are shown relative to New Zealand Vertical Datum and not as the absolute heights of each structure. Overall, I consider, based on discussions with and advice from Ms Duffell, the arrangement of buildings will be under 32m RL (excluding roof plant overrun) other than the Odour Stack / chimney which is taller and slimmer. Visually this is not inconsistent with the neighbouring airport industrial buildings with regard to bulk and arrangement. I note that at no time does the proposed development protrude into the Obstacle Limitation Surface (OLS) controls for this location.

Guardians of the Bay have concerns regarding works in the coastal environment and note the PDP shows the Hue tē Taka Peninsula/Rangitatau Palmer Head as an Outstanding Natural Feature and landscape. The WC153 Strathmore coastal shrubland, WC154 Moa Point Coast Platform and shrubland, WC175 Moa Point gravel dunes, and WC176 Lyall Bay dune are significant natural areas. They are concerned the relationship of these outstanding natural and significant natural features are not being considered in greater detail in this design of this project. In terms of visual effects, the SMF will be constructed within an existing industrial area with the airport to the north and the WWYP to the south. The site is bound on the south by the old quarry face and the WWTP separates the proposal from the Outstanding Natural Feature and landscape. Lyall Bay itself is separated from the site by the airport itself. I consider, based on the topography of the area, the distances to the places mentioned above and the existing industrial context that no additional design work is required.

Finally, as part of Condition 21.1, Ms Duffell encourages the territorial authority to consider the use of pattern or artwork(s) (excluding text) on the exterior of the building which does not preclude images of these important sites recognised by Guardians of the Bay above. This has been added to the draft conditions document.

The additional conditions she has recommended are with regard to the territorial authority working with the Council's Urban Design team to approve the design details outlined in condition 21.1 and have now been included in the condition set.

Overall, the Council's Urban Design Advisor RMA states that she supports the proposal from an urban design perspective. Based on Ms Duffell's assessment and the LVA provided with the application, I consider the effects to be acceptable given the context and agreed conditions.

8.1.3 Ecology

The territorial authority's Ecological Impact Assessment (EIA) (Appendix H) and the Lizard and Threatened Plant Survey (Appendix I), and the response to the section 92 further information request have been reviewed by Daniela Biaggio, the Council's Urban Ecology Planner.

The EAI concludes in section 5 that the ecological effects associated with the permanent loss of the vegetation, lizard habitat, bird habitat, and injury or mortality of birds are expected to be very low to low. However, there is a moderate level of effect associated with the injury or mortality of lizards. A Landscape and Vegetation Management Plan (LVMP) and Lizard Management Plan have been proposed to manage the ecology effects of this site and environs.

Additional management measures have been proposed to further reduce potential injury or mortality to Northern and white-flipped blue penguins during the clearance of vegetation and loose rocks from the embankment. This includes avoiding vegetation clearance during penguin breeding and nesting season and undertaking a survey for adults and active nests prior to works.

Ms Biaggio initially raised concerns around appropriate lizard habitat and the territorial authority responded by adding condition 21.2 which effectively “*[Requires the LVMP to create] improved-quality lizard habitat for northern grass skink and Raukawa gecko within the site, the Tukanae Street Reserve and the Rangitatau Reserve to mitigate the loss of 0.33 hectares of habitat as a result of the Project. This objective will be met through the restoration of the indigenous plant community, pest plant management, and habitat enhancement undertaken during and after site works, and maintenance of planting areas for a minimum of three years*”. This condition includes a commitment to involve local communities in vegetation management. Ms Biaggio accepts this outcome in conjunction with the amended condition 21.2.

The Guardians of the Bays have submitted in support of the requirement to undertake a Lizard Management Plan (condition 27.1). They consider there needs to be further work in the conditions to support the Predator Free aspects although they did not offer any changes to the condition. Ms Biaggio has recommended some amendments to the existing conditions which further support the aim of Guardians of the Bay.

A permit under the Wildlife Act 1953 is required from the Department of Conservation (DOC) as part of the site contains lizards (locally abundant and classified as “not threatened”). As part of the ecological mitigation, lizards will need to be relocated. This permit is being sought concurrently to the NOR. I agree with Ms Biaggio that the permit will address the concerns of The Guardians of the Bays with regard to the lizards and their environment.

One submitter raised concerns over lack of engagement with the Predator Free Wellington programme. Ms Biaggio also noted that it would be a positive for the City, particularly the peninsular to have any existing traps reinstated and she would like to “ensure that the construction does not interfere with the eradication progress or result in introduction of pest animal is essential”. I support this stance and also recommend working with Predator Free Wellington in the context of community liaison and condition 28.1.

On the basis of the assessments provided in the NOR, along with Ms Biaggio’s comments on recommendations, I find the overall ecological adverse effects of the proposed alteration to be acceptable.

8.1.4 Stormwater and Flooding

Wellington Water’s Team Leader Land Development Engineer, Mohammed Hassan has reviewed the AEE, Appendices C and N, and provided a water supply, wastewater and stormwater assessment and proposed conditions to support the construction and ongoing use of the SMF. These conditions have not been included in the amended set however an

email received dated 11 November 2022 indicated the territorial authority still needs to review them with the project team and confirm which [will be] adopted. I understand the fire fighting condition will be included although the language is to be modified.

Mr Hassan's assessment restates a number of times the need to protect the existing highly critical infrastructure throughout the construction phase.

The conditions proposed address servicing of the site and are not unreasonable. I support the inclusion of the conditions Mr Hassan has requested. They largely mitigate effects associated with use and protection of the shared public infrastructure.

In relation to flooding, Mr Hassan has run a model which indicates flooding is expected at the proposed SMF site. He notes; *"The development will need to provide overland flowpaths through the site to carry peak flows of up to 100 year return period flood events with climate change. Flood waters must not be directed to airport land but can be discharged to Stewart Duff Drive as overland flows"*.

Cyclotek submitted concerns around stormwater discharge into their site however I note that Mr Hassan has proposed two conditions which will mitigate stormwater effects. A condition requiring stormwater be treated before being discharged and an Operation and Maintenance Manual to be prepared will actively manage the stormwater. Both requirements will require approval from the Wellington Water Land Development Team which provides certainty. Neither Mr Hassan's conditions (n) or (r) have been included in the draft set. I recommend they are included as they mitigate effects associated with stormwater both on the subject site and the neighbouring properties.

Overall, I consider Mr Hassan's assessment and recommendations adequately addresses the servicing of the site and managing of stormwater effects. The conditions recommended in Mr Hassan's report need to be included to address these effects. Subject to these conditions being included, I consider any effects relating to the servicing of the site and managing of stormwater will be acceptable.

8.1.5 Traffic

With respect to traffic effects, the AEE and the Transportation Assessment Report (TAR) (Appendix L) and section 92 further information response document have been reviewed by Soon Teck Kong, the Council's Manager Transport and Engineering – Operations. Mr Kong supports the proposed development in terms of its transport related effects subject to the additional recommended conditions detailed in his report.

The TAR concluded that the daily increase in heavy vehicle movements from this proposed development can be accommodated along the two routes specified along with safety mitigation measures. Mr Kong's view is that Route 1 consisting of all Principal Roads is more appropriate to accommodate the increase in construction traffic as these roads are designed to cater for heavy vehicles and higher traffic volumes than Route 2.

Mr Kong agrees with the territorial authority's condition 25.1 requiring coordinating with the Council via the CTMP for various construction stages. This mitigates safety effects on the wider neighbouring roads and intersections and considers other projects under construction at the same time.

To further manage the potential conflict between heavy vehicles and existing road users Mr Kong has recommended restricting heavy vehicles movements to and from the site between 8am to 9am and between 2.30pm to 3.30pm to avoid school drop off and pick up periods as

there will be school children walking and cycling along the proposed route. This has not been included in condition 25.1 and I recommend it is included.

Mr Kong has also reviewed the operational traffic and while the daily operational traffic will be low, he recommends a number of additional measures to reduce conflict and increase safety for both pedestrians and existing traffic at the access to the WWTP vehicle crossing. These have been included in the amended set of conditions.

He has collated to the submitters concerns into two themes and addressed them in his report. In short, submitters were concerned about construction traffic with regard to heavy traffic and Mr Kong believes the detailed Construction Traffic Management Plan (CTMP) as conditioned will address the matters raised. He notes the CTMP will be monitored and modified as required to manage the anticipated and actual effects.

A submitter has raised concerns regarding the conflict between construction time and the recreational activities along Lyall Bay with a peak use between 3pm and 6pm. Mr Kong states mitigation measures are proposed in the CTMP and additional measures such as a reduced speed limit for trucks travelling to and from the site are recommended along Moa Point Road and Lyall Parade. The CTMP will specify the requirement for additional traffic controllers at key locations to manage and minimise any potential conflicts and safety risks during intense truck movements from concrete pours. The deteriorating road condition was raised as a concern and additional heavy vehicle loadings from this construction will exacerbate the worsening road condition. A road condition survey will be carried out prior to the start of the construction to ensure that any future damage to the road can be repaired. Mr Kong is comfortable these measures can mitigate the traffic and construction effects as described in the reports.

I note the removal of the hillock to provide for a laydown area seems to be an integral part of traffic management mitigation identified by the territorial authority in its Traffic Impact Assessment but is not part of this designation. As such this may draw doubt on the ability to mitigate the traffic and construction effects. The Transport Impact Assessment section 4.3 notes *“it is assumed”* the hillock will be removed and *“where there is no confirmed location for the SMF off-site construction activities”* and *“if the site is not able to accommodate all staff parking...”* and *“co-ordinating with WIAL will be required to find a location”*.

Therefore, as no alternative laydown area is proposed or confirmed, an alternative should be considered so it can be understood whether the mitigation measures are still achievable.

The requirement for a CMP may be sufficient to address this but there is still no direct link in the designation for the requirement of the hillock to be removed. This needs to be reconciled.

Furthermore, as the removal of the hillock is not covered by the designation and the CTMP is a component of an Outline Plan (condition 19.2), it would give limited ability to deal with construction and traffic effects if the hillock isn't removed due to the limitations of the Outline Plan process. For this reason, it would be better if the CTMP was subject to a certification requirement instead of an Outline Plan.

Notwithstanding this I consider the requirement for a CMP, the identification of a back-up laydown area and the ability to certify the CTMP will provide the certainty needed to confidently address mitigation to an acceptable level.

Overall, I agree with Mr Kong that the traffic effects related to both the construction and operation of the SMF can be mitigated with acceptable effects subject to the resolution of the above matter.

8.1.6 Noise and Vibration

Lindsay Hannah, the Council's Acoustic Engineer has reviewed all material pertaining to noise and vibration. He has reviewed the approach, methodology and assessment of the Marshall Day Acoustics reviews and is in agreement, noting the assessment is reasonable and in line with best practice.

He notes:

- The area is exposed to high levels of background daytime noise from aircraft, vehicle movements and commercial operations.
- Predicted operational noise levels at all existing residential dwellings will be less than the noise limits set out under Condition 30.1 which sets a night-time limit.
- Predicted daytime construction noise levels are predicted to produce levels of up to 55 dB LAeq at the closest residential dwellings. These levels are below the daytime noise limit set out in *NZS6803:1999 Acoustics Construction Noise* (as recommended in Condition 25.3).
- Predicted night-time construction noise are predicted to produce levels of up to 52dB LAeq at the closest residential dwellings. These levels are 7 dB above the recommended night noise limit set out in *NZS6803:1999 Acoustics Construction Noise* (as recommended in Condition 25.3). It is however noted any night-time construction works will be infrequent.

Mr Hannah has addressed the concerns of noise and vibration raised by the submitters in his report and notes, as above, that operational and construction noise will be compliant with daytime noise levels.

Guardians of the Bay are concerned over night-time noise and have submitted an amendment to condition 23.1 seeking *a plan of communication to affected local residents and ways to provide compensation or alternative accommodation*". However, Mr Hannah considers a communication plan is better placed in the Construction Noise and Vibration Management Plan (CNVMP) condition and I agree with the wording proposed in the amended condition *"The CNVMP shall include details of advance communication to be undertaken with residents prior to commencing activities that are predicted to exceed noise performance standards"*. Mr Hannah reiterates that Marshall Day Acoustic construction noise report concludes night works would be infrequent and I agree no provision for compensation or accommodation should be included.

Cyclotek sought adequate conditions to be proposed to prevent "significant impact" on their operation with respect to construction activity and vibration. Similarly, Te Whatu Ora National Public Health Service sought a condition to address noise and vibration. Mr Hannah supports the wording in Condition 25.2 for the Construction Noise and Vibration Management Plan.

Mr Hannah and I understand the territorial authority has discussed the details of noise requirements with Cyclotek in response to their request: *"we recommend that noise mitigations should be employed to reduce activity noise levels to 70 dB LAeq or less, except at particular times agreed by discussion with Cyclotek that higher noise levels would be acceptable"*.

Based on Mr Hannah's advice I believe that noise and vibration can be mitigated with the proposed conditions and consider the effects to be acceptable.

8.1.7 Contamination

Dr Dave Bull, the Council's contamination expert, has worked with the territorial authority's contamination advisor with regard to the site and the conditions.

As laid out in section 11 of the DSI (Contamination) Appendix S, undertaken by Beca, the site is identified as included on the GWRC SLUR (Ref SN/05/410/02) for various current and historic HAIL activities. A diesel underground storage tank (UST) is located on site.

The AEE section 8.10.2 notes the historical soil excavation and earthworks on the site have been extensive and there is very little exposed soil. The territorial authority has therefore taken the unexpected discovery approach and proposed conditions 25.5 to manage contamination for the removal of the underground storage tank and any earthworks.

Dr Bull suggested that *“the territorial authority should indicate that diesel contamination is unlikely to pose significant risks to future users of a SMF, given the industrial context and presumably sealed site. Similarly, it is unnecessary, and in our view excessively onerous, to require imported fill to be cleanfill. A risk-based ‘suitable for use’ approach protective of industrial users and (from GWRC’s perspective) the coastal marine environment would be expected. The territorial authority should be prepared to contain fuel-contaminated material and treat discharges from the works”*.

Dr Bull notes *“Given the limited hazard identified so far, the probability that the proposed tank removal is a permitted activity, and the involvement of a competent SQEP, I think [their identified approach] is a feasible approach.*

I note there is no change to the use of land and the activity will remain industrial, and it is reasonably likely the activity proposed would not be a risk to human health, that activity does not need to be assessed for compliance with regulation 8 in accordance with the NES-CS. Based on Dr Bull's assessment and the conclusions reached in the DSI appropriate mechanisms have been put in place to manage potential contamination.

I consider based on Dr Bull's assessment and ongoing engagement throughout this process that the effects can be mitigated via the application of the conditions, to an acceptable level.

8.1.8 Earthworks

Additional earthworks will be generated in connection with all parts of the proposed alterations. John Davies, the Council's Earthworks' Engineer has reviewed the AEE and relevant assessments. He supports the proposal from an earthworks point of view, as he expects that standard industry methodologies will be implemented to mitigate any potential earthworks effects.

He has provided additional conditions requiring a geotechnical professional monitor the earthworks, and details required in an Erosion and Sediment Control Plan (ESCP). The ESCP condition (condition 26.1) is included without the detail Mr Davies provided, and is a requirement to provide a copy of an ESCP certified by GWRC rather than submit an ESCP to WCC's Compliance Monitoring Officer for certification. Mr Davies confirms in an email dated 8 November 2022 the ESCP requirement as conditioned is adequate. I support the condition requiring a copy of this certified plan being provided to WCC Compliance Monitoring Officer. The inclusion of the runoff condition (24.6) and geotechnical professional condition (25A.2) is supported in conjunction with the ESCP condition.

He has requested a number of other conditions requiring certification of the bulk earthworks with a requirement to provide a PS4 (condition 25A.3) at the conclusion if the works, a general earthwork condition and a grassing of exposed areas requirement which further addresses matters of dust raised by submitters. I recommend most of Mr Davies conditions are included. However, I agree with the territorial authority that there is no necessity for the grassing of exposed areas as there are a number of other dust suppressant conditions included to manage this effect.

Usually with works of this scale a visual assessment is required. The man views of this would be from Stewart Duff Drive. I note the quarry face may be partially shotcreted but will almost entirely be screened by Building 2 and the Digester as shown in Figure 4 below. Therefore, I have not sought any conditions to specifically manage this.

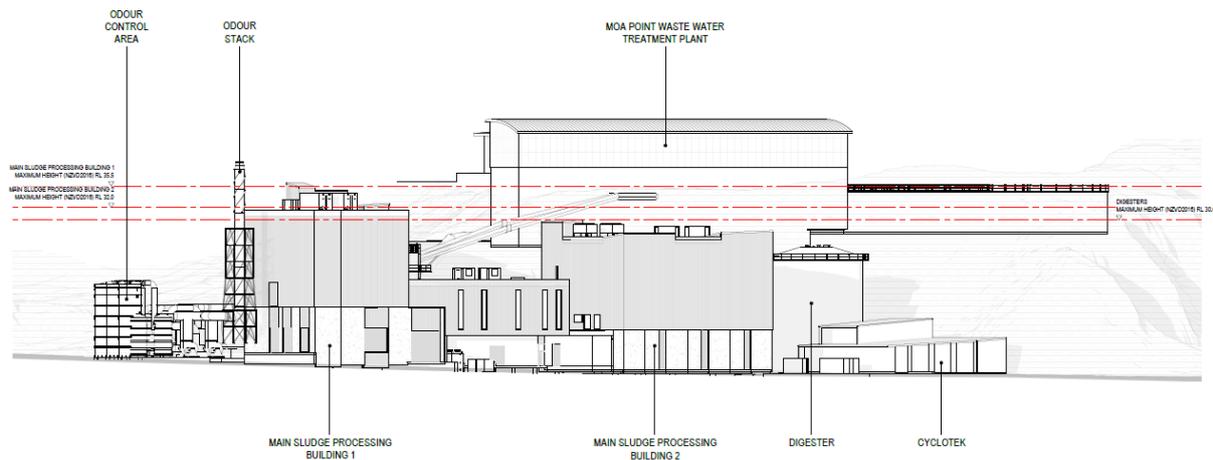


Figure 4: The buildings screening the quarry face (subject of shotcrete)

Additionally, with regard to the submitters concerns he notes WIAL makes reference to avoid open sediment retention ponds and swales which have standing water as these may attract wildlife (birds can pose a bird strike risk and mosquitoes can pose biosecurity issues). The territorial authority also highlights the need for dust controls and suggests the use of Dust Management Plan. Dust controls are documented in the ESCP but can be standalone document if required. Included in the ESCP is avoidance of sediment controls that result in pondage of water.

With regard to Cyclotek, Mr Davies acknowledges that dust during construction may have an impact on the operation at Cyclotek. We understand that Cyclotek and the territorial authority are discussing the detail of these concerns but at a site-wide scape dust management forms part of the ESCP.

Cyclotek also raised the matter of an increase in flooding with current stormwater capacity insufficient. Surface water controls during the construction phase are adequately addressed in the ESCP.

Based on the advice of the Council’s Earthworks Engineer, I consider the effects associated with earthworks can be adequately addressed through the conditions he recommends in addition to the conditions proposed by the territorial authority. The effects will be acceptable.

8.1.9 Cultural and Engagement

In relation to cultural and heritage effects, and as directed by Section 8 RMA, I have turned my mind to engagement with iwi.

I consider the retention of the accidental discovery protocol condition which I note is included in the draft set as condition 29.1, is appropriate.

I note the territorial authority has undertaken engagement with both community groups and with iwi as set out in section 7 of the AEE. Specifically, Taranaki Whānui and Ngāti Toa were engaged early in the development of the project. Gabriel Kirkwood, the Council's Senior Advisor RMA Iwi Partnership sought an update on engagement with mana whenua through the section 92 further information process and the territorial authority responded: *"It is envisaged that a formal written response on the proposal will be received from Taranaki Whānui in due course. Based on recent discussions, it is expected that this response will express general support for the SMF project"*.

Both iwi were notified of the NOR but did not provide a submission.

I note existing designation places an obligation on WCC as Requiring Authority to meet condition 16 and establish a Community Liaison Committee and proposed condition 28.1 reiterates and defines the scope of the committee. This was also a matter raised by two submitters and condition 28.1 in conjunction with condition 16 should address this matter.

8.1.10 Natural Hazards (under the Proposed District Plan)

The management of significant risks from natural hazards is a matter of national importance under s6(h) of the RMA.

I accept the expert advice provided in Beca's Natural Hazard and Geotechnical Assessment (Appendix O), and GWRC's Senior Hazard Analyst, Iain Dawe, has reviewed the proposal and notes in his assessment: *"There is a clear rationale for the project, and I am happy with the scope of works, hazards identification and the proposed mitigation options"*.

No active faults are mapped through the site with the nearest being the Evans Bay Fault about 1km west with the risk of rupture considered to be low. The GWRC hazard data set indicates there is no risk of liquefaction.

The risk of localised flooding and drainage matters will be mitigated through the process of detailed design as set out in the relevant conditions.

Slope instability has been identified and stabilisation work will be undertaken.

The Coastal Assessment (CA) – Erosion, Inundation and Tsunami (Appendix P) reviews coastal erosion, inundation and tsunami exposure of the site. The report notes the proposed SMF site is considered unlikely to be affected by coastal erosion during the 50-year design life because of its distance from the coastline, and the observed rate of coastal erosion and relative sea level rise effects.

As stated in the CA report: *"Recent work undertaken by NIWA for WCC provides a detailed assessment of the extent of coastal inundation around the Mōa Point foreshore for the 100-year timeframe. The results presented show the proposed SMF plant site remains inland of the encroachment of coastal inundation for the 100-year case presented and is thus unlikely to be exposed within its 50-year design life"*.

The Proposed Wellington City District Plan hazard maps identify that approximately 280m² of the west-southwest corner of the SMF site is exposed to 1 in 1000-year (0.1% Annual

Exceedance Probability) tsunami inundation. Anything greater could inundate the entire site.

I have reviewed the relevant natural hazard objectives and policies of the Proposed Plan and note the SMF is defined as a *less hazard sensitive activity* and the works are consistent with policies NH-P2 and NH-P3.

Taking the above into account, I consider the potential effects from natural hazards to be acceptable.

8.1.11 Safety Effects

WIAL has additionally raised matters of safety to the airport users. I note it has proposed a condition at 6.9 of its submission requesting an amendment to the WWTP existing conditions and the inclusion of a condition for the SMF requiring the territorial authority to co-ordinate with the WIAL approach. I agree with the inclusion of this which is shown as condition 24.6 in the amended set of draft conditions and recommend the change be carried over to condition 6.9 for the WWTP.

8.1.12 Costs and Business Case

One submitter did not support this proposal. Ms Hoang states consultation with iwi over the outfall option has not happened and requests: *“The outfall option needs to be fully studied, and to understand marine scientists’ position in supporting the outfall option, before bringing it to full consultation with Iwi and other stakeholders; for the option to be fully understood and the value it brings to Wellington”*.

I note mana whenua were involved in the ‘initial optioneering process to determine a preferred process and site option’, as stated in the AEE in section 7.3. Mana whenua values were considered (section 6.5.3) and within an RMA context all four final options consistently scored highly for mana whenua and environmental values. I am confident the appropriate option was based on early consultation with mana whenua, a robust cost-benefit analysis and choosing appropriate technologies. The outfall option did not make it to the final 25 technology options.

8.1.13 Positive Effects:

The meaning of ‘effect’, as set out in section 3 of the Act, and includes positive effects. Positive effects are an important consideration in the overall balancing exercise. The proposal has a number of positive effects including those listed in the NOR under the executive summary and listed here below:

- substantially reducing odour emissions at the landfill associated with the disposal of sludge;
- substantially reducing leachate to land and groundwater at the landfill from the disposal of sludge;
- removing the risk of environmental degradation (particularly to streams) posed by failure of the existing sludge transfer pipelines between the Moa Point WWTP and Carey’s Gully;
- substantially reducing the volume of material needing to be disposed of to landfill from the treatment of the City’s sludge; and
- treating odour currently periodically emitted from the existing Inlet Pump Station adjacent to Stewart Duff Drive.

Submitters also identified positives in their submissions. Andrew Page noted the reduction in risk associated with no longer needing to pump sludge, Carl Savage and the Greater

Brooklyn Residents Association said the closing of the Sludge Dewatering Plant at Cary's at the Southern Landfill will reduce the smell [of sewage].

I also consider the lower emission levels, reducing overall waste at the Southern Landfill and the provision of a resilient waste management system that acknowledge Māori core values to be positive effects.

8.1.14 Effects Conclusion

In consideration of the RMA requirements under section 168A(3), it is considered that overall, any potential effects on the environment generated by the alteration to the existing designation and the construction, operation and maintenance of the SMF will be no more than minor and are acceptable.

8.2 Relevant Planning Instruments - s168(3)(a)

In considering this NOR I have had regard to relevant provisions of the following planning documents:

- A National Environmental Standard
- A National Policy Statement
- The New Zealand Coastal Policy Statement (NZCPS)
- The Regional Policy Statement (RPS)
- Wellington City District Plan and Wellington City Proposed District Plan (objectives and policies only)

These are discussed below.

8.2.1 The (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) enabled the establishment of the Hazardous Activities and Industries List (HAIL). HAIL is a list of activities and industries that are likely to cause land contamination resulting from hazardous substance use, storage or disposal.

It has been identified that HAIL activities have (or are likely to have) occurred on the site. The site is listed with Greater Wellington Regional Council on the Selected land use register (SLUR) Ref SN/05/410/02 for various current and historic HAIL activities. A diesel underground storage tank (UST) is located on site.

Dr Bull, the Council's Contamination expert has reviewed the proposal and engaged with the territorial authority's contamination team. As noted earlier he understands the site constraints and supports the approach of conditioning a more detailed assessment once the buildings are removed, followed up with a resource consent application should the permitted activity standards not be met.

8.2.2 National Policy Statement on Urban Development 2022 – updated May 2022

The National Policy Statement for Urban Development (NPS-UD) 2020 sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991. It now incorporates amendments made by section 77S(1) of the Resource Management Act 1991.

It came into effect on 20 August 202 and was updated May 2022 and is relevant to this proposal. The NPS-UD is about ensuring New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the changing needs of people and communities and future generations.

The territorial authority considers in their assessment that Objective 6 is met, and the proposal promotes the integration of urban development with infrastructure planning. *The SMF is a key piece of infrastructure in enabling 50,000 to 80,000 more people to live in Wellington City over the next 30 years. As such, the proposal is consistent with promoting and enabling well-functioning urban environments.*

It is further noted that *“The SMF will make a significant contribution to reducing greenhouse gas emissions from sludge disposal and is consistent with objective 8”*. Based on the NOR and technical reports I consider the proposal consistent with the objectives sought by the NPS-UD.

8.2.3 Wellington Regional Policy Statement (RPS)

The RPS sets the direction for the future management of the Wellington Region's natural and physical resources and became operative on 24 April 2013.

The objective and policies of the RPS seek to avoid, remedy, or mitigate adverse effects on habitats and the quality of water within the coastal environment as well as discharges of odour to air and its impacts on human health and amenity. Additionally, it contains overarching provisions which recognise and protect the social, economic, and environmental benefits of regionally significant infrastructure and provide for the interests and responsibilities of tangata whenua such as facilitating their role as kaitiaki.

The territorial authority has undertaken an assessment in section 9.5 of the AEE which I comment additionally below:

Objective 10 The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure

The proposal itself will be regionally significant infrastructure, contributing to both local and regional waste minimisation targets, as well as local and national emissions reduction targets.

The project will reduce the total volume of sludge and has enabling benefits, such as its ability to reuse processed sludge for alternative uses, rather than continuing to be disposed of to landfill.

Objective 24 The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

***Objective 25
The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.***

Policy 48: Consideration of the Principles of the Treaty of Waitangi.

Policy 49: Recognising and providing for matters of significance to tangata whenua.

Taranaki Whānui and Ngati Toa were involved in the selection and framing of the proposal through the multi-criteria process as set out in section 6 of the AEE. The SMF project has sought to align with key mana whenua principles through the following measures:

- removing need to use existing sludge transfer pipelines as part of waste management and therefore removing environmental risks associated with recurring failure of these pipelines;
- treating and stabilising the sludge to a state that will result in reduced odour emissions at the disposal site;
- treating and stabilising the sludge to a state that will result in reduced leachate at the disposal site
- recovering energy and water derived from the treatment process, as alternative power and water sources to service the SMF;
- enabling beneficial re-use of the end product, thereby giving the sludge another life and purpose; and
- ensuring that the quality and quantity of treated wastewater discharged to sea as part of current Moa Point WWTP is not materially altered by the proposal.

For these reasons, I consider the proposed designation to be consistent with the above objectives and associated policies.

Overall, I agree with the assessment provided in the NOR and consider the proposed designation accords with the relevant RPS objectives and associated policies.

8.2.4 Operative Wellington City District Plan

Chapter 10 – Airport and Golf Course Recreation Precinct

Objective 10.2.1 To promote the safe, effective and efficient operation of the Airport

Objective 10.2.3 To provide for non-airport activities and development within the Airport Area of the Precinct.

Policy 10.2.1.1 Provide for activities which will ensure the safe, effective and efficient use of the Airport area as a strategic transport node for the city, region and nation.

Policy 10.2.3.1 Ensure non-airport activities and developments do not compromise the ongoing and strategic transport role of the Airport to the city, region and nation.

Policy 10.2.3.2 Ensure non-airport activities and developments integrate with, and respond appropriately to, the surrounding environment.

The site is contained within the Airport Zone and therefore the NOR considers the site's relationship with the Airport. I note the majority of the SMF site is already designated for wastewater purposes under Designation 58, although it is noted that the site contains the existing aviation ground services (AGS) building which supports the ongoing operation of the Airport. The SMF site is not within WIAL's 2040 Masterplan. The SMF proposal has been developed in close consultation with WIAL to ensure that it will not impact airport operations.

As a submitter WIAL notes in its submission that as a key stakeholder, lines of communication and briefings were established early in the project and WIAL has had input into the project.

The NOR has been assessed by both traffic and urban design experts with respect to traffic safety and character and amenity. Both traffic and urban design advisors support the proposal. Based on the advice of these experts, I consider the proposed designation to be consistent with the above objective and associated policies.

Objective 10.2.4 Protect the character and amenities of identified areas within the Airport area from inappropriate non-airport related uses and development

Policy 10.2.4. Protect the character and amenities of identified areas within the Airport area from inappropriate non-airport related uses and development.

Policy 10.2.4.5 Allow non-airport activities in the South Coast Area in a manner which will protect and enhance the character of the south coast.

The proposed designation will be consistent with the above objective and associated policies through the design controls which will provide for a range in buildings, some site planting and manage materiality and reflectivity whilst still respecting the underlying character of the surroundings.

The proposal is limited to the South Coast Area of the Airport Precinct and accordingly only Policy 10.2.4.5 is of direct relevance. The location of the SMF is within the disused quarry already occupied by a number of buildings and is described as a less sensitive land use which is considered suitable for this location. In this setting, it is considered that the NOR seeks to make efficient use of the subject site through siting the new SMF alongside the existing WWTP.

Overall, I consider the proposed designation to be consistent with the above objective and associated policies.

Objective 10.2.5 To protect the amenities of areas surrounding, and within, the Precinct from adverse environmental effects.

Policy 10.2.5.1 Exercise an appropriate level of control over Airport and ancillary activities for the avoidance or mitigation of adverse effects.

Policy 10.2.5.3 Control the interrelationship between building forms and the space around buildings to ensure a high level of visual amenity.

Policy 10.2.5.4 Manage the noise environment to maintain and where possible enhance community health and welfare.

The adverse environmental effects on the amenities of surrounding uses, namely airport and neighbouring residential uses, will be appropriately mitigated with regard to landscape and visual effects, transport effects, noise effects and odour. Further, based on the advice of the urban design, traffic and odour and noise experts which I accept, and the NOR designation conditions proposed, I consider the proposed designation to be consistent with the above objective and associated policies.

Policy 10.2.5.4 Manage the noise environment to maintain and where possible enhance community health and welfare.

The proposed designation and the construction of the SMF has been assessed by Council's noise expert and Mr Hannah notes noise effects can be mitigated and as such the policy can be met. I have accepted this advice and therefore consider the proposed designation to be consistent with the above policy.

Objective 10.2.6 To ensure signage is designed and located in a way which will not detract from the character of the locality, and will not cause a traffic hazard.

Policy 10.2.6.1 Manage the scale and placement of signs in order to maintain and enhance the visual amenity of the host building, site, and locality.

The NOR includes design criteria for signage under condition 21.1 which will ensure that adverse effects from proposed signage is managed to ensure that amenity and airport safety will not be adversely affected. As such, I consider the proposed designation to be consistent with the above policy.

Objective 10.2.8 To avoid or mitigate the adverse effects of natural and technological hazards on people, property, and the environment.

As noted by the territorial authority in the AEE, The Natural Hazards Risk Assessment considers the vulnerability of the SMF to land instability. Coastal hazards (erosion, flooding and tsunami) are considered in the Coastal Assessment, while the Site-Specific Seismic Hazards Assessment considers the vulnerability of the SMF to seismic hazards. Overall, the risk is reduced to an acceptable level and therefore the proposal is consistent with this objective.

Chapter 24 – Designations

Objective 24.2.1 To provide for designations, only where they are necessary, to ensure the efficient functioning and operation of public works.

Policy 24.2.1.1 Maintain only those designations for which Council has financial responsibility that are necessary to secure land and to provide for the safe and efficient functioning and operation of public works.

Policy 24.2.1.3 Avoid, remedy or mitigate adverse environmental effects of public works by including management provisions for their operation in the District Plan.

The above objectives and policies provide for designations only where they are necessary, to ensure the efficient functioning and operation of public works and where the Council has financial responsibility for the public work. As such, the proposed is consistent with the objective and policies.

Chapter 29 – Earthworks

Objective 29.2.1: To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.3: Ensure that earthworks are designed to minimise the risk of instability.

Policy 29.2.1.4: Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.

Policy 29.2.1.5: Ensure that earthworks and associated structures do not exacerbate flood events in Flood Hazard Areas.

Policy 29.2.1.11: Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

Policy 29.2.12: Protect koiwi (human remains), taonga, Māori and Non-Māori material and archaeological sites dated from before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary

Policy 29.2.17: Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity

The proposal has been fully reviewed by Council's Earthworks' Engineer who has recommended a number of conditions which have been accepted by the requiring authority and incorporated into the designation conditions.

An archaeological assessment concluded that the archaeological potential of the site is low. An accidental discovery protocol has been included to manage this potential risk in accordance with policy 29.2.1.12.

Based on Mr Davies assessment I consider the proposed earthworks are in accordance with the relevant objective and policies.

Chapter 31 – Contaminated Land

Objective 31.2.1: *To manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.*

Policy 31.2.1.2: Work with the Regional Council and landowners to identify all contaminated and potentially contaminated land in the city and to assist to compile a register of all potential and confirmed contaminated and remediated land in the city.

Policy 31.2.1.3: Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.

The proposal has been reviewed by Dr Dave Bull, the Council's Contamination expert. He notes the Contaminated Soils Management Plan (CSMP) demonstrates a commitment to undertake a soil investigation as soon as the underground tank is exposed. This will allow the extent of potential contamination to be better understood.

The territorial authority notes "*In the event that the soil investigation detects contamination the CSMP also sets out a pathway for remediation and/or appropriate disposal*". Dr Bull considers this pathway a practical way to manage the potential contamination.

Overall, the proposal is consistent with this objective and policies and provides a clear way forward in the advent of identified contamination.

The NOR seeks to secure land and will provide for the efficient functioning and operation of the SMF which will significantly reduce the environmental impacts of disposal of Wellington City's wastewater.

Conclusion – Operative District Plan

Overall, as set out above, the proposed designation is consistent with the objectives and policies of the Operative District Plan. As such, in the whole I consider the proposed designation to be consistent with the strategic direction of the Operative Wellington City District Plan.

8.2.5 Proposed Wellington City District Plan

The Wellington City Proposed District Plan (PDP) was notified on 18 July 2022. The objectives and policies of the PDP have legal effect.

Strategic City Assets and Infrastructure

Objective SCA-O1: Infrastructure is established, operated, maintained, and upgraded in Wellington City so that:

- 1. The social, economic, cultural, and environmental benefits of this infrastructure are recognised;***
- 2. The City is able to function safely, efficiently and effectively;***
- 3. The infrastructure network is resilient in the long term; and***
- 4. Future growth and development is enabled and can be sufficiently serviced***

The proposal accords with this objective by providing safe, efficient and effective wastewater management for the City and providing resilience for the lifetime of the SMF. It enables future growth to be serviced.

Objective SCA-O4: Regionally significant infrastructure is provided for in appropriate locations and the social, cultural economic, and environmental benefits of this infrastructure are recognised and provided for

I consider the location is appropriate given the feasibility work that was undertaken prior to this NOR. Additionally, the long-term intention is to make use of the stabilised biosolids product to avoid the need altogether to dispose of it to landfill. This is also considered to align with a key mana whenua principle by reducing the environmental impact of sludge treatment and disposal.

Objective SCA-O5: The adverse effects of infrastructure are managed having regard to the economic, social, environmental and cultural benefits, and the technical and operational needs of infrastructure.

This objective is met through the set of conditions to manage and mitigate the potential effects of the construction, operation and maintenance of the SMF.

Sustainability, Resilience and Climate Change

Objective SRCC-O1: The City's built environment supports:

- 1. A net reduction in the City's carbon emissions by 2050.***
- 2. More energy efficient buildings;***
- 3. An increase in the use of renewable energy sources; and***
- 4. Healthy functioning of native ecosystems and natural processes.***

As stated in the AEE: "Approximately 80% of Wellington City Council's carbon emissions are attributed to Southern Landfill. The Council's First to Zero Plan therefore acknowledges that reaching zero carbon by 2050 requires a fundamental change in solid waste management, including sludge management. The SMF will reduce carbon emissions from the treatment and processing of the city's sludge by 63%. Accordingly, the project will directly contribute towards meeting this target". Additionally, the process uses the most appropriate and modern technologies to increase efficiency. I consider it is consistent with this objective.

Objective SRCC-O2: Risks from natural hazards are:

- 1. Identified and understood;***

2. ***Planned for through adaptation and mitigation measures to ensure the risks are low; and***
3. ***Avoided where the risks are intolerable***

The AEE and the technical reports supplied within identify the risk from natural hazards and the future scenarios had informed the proposal.

Objective SRCC-O3: Subdivision, development and use:

1. ***Effectively manage the risks associated with climate change and sea level rise;***
2. ***Support the City's ability to adapt over time to the impacts of climate change and sea level rise; and***
3. ***Support natural functioning ecosystems and processes to help build resilience into the natural and built environments.***

The chosen location of the SMF is not subject to sea level rise risks (over the 50-year life of the project). The modern technologies employed are designed with regard to adaptation of change.

The proposal is consistent with both Objective SRCC-O2 and SRCC-O3.

Energy, Infrastructure and Transport – Infrastructure

Objective INF-O1: The national, regional and local benefits of infrastructure are recognised and provided for.

As outlined by the territorial authority in section 9.7 of the AEE, I consider that the proposal provides benefits regionally and locally and is consistent with this objective.

Objective INF-O2 The adverse effects of infrastructure on the environment are managed, while recognising:

1. ***The functional and operational need of infrastructure; and***
2. ***That positive effects of infrastructure may be realised locally, regionally or nationally.***

The process undertaken to select the best option as outlined in section 6.1 of the AEE outline the functional and operational needs of the SMF. Adverse effects are mitigated through the condition set however it is noted that landscape and visual effects cannot be entirely mitigated. The requirements of the airport and the scale and bulk of the SMF mean it cannot be visually screened. Ms Duffell, the Council's Urban Design expert states: *"Although this [proposal] will facilitate less landscaping that would usually be desirable especially for a facility of this scale and visual impact, landscaping outcomes must be balanced with the operational and safety requirements of the adjacent airport.... It would be unreasonable in this instance to expect that landscaping would screen all views of the development and even if it could, landscaping of that scale would most likely have a detrimental effect on operation of the airport or be visually dominant in itself"*.

I consider the conditions requested between WIAL, the submitter and the Council advisors results in an acceptable balanced effect and this objective is met.

Policy INF-P1 Recognise the benefits of infrastructure by:

1. ***Enabling the safe, resilient, effective and efficient operation, maintenance, repair, minor upgrade or removal of existing infrastructure;***
2. ***Enabling investigation, monitoring and navigation activities associated with infrastructure operations;***
3. ***Providing for significant upgrades to, and the development of new infrastructure; and***

4. *Providing for the functions and responsibilities of infrastructure as lifeline utilities during an emergency.*

I consider the proposal is consistent with this policy as it enables the safe, resilient operation, maintenance of new wastewater infrastructure.

Policy INF-P3 Provide flexibility to adopt new technologies for infrastructure that:

1. *Allow for the re-use of redundant services and structures;*
2. *Increase resilience, safety or reliability of networks and services;*
3. *Result in environmental benefits or enhancements; or*
4. *Promote environmentally sustainable outcomes.*

New technologies have been employed in the design of the SMF. I also consider there are environmental benefits with the decommissioning of the sludge transfer pipes and the decreased use of the Southern Landfill. The proposal accords with this policy.

Policy INF-P5: Manage the adverse effects of upgrades to, or the development of new infrastructure, including effects on:

1. *Natural and physical resources;*
2. *Amenity values;*
3. *Sensitive activities;*
4. *The identified values of Overlays;*
5. *The safe and efficient operation of other infrastructure; and*
6. *The health, well-being and safety of people and communities.*

As discussed above and in the AEE the adverse effects are mitigated by the condition set. I note the health, well-being and safety of people have been considered at all stages from managing construction effects such as traffic, noise and dust to operational effects including odour. This matter will be managed through a specific odour management plan for commissioning and operation. During commissioning this will include the use of temporary odour treatment. With these controls in place, there will be no adverse odour effects on residential properties in the area (Moa Point and Strathmore Park).

Policy INF-P6: When considering the adverse effects of infrastructure on the environment recognise that there may be situations where all adverse effects, including construction effects, cannot be avoided, and as such must be remedied or mitigated through having regard to the following:

1. *The extent to which adverse effects can be avoided, remedied or mitigated may be constrained by the functional or operational need of the infrastructure;*
2. *The time, duration, or frequency of adverse effects;*
3. *The necessity of the infrastructure including:*
 - a. *The need to quickly repair and restore disrupted services; and*
 - b. *The impact of not operating, repairing, maintaining, upgrading, removing or developing infrastructure;*
4. *Existing infrastructure including:*
 - a. *The complexity and connectedness of networks and services; and*
 - b. *The potential for co-location and shared use of infrastructure corridors;*
5. *Anticipated outcomes for the receiving environment and the degree to which past modifications have compromised the achievement of those outcomes;*
6. *The benefits derived from the infrastructure at a local, regional and national scale; and*
7. *The extent to which the infrastructure is integrated with, and necessary to support, planned urban development.*

I consider the statement made by the territorial authority with regard to this policy is consistent with Policy INF-P6 “All of the potentially adverse effects associated with the SMF are considered to be significantly outweighed by the benefits derived from the project,

which have positive effects at a local and regional scale, as set out in response to Objective INFO1 above.”

Overall, the mitigation measures proposed, including the various management plans, manage the adverse effects and are consistent with this policies INF-P6 and INF-P6.

Energy, Infrastructure and Transport – Infrastructure – Coastal Environment

Policy INF-CE-P18: Upgrading of existing infrastructure within the coastal environment:

- *Outside of high coastal natural character areas; and*
Outside of coastal and riparian margins.

Allow the upgrading of existing infrastructure within the coastal environment where it is located outside of high coastal natural character areas and outside of coastal and riparian margins.

Policy INF-CE-P24: New infrastructure within the coastal environment:

- *Outside of high coastal natural character areas; and*
- *Outside of coastal and riparian margins.*

Allow for new infrastructure within the coastal environment where it is located outside of high coastal natural character areas and outside of coastal margins and riparian margins.

The site is not within a ‘High Coastal Natural Character Area’ or a ‘Coastal or Riparian Margin’ and is therefore consistent with policies INF-CE-P18 and INF-CE-P24.

Energy, Infrastructure and Transport – Infrastructure – Natural Hazards

Policy INF-NH-P61: Only allow for new infrastructure, and any associated structures in the Natural Hazard Overlays and Coastal Hazard Overlays where the infrastructure or associated structures:

1. *Do not increase the risk from the natural hazard to people, or other property or infrastructure;*
2. *Incorporate design measures to reduce the potential for damage to the infrastructure following a natural hazard or coastal hazard event; and*
3. *When located in an overland flowpath, stream corridor, or high coastal hazard area, have a functional need or operational need that means the infrastructure’s location cannot be avoided and there are no reasonable alternatives.*

The proposal does not increase the risk from natural hazards to people, or property or infrastructure. One Moa Point resident submitted concerns about access up Stewart Duff Drive in an evacuation due to a tsunami. I note the SMF will not prevent this evacuation path and the CTP will require Stewart Duff Drive to be keep clear of construction vehicles. Likewise, the location of the SMF will not create additional stormwater on Moa Point Road or Stewart Duff Drive as another submitter raised as various conditions have been recommended, such as stormwater neutrality, which if included would remove the risk of overland flows from stormwater being any greater than at present.

Contaminated Land

Objective CL-O1: Contaminated land is identified and managed in order that it remains acceptable and safe for human health and its intended use.

Policy CL-P2: Identify contaminated and potentially contaminated land prior to subdivision, change of use or development by:

1. *Working with Greater Wellington Regional Council to maintain the Selected Land Use Register; and*
2. *Requiring the investigation of contaminant risks for sites with a history of land use or activity that could have resulted in contamination of soil*

Policy CL-P3: Minimise the risk to human health from the subdivision, change of use or specified development of contaminated land by:

1. *Encouraging a best practice approach to site management for sites with elevated contaminant levels, which may include remediation, containment, and/or the disposal of contaminated soil;*
2. *Ensuring the land is safe for its intended use; and*
3. *Ensuring that land containing elevated levels of contaminants is managed to protect mana whenua's significant sites, waterways, natural resources and associated values and relationships, as well as the general health and wellbeing of their people and rohe.*

Dr Dave Bull, the Council's Contamination advisor, has worked with the territorial authority's advisor (refer to the section 92 further information assessment) and has noted that the conditioned Contaminated Soils Management Plan will adequately address the requirement and once the underground tank is located and soil tests undertaken appropriate measures for remediation or disposal can be taken. Based on his assessment and engagement with the territorial authority's advisor I consider the proposal is consistent with objective CL-O1 and policies *CL-P2* and *CL-P3*.

Natural Hazards

Objective NH-O1: Subdivision, use and development within the Natural Hazard Overlays reduce or do not increase the risk from natural hazards to people, property and infrastructure

Policy NH-P1: Identify natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:

1. *The sensitivity of the activities to the impacts of natural hazards; and*
2. *The hazard posed to people's lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events*

Policy NH-P2: Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

1. *Allowing for those buildings and activities that have either low occupancy or low replacement value within the low, medium and high hazard areas of the Natural Hazard Overlays;*
2. *Requiring buildings and activities to mitigate the impacts from natural hazards to people, property and infrastructure in the low hazard and medium hazard areas within the Natural Hazard Overlays; and*
3. *Avoiding buildings and activities in the high hazard areas of the Natural Hazard Overlays unless there is an exceptional reason for the building or activity to be located in this area and the activity mitigates the impacts from natural hazards to people, property and infrastructure.*

Policy NH-6: Provide subdivision development and use for potentially hazard sensitive activities and hazard sensitive activities within the inundation area provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.

The SMF has a low occupancy value and would be located within the low tsunami hazard area and in a site subject to partial flooding / flood overlay as shown in the Natural Hazard

Overlays. This proposal accords with this objective and these policies as it provides mitigation measures to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.

Coastal Environment

Objective CE-O1: The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored or enhanced

Objective CE-O5: Subdivision, use and development in the Coastal Hazard Overlays reduces or does not increase the risk to people, property, and infrastructure

Policy CE-P2: Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; and
2. Does not establish new urban sprawl along the coastline.

As set out in the AEE the LVA has assessed the natural character values of the coastal environment proximate to the site to be low. This is due to the highly modified nature of the site and its surrounds, notably airport development. The subject site is landward of the extent of the coastal environment and not within the high or very high coastal natural character overlays. The development is in a site already occupied by the WWTP and the AGS Automotive building. It is already designated for wastewater plant use. The proposal consolidates development in an existing urban built area.

Policy CE-P8: Manage the removal of vegetation in the coastal environment as follows:

1. Allow for the removal of vegetation in the coastal environment outside of high coastal natural character areas;
2. Allow for the removal of exotic vegetation in the coastal environment within high coastal natural character areas; and
3. Only allow for the removal of indigenous vegetation in the coastal environment within high coastal natural character areas that:
 - a. Is of a scale that maintains the identified values; or
 - b. Is associated with ongoing maintenance of existing public accessways.

Vegetation removal is limited to the areas to the northeast and south of the building site and would be undertaken in conjunction with slope stabilisation and earthworks. As set out under condition 21.1 the site will be re-vegetated in line with WIAL requirements and in a manner that restores the indigenous biodiversity values. The proposal therefore is consistent with this policy.

Policy CE-P10: Avoid the establishment of activities that are incompatible with or detrimental to the natural character and qualities within the landward extent of the coastal environment

Policy CE-P12: Subdivision, use and development reduces the risk to people, property, and infrastructure by:

1. Enable subdivision, use and development that have either low occupancy, risk, or replacement value within the low, medium and high hazard areas of the Coastal Hazard Overlays;
2. Requiring mitigation for subdivision, use and development that addresses the impacts from the relevant coastal hazards to people, property, and infrastructure in the low and medium hazard areas; and
3. Avoiding subdivision, use and development in the high hazard area unless there is a functional and operational need for the building or activity to be located in this area

and incorporates mitigation measures are incorporated that reduces the risk to people, property, and infrastructure

As stated elsewhere in the report and in the AEE the land has an existing wastewater designation and is occupied by a wastewater facility, it is a low occupancy development, and is outside the areas of high risk. The SMF will be constructed within a built-up highly modified environment and will identify as part of the existing industrial development at the southern end of the WIAL designation. The proposal accords with these policies.

Earthworks

Objective EW-O1: Earthworks are undertaken in a manner that:

- 1. Is consistent with the anticipated scale and form of development in the relevant zone;***
- 2. Minimises adverse effects on visual amenity values, including changes to natural landforms;***
- 3. Minimises erosion and sediment effects beyond the site;***
- 4. Minimises risks associated with slope instability; and***
- 5. Protects the safety of people and property.***

Policy EW-P3: Require earthworks to be designed and carried out in a manner that maintains slope stability and minimises the risk of slope failure associated with natural hazards such as earthquakes and increased rainfall intensities arising from climate change.

Policy EW-P4: Require earthworks to adopt effective measures to manage the potential for:

- 1. Erosion, and the movement of sediment beyond the site, and in particular into surface water, where proposals for earthworks no greater than 3,000m² in area are concerned; and*
- 2. The movement of dust beyond the site, where all proposals for earthworks are concerned.*

Policy EW-P5: Require earthworks and associated structures, including structures used to retain or stabilise landslips, to be designed and constructed to minimise adverse effects on natural landforms and visual amenity and where located within identified ridgelines and hilltops ensure the effects are mitigated or remedied

Policy EW-P16: Provide for earthworks in Flood Hazard Overlays only where:

- 1. They would not significantly increase the flooding risk, when compared to the existing situation, to the site or neighbouring properties through the displacement of flood waters; and*
- 2. The ability to convey flood waters along overland flowpaths or stream corridors is not impeded as a result of the earthworks.*

The territorial authority has addressed this policy comprehensively and I note that the scale of the earthworks are consistent with the anticipated scale and form of development within the Airport or General Industrial Zones. The development site has been subject to a range of geotechnical investigations and a number of conditions have been agreed with the Council's Earthwork's Engineer to manage the earthworks process.

Part of the site is within a flooding overlay (inundation). No overland flowpaths or stream corridors would be affected by the works. The proposal will not increase flood risk to the site or to surrounding properties and is consistent with this policy.

Noise

Objective NOISE- O1: Amenity values and peoples' health and well-being are protected from adverse noise levels, consistent with the anticipated outcomes for the receiving environment.

Policy NOISE-P1: Enable the generation of noise from activities that:

- 1. Maintain the amenity values of the receiving environment; and*
- 2. Does not compromise the health, safety and wellbeing of people and communities*

Policy NOISE-P2: Enable construction activities while ensuring that unreasonable noise and vibration effects are managed effectively

Policy NOISE-P3: Allow for higher noise levels to be generated within (10) General Industrial Zone

The AEE and Marshall Day Noise Effects Assessment (Appendix K) have been reviewed by the Council's Acoustic Engineer. Mr Hannah has noted in his report that the predicted operational noise levels at all existing residential dwellings (some 230 metres to the south southeast) will be less than the set night-time limit. Predicted daytime construction noise is predicted to produce levels below the daytime noise limit set out in NZS6803:1999 *Acoustics Construction Noise*. Predicted night-time construction noise is predicted to produce levels of 7 dB above the recommended night noise limit at the closest *residential dwellings*, although he notes the intent for night-time construction is infrequent. Overall, this is acceptable and can be managed with conditions.

General Industrial Zone

Objective GIZ-O4: The scale, form and design of new development in the General Industrial Zone positively contributes to creating a well-functioning urban environment and responds to any functional needs or operational needs.

Objective GIZ-O5: Adverse effects from use and development of the General Industrial Zone are compatible with the local neighbourhood and managed effectively, particularly in relation to any sensitive activities in neighbouring zones

Policy GIZ-P6: Require uses and developments within the General Industrial Zone to maintain a reasonable level of amenity for adjoining Residential Zones or other sensitive activities.

The construction, operation and maintenance of the SMF is consistent with Objective GIZ-O4 and the associated policies for this underlying zone. The SMF responds to the well-functioning environment and meets the needs of a changing waste management environment. The SMF is compatible with the local neighbourhood and effects are to be managed via the condition suite to address the effects on sensitive neighbouring activities.

Given the location of the SMF is over 230m to the nearest residential boundary, is to be built in an existing 'sewage treatment' designation containing an existing wastewater facility and is adjacent to the southern end of the Airport Zone and a number of large industrial and commercial buildings and set at the base of the quarry, I consider the proposal can maintain a reasonable level of amenity the neighbouring Residential Zones or other sensitive activities.

Airport Zone

Objective AIRPZ-O3: Airport related, and non-airport activities are:

- 1. Compatible with the efficient operation, maintenance, and upgrading of the Airport and its associated effects;***
- 2. Compatible with the efficient and integrated functioning of other transport networks; and***
- 3. The operation of the Airport is protected from reverse sensitivity effects outside the Airport Zone.***

WIAL have worked with the territorial authority through this process and submitted in support, albeit subject to conditions. The conditions it requests are to ensure the ongoing efficient operation of the airport. The SMF is serviced from the southern entrance of Stewart Duff Drive and thereby is not interrupting the functioning of the airport's transport network. Given the site of the SMF and the airport operation, no reverse sensitivity issues have been raised. The proposal meets this objective.

Policy AIRPZ-P3: Discourage new non-airport related activities that:

1. *Compromise the long-term availability of land for airport or airport related activities;*
2. *Give rise to adverse effects on the safety and efficiency of the transportation network;*
3. *Significantly compromise the achievement of carbon neutral outcomes in the Airport as a whole; or*
4. *Are incompatible with the overall urban form of adjacent zones.*

The SMF is not a new 'activity'. The designation purpose of the PDP is described as for the *operation, maintenance and improvement of a sewage treatment plant* and the construction of the SMF is compatible with the designation purpose and the existing WWTP. The SMF will be constructed entirely within the new designation boundary as agreed with by WIAL. It is consistent with the form of the WWTP and the airport development at the southern end of Stewart Duff Drive. The proposal is consistent with this policy.

Policy AIRPZ-P5: Manage activity, building and structure effects in the Airport Zone, having regard to:

1. *Design, scale and location, and associated public and private effects, including the impacts of construction;*
2. *Compatibility with the role and function of the Airport Zone;*
3. *Whether the activity, building or structure is ancillary to and/or supports airport activities;*
4. *Safety, security and resilience of the Airport (and supporting infrastructure) as an air and land transport hub;*
5. *Efficiency and capacity of the Airport and other infrastructure and services;*
6. *Potential conflict with established or permitted activities on adjoining and adjacent land outside the Airport Zone; and*
7. *The need to measure, report and pursue decarbonisation of airport related activities, including embedded emissions from construction, and activity attracted by the Airport (such as public and private transport).*

As noted in the AEE the SMF site is not within WIAL's 2040 Masterplan. The SMF proposal has been developed in consultation with WIAL to ensure that it will not adversely impact airport operations. This has included requirements such as ensuring all structures and air discharge velocities are below the Obstacle Limitation Surface (OLS). The territorial authority has also consulted WIAL on proposed landscaping and sediment retention controls.

The territorial authority has worked in partnership with WIAL to develop the SMF proposal and ensure that it will not adversely impact airport operations and the future development of the airport. I agree that the proposal is consistent with these provisions.

Three Waters

Objective THW-O1: Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems.

Objective THW-O2: Enable subdivision, use or development in urban areas where:

1. **Sufficient existing or planned three waters infrastructure capacity and/or level of service is, or will be, available to service the use or development; or**
2. **It can be satisfactorily serviced through an alternative means where existing three waters infrastructure capacity and/or level of service is insufficient**

Policy THW-P2: The use of copper and zinc building materials is avoided or the effects of copper and zinc entering the stormwater system are mitigated through the use of appropriate treatment.

Policy THW-P4: Subdivision or development in urban areas is serviced by three waters infrastructure that:

1. *Meets the Wellington Water Regional Standard for Water Services v3.0 December 2021;*
2. *Has sufficient capacity to accommodate the development; and*
3. *Is in position prior to the commencement of construction.*

Wellington Water’s Land Development Engineer Mohammed Hassan has reviewed the proposal and noted there was capacity in the system for the proposal. Conditions requiring stormwater neutrality have been recommended, but not included in the condition set at this stage and will further reduce the risk of overland flows and flooding so it is important that they be included. A condition requiring no copper or zinc building material has been included. Overall, I consider the proposal is consistent with the relevant Three Waters objectives and policies.

Conclusion – Proposed District Plan

Overall, as set out above, the proposed designation is consistent with the objectives and policies of the Proposed District Plan. As such, in the whole I consider the proposed designation to be consistent with the strategic direction of the Proposed Wellington City District Plan.

8.2.6 Consideration of Alternatives - s168A(3)(b)

The territorial authority has provided an assessment of alternatives in Section 6 of the NOR.

In short, the choice of site was constrained by the plant area and footprint. Based on the criteria in table 6.2 the assessment found that there are very limited appropriate site locations across southern Wellington. Sites close to Moa Point WWTP and the Southern Landfill were considered.

I note with regard to 168A(3)(b)(i) at the time of lodgement, the requiring authority does not have sufficient interest in the land located at 141 Stewart Duff Drive (part of the proposed SMF site) to undertake the proposed works. However, agreement in principle has been reached between WCC and WIAL in terms of using the required land (both temporary and permanent) and purchasing the required land (for the permanent project footprint) to undertake the proposed works. It is expected that that the requiring authority will have a ‘sufficient interest in the land’ at the time that the designation is determined.

Based then on a comprehensive selection process outlined in section 6 of the AEE, Moa Point was the preferred option to take forward for the future of sludge management in Wellington.

Section 168A(3)(b)(ii) of the Act requires a decision maker to assess whether adequate consideration has been given to alternative sites, routes, or methods of undertaken the work if the requiring authority does not have an interest in the land sufficient for undertaking the

work; or it is likely that the work will have a significant adverse effect on the environment. I hold the opinion that the assessment of alternatives provided is acceptable and the location within land already designated for *operation, maintenance and improvement of a sewage treatment plant* would not give rise to significant adverse effects on the environment taking account what is proposed through the alteration to the existing designation.

8.2.7 Necessity for the Designation - s168A(3)(c)

The NOR identifies that a priority for WCC is waste minimisation initiatives through the Council's commitment¹ to reducing carbon emissions and reducing waste by a third by 2026. The construction, operation and maintenance of the SMF will assist with achieving this objective.

Additionally, the regional consents the Southern Landfill is operating under are about to expire. The specific consent (ref WGN070230) condition 10 requires WCC to investigate long term options for sludge reuse by May 2022.

The proposed works and designation are considered necessary to achieve the objectives for which the designation is sought. These objectives are set out in section 2.6 of the AEE

It is considered that the proposed designation will enable the construction, operating and maintenance of the SMF which in turn will provide for a sustainable and resilient long-term solution and significantly reduce the operational impact of sludge at the Southern Landfill. It will also provide an alternative waste management system as required by condition 10 of the regional resource consent.

8.2.8 Other Matters - s168A(3)(d)

Waste Minimisation and Emissions

The AEE provides an assessment of other relevant documents in section 9.8 through to 9.11. I consider the assessment to be accurate and accept the assessment. I note the SMF within the altered designation, is consistently cited as a key action for the reduction in emissions, achieving regional waste minimisation objectives, meeting waste and carbon reduction commitments, and reducing landfill waste.

GWRC Resource Consents

A list of GWRC consents applied for concurrently:

- [38469] and [38633] To undertake earthworks exceeding 3,000m², including the discharge of treated sediment laden water and potentially contaminated stormwater from areas of earthworks to land where it may enter water.
- [38632] To discharge operational stormwater to land where it may enter water from a new urban development associated with earthworks exceeding 3000m²
- [38468] To discharge contaminants to air associated with the operation of a Sludge Minimisation Facility at Moa Point, which includes odour emitted during the treatment process, contaminants generated from the combustion

¹ As identified in: Wellington Region Waste Management and Minimisation Plan (WMMP) 2017 – 2023 (2017), Te Atakura - First to Zero, Wellington's Blueprint for a Zero Carbon Capital (June 2019), Te Atakura – First to Zero Implementation Plan (August 2020) and Wellington City Council's Long-term Plan 2021-2031 (June 2021).

of biogas and an exhaust stack and enclosed biogas flare, and dust generated from the handling of the dried sludge cake.

The regional consents support the construction and operation of the SMF. I understand the Regional Council has worked with the territorial authority to ensure there is continuity of conditions and advisors were shared to provide consistent advice. I note at this stage these have not yet been granted.

9.0 ASSESSMENT UNDER PART 2 OF THE ACT

Section 5 - Purpose

The Commissioners' consideration of the NOR is subject to Part 2 of the RMA. Section 5 defines the purpose of the RMA as being '... to promote the sustainable management of natural and physical resources.'

In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The territorial authority has set out in section 9.12 of the NOR that: "*The proposal is critical to reducing the total volume of sludge disposed to land from Wellington's WWTPs and reducing the carbon emissions from treatment and disposal. The proposal meets the purpose of the Act*". I agree with this statement.

In addition, Part 2 of the Act requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

Section 6 – Matters of National Importance:

Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this NOR. The proposed designation is considered consistent with these matters, as follows:

Section 6 sets out the matters of national importance which are to be recognised and provided for in relation to all decisions under the Act, including this NOR. The proposed designation is considered consistent with these matters, as follows:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

The site is not within a coastal environment as defined by the Operative District Plan and not within not within a 'High Coastal Natural Character Area' or a 'Coastal or Riparian Margin' under the Proposed District Plan. There are no wetlands, lakes or rivers that will be affected as none are in close proximity.

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

No outstanding natural features or landscapes are contained within the site.

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

There is no significant indigenous vegetation on the site and the designation will not affect any area of significant habitat or fauna. Where there are lizards a Department of Conservation permit is being sought to safely remove them prior to construction. Condition 21.2 has been included in the altered designation to create an improved quality lizard habitat on the unaffected or modified slopes which surround the main construction site. The removal of the 'hillock' may have a greater impact on indigenous vegetation and habitats but is not part of this proposal and will be addressed separately. If not consented an alternative arrangement for managing the works would be necessary.

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

The proposed designation is not in the vicinity of the coastal marine area, lake or river, whereby public access could be affected or enhanced.

(e) The relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga:

The proposed designation is not in the vicinity of any site of significance to Iwi, as identified in the District Plan. Additionally, I am not aware of any cultural significance of this site which has not been identified in either the Operative or Proposed District Plan. Mana whenua have been engaged in the process and Māori values informed the selection criteria. Mana whenua were directly notified of the proposal but did not submit.

(f) The protection of historic heritage from inappropriate subdivision, use, and development.

The proposed designation does not include any work on historical areas or buildings.

Section 7 – Other Matters:

Section 7 includes matters that the consent authority shall have particular regard to. In this case the relevant section 7 matters are as follows:

Section 7(b) – The efficient use and development of natural and physical resources;

Section 7(c) – The maintenance and enhancement of amenity values;

Section 7(f) – Maintenance and enhancement of the quality of the environment.

Section 7(g) – Any finite characteristics of natural and physical resources

It is noted that 'amenity value' is defined under section 2 of the Act as:

“those natural or physical qualities or characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”.

The proposed SMF utilises land largely within the existing Designation 58 area containing the WWTP operating as an industrial site. It is in close proximity to the Airport and is considered unsuitable for a noise sensitive activity such as residential living.

Amenity values and the quality of the environment will be preserved through the suite of proposed conditions, which include design controls considered by the Council's urban design expert to ensure that the development is reasonably integrated into the surrounding neighbourhood and will mitigate adverse effects on neighbouring properties. For these reasons, I consider the proposed designation to meet the intent of section 7.

Section 8 – Treaty of Waitangi:

Section 8 requires that the principles of the Treaty of Waitangi be taken into account in relation to managing the use, development, and protection of natural resources. The principles of the Treaty of Waitangi include the duty of the Crown to actively protect Māori interests and make informed decisions (which in most cases will require consultation).

Section 9.12.4 addresses Section 8 comprehensively and I note that mana whenua have been involved in the process from the outset. Ongoing engagement will take place as WCC is seeking to engage with both Taranaki Whānui and Ngati Toa to work collaboratively on developing a 'Biosolids Reuse and Management Plan' as part of the Takai Here Partnership Agreement which will "*detail how all parties will engage on wider long term waste management and minimisation initiatives for the City*". I therefore consider the proposed designation to meet the intent of section 8.

Part 2 Conclusion:

Overall, the proposed designation is considered to meet the stated intention of Part 2 of the Act in that it represents the sustainable management of a physical resource, and is acceptable when considered against section 6, 7 and 8 of the Act.

10.0 CONCLUSION

Wellington City Council as a territorial authority has given notice to amend the designation boundary of the existing Moa Point Drainage and Sewage Treatment Designation (58 / WCC6) at 127 and 141 Stewart Duff Drive, Moa Point, to include additional land within the aforementioned areas and the construction of the Sludge Minimisation Facility.

For the reasons as described above, it is considered that the proposed alteration will have no more than minor effects on the environment. I also consider the effects will be acceptable. The planning and regulatory framework clearly indicates the outcome for this NOR. I have considered the purpose and principles in Part 2 of the Act, and I agree with section 9.12 of the AEE that this proposal will provide a sustainable and resilient long-term solution, while providing the ability for current and future generations to meet their social, economic and cultural needs. Additionally, I agree the relevant section 6 matters have been recognised and provided for, and that the proposal is acceptable when considered against both sections 7 and 8.

11.0 RECOMMENDATION

It is my recommendation:

1. That the Hearing Commissioner recommend to the Wellington City Council as 'Territorial Authority' that the requirement to alter existing designation 58 be confirmed under section 168A(4)(a) of the Resource Management Act 1991, subject to

conditions being imposed under section 168A(4)(c) of the Resource Management Act 1991.

2. That to give effect to Recommendation (1) above, the conditions as recommended in Appendix 11 and the additional conditions referred to in this report be imposed on the designation for inclusion in the Wellington City District Plan.

I note that my recommendation is based on the information provided to date. I reserve the right to reconsider this position, or any aspect thereof, should any new information or expert evidence eventuate prior to or at the hearing.

Report prepared by Monique Zorn



Monique Zorn

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- Appendix 1 – Submissions
- Appendix 2 – Council Air Quality Report
- Appendix 3 – Council Urban Design Report
- Appendix 4 – Council Ecology Report
- Appendix 5 – Wellington Water Services Report
- Appendix 6 – Council Traffic Report
- Appendix 7 – Council Noise Report
- Appendix 8 – Council Contamination Statement
- Appendix 9 – Council Earthwork's Report
- Appendix 10 – GWRC Natural Hazard Review
- Appendix 11 – Conditions