

Officers direct referral report (s87F) for the two notified resource consent applications submitted to Greater Wellington Regional Council which form part of the North Kumutoto Precinct Project

Summary of resource consents sought from GWRC for the North Kumutoto Precinct Project

Proposal One Summary

Proposal	Construction of a five level commercial building	
Location	10 Waterloo Quay, Wellington (Site 10)	
Map Reference	At or about map reference NZTM: 1749052.5428483	
Legal Description	Pt Lot 102 DP 65083, Pt Lot 1 DP 363596 and Pt Lot 9 DP 65083	
Applicant	Site 10 Redevelopment Limited Partnership	
Application Reference	Application 2 - Consents sought from GWRC	
File Reference	WGN150102	
Activity	To take groundwater during construction; to discharge contaminants to land and to groundwater during construction; and to permanently divert water during and post construction of the new commercial building.	
Consents	[33223]	Water permit to temporarily take groundwater during construction of the basement level of a commercial building. Discretionary Activity under the Regional Freshwater Plan.
	[33224]	Discharge permit to temporarily discharge contaminants to land, including to the reticulated stormwater system; and to groundwater during construction of a new commercial building. Discretionary Activity under the Regional Discharges to Land Plan and the Regional Freshwater Plan.
	[33393]	Water permit to permanently divert groundwater during and post construction of the new commercial building. Discretionary Activity under the Regional Freshwater Plan.

Proposal Two Summary

Proposal	Construction of public open spaces.	
Location	59 Customhouse Quay Wellington (Site 8) and coastal marine area	
Map reference	At or about NZTM: 1748989.5428345	
Legal description	Pt Lot 102 DP 65083, Pt Lot 1 DP 363596, Pt Lot 9 DP 65083, Pt Lot 1 DP 66836, Pt Lot 1 DP 64676 and a portion of adjoining legal road (Waterloo Quay), Part Harbour Bed (SO 34581) and Part Wellington Harbour (Port Nicholson)	
Applicant	Wellington City Council	
Application Reference	Application 4 – Consents sought from GWRC	
File Reference	WGN150103	
Activity	To construct use and maintain additions and alterations to protected wharf and reclamation edges including any disturbance of the coastal marine area; to occupy the coastal marine area with additions to the features of historic merit; and to discharge contaminants to the coastal marine area during construction of public open spaces located within and adjacent to the coastal marine area.	
Consents	[33225]	Coastal Permit to occupy the coastal marine area with additions and alterations to protected wharf and reclamation edges located in the coastal marine area. Controlled Activity under the Wellington Regional Coastal Plan.
	[33226]	Coastal Permit to construct, use and maintain additions and alterations to protected wharf and reclamation edges including any associated disturbance to the coastal marine area. Discretionary Activities under the Regional Coastal Plan.
	[33227]	Discharge Permit to discharge contaminants to the coastal marine area during the construction of the public open spaces located within and adjacent to the coastal marine area. Discretionary Activities under the Regional Coastal Plan.

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Report peer reviewed by:	Christopher Fern	Resource Advisor, Environmental Regulation		31/03/2015
Report approved for release by:	Alistair Cross	Manager, Environmental Regulation		31/03/2015

Qualifications of reporting officer

My name is Douglas Fletcher and I have been working as a Resource Advisor for Greater Wellington Regional Council since November 2012. I hold a Bachelor of Science with a major in Geography from the University of Auckland. Additionally I worked for the Rodney District Council for two years as a Resource Consent Planner prior to the Rodney District Council becoming part of the Auckland Council.

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North Kumutoto Precinct Project

1. Purpose

The North Kumutoto Precinct Project (NKPP) consists of two individual proposals (four resource consent applications). Proposal One (Applications 1 and 2) relate to the development of a new building and associated earthworks on Site 10; and, Proposal Two (Applications 3 and 4), relates to the development of public open space within Site 8 and its immediate surrounds. The project requires resource consents from both Greater Wellington Regional Council (GWRC) (Applications 2 and 4) and Wellington City Council (WCC) (Applications 1 and 3).

This report provides an analysis of the resource management issues within Applications 2 and 4, as these are the two applications within the jurisdiction of GWRC. The activities outlined within Applications 1 and 3 fall within the jurisdiction of WCC and as a result are being considered by WCC.

2. Background

On Tuesday 11 November 2014 GWRC received the two applications. On Thursday 20 November 2014 the applications were publicly notified in the Dominion Post. By close of submissions a total of 45 submissions were received. Five submissions were received in support (either in full or in part) and 40 submissions were received in opposition (either in full or in part).

On 19 December 2014 Site 10 Redevelopment Limited Partnership and WCC applied to WCC and GWRC for the four applications to be determined by the Environment Court (a direct referral).

On 30 January 2015 the direct referral requests were approved by GWRC and WCC to allow the publicly notified resource consent applications relating to the NKPP, to be determined by the Environment Court.

Applications 1 and 2 are interrelated insofar as the consent sought from WCC (Application 1) cannot be implemented without first obtaining the consent sought from GWRC (Application 2). Similarly, the resource consent sought from WCC in relation to Application 3 cannot be implemented without obtaining the related consent sought from GWRC (Application 4), although it is possible for Proposal One and Two to be implemented independently.

3. Location

The North Kumutoto Precinct is an area of the Wellington Waterfront that lies between Shed 21 to the north and the Kumutoto Plaza and Meridian Building to the south.

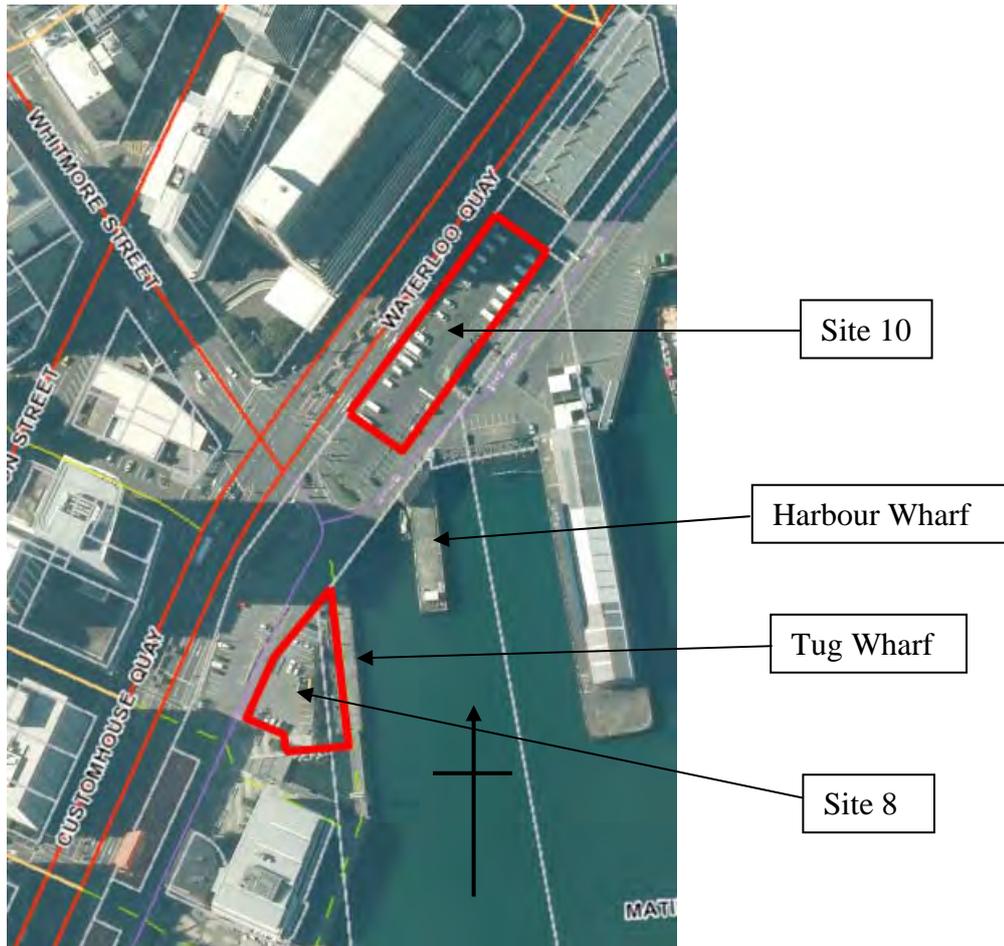


Figure 1: Aerial image showing the approximate locations of Site 10 in the north and Site 8 in the south

With the exception of some proposed additions to structures located within the coastal marine area (CMA), the site and surrounding Kumutoto area is owned by Wellington Waterfront Limited who holds the site as bare trustee for WCC. WCC manages the site through its business unit City Shaper.

Proposal one of the NKPP predominantly requires works at Site 10, including diversions and discharges. It is located at 10 Waterloo Quay. The site is presently used as the Wellington Waterfront Motorhome Park. The legal descriptions of the land parcels subject to Proposal one works are:

- Pt Lot 102 DP 65083
- Pt Lot 1 DP 363596
- Pt Lot 9 DP 65083

Proposal two predominantly requires works at Site 8, which is the area west of the Tug Wharf and north of where the Kumutoto stream flows into the CMA. The area is currently used as a car park. The legal descriptions of the land parcels subject to proposal two works are:

- Pt Lot 1 DP 363596

- Pt Lot 1 DP 66836
- Part Harbour Bed (SO 34581) – NOTE: this is CMA.

Proposal two also involves structures within the CMA including works adjacent to the former Eastbourne ferry terminal building and additions and alterations to the existing protected wharf and reclamation edges. Note: Any extension, addition or external alteration to existing structures listed in Appendix 4 of the Regional Coastal Plan (RCP) requires resource consent. As does any occupation of the CMA that is not a permitted activity.

See section 9.7. “alteration of historic structures” and section 9.8 “occupation of the CMA with structures” of this report for more detail.

4. Existing environment

4.1 Site history

Numerous historic reclamation projects have formed the current Wellington waterfront, including the North Kumutoto Precinct. Reclamations began in the Wellington waterfront in the mid-1800s. The land beneath sites 9 and 10 and the area between these two sites was reclaimed around 1900. Site 8 was reclaimed in the 1970s.

Existing coastal structures in the area such as the Harbour Wharf and Tug Wharf are over 100 years old.

The Kumutoto area has been subject to recent development under resource WGN050228. This development included extensions to existing promenades, “daylighting” of the Kumutoto Stream and excavation of the CMA.

4.2 Uses of Kumutoto area

Much of the North kumutoto precinct is used for surface level car parking and as a motorhome park. The North kumutoto precinct is generally used as a means of access to other parts of the waterfront rather than as a destination point.

The wharves in the area are still in operation and used for berthing vessels, the Harbour Wharf is used by the NZ police for berthing their two vessels.

4.3 Character and existing landscape

The existing wharves wharf edges and reclamation edges define the harbour edge at North Kumutoto. The area surrounding Shed 10 is extensively modified with a variety of hard structures in place to prevent coastal erosion and service commercial port activities. Some of these features are also listed in Appendix 4 of the Regional Coastal Plan (RCP) which identifies features and buildings of historic merit. See Table 1 below.

Table 1: Features and Buildings of Historic Merit – Appendix 4 of the RCP

Name	Location	Structure
Former Eastbourne Ferry Terminal	Tug Wharf	Building
Wharves and Wharf Edges	Tug Wharf to Overseas Passenger Terminal	Wharfs
Reclamation Edge	Lagoon to Tug Wharf Vicinity	Rock rip-rap

The above features and buildings will be affected by the proposed works that are outlined in proposal two and application WGN150103.

Of these features only the Eastbourne Ferry Terminal is also listed in the Heritage New Zealand register of historic places, historic areas, or wahi tapu.

4.4 Contamination

Attached to the application as “Appendix 18” is a Ground Contamination Assessment Report. This report was prepared by Tonkin and Taylor and dated October 2014.

Note: this assessment shall be referred to as (T&T, 2014) for the remainder of the report.

4.5.1 Sites contamination

(T&T, 2014) outlines the following in regards to contamination at sites 8, 9 and 10.

In some areas of the Wellington waterfront, historic reclamation and/or previous uses have left a legacy of site contamination. The majority of land beneath Sites 9 and 10 and the area between these two sites was reclaimed in the early 1900s. The source of this reclamation fill is unknown. Site 8 is believed to have been reclaimed in the 1970s using quarried gravel.

Sites 9 and 10 are not located on land that is listed on the GWRC Contaminated Site Register (The Selected Land Use Register (SLUR)). A small portion of Site 8 is positioned on the parcel of land legally described as Part Bed Port Nicholson Survey Office Plan 34851. This parcel of land which also intersects with part of the “Queens Wharf” area is listed on GWRC’s SLUR database due to a 10,000 litre fuel tank used by Rick Lucas Helicopters.

Site investigations completed by the applicant did not identify contaminated fill at Site 8 but did identify contaminated fill at sites 9 and 10 which were subject to fill in the early 1900s. Identified contaminants include asbestos, heavy metals and polycyclic aromatic hydrocarbons. Therefore, there is the potential for elevated concentrations of metals and Polycyclic Aromatic Hydrocarbons (PAH) in groundwater at these locations.

4.5.2 Marine contamination

Attached to the application as “Appendix 16” is an Ecology Report. The report was written by Dr J. G. Helson and dated August 2014. It investigated the likely effect on the marine environment of the proposed development at Site 10 Kumutoto and landscaping at Site 8.

Note: this assessment shall be referred to as (Helson, 2014) for the remainder of the report.

(Helson, 2014) states that studies examining sediment contamination associated with stormwater drains in Wellington Harbour have found elevated metal concentrations associated with all stormwater drains studied and that studies primarily attributed this contamination to outflow from stormwater drains.

5. **Proposal/description of activities**

Proposal one – Application 2 – WGN150102 [33223], [33224] and [33393]

Site 10 Redevelopment Limited has applied for resource consents required to construct a five level commercial building. These include:

- [33223] a water permit to temporarily take water during construction
- [33224] a discharge permit to temporarily discharge contaminants to land (the reticulated stormwater system) from dewatering the contaminated site and to groundwater during construction of the commercial building basement level
- [33393] a water permit to permanently divert water during and post construction

Proposal two – Application 4 – WGN150103 [33225], [33226] and [33227]

WCC has applied for resource consents required to develop public open spaces. These include:

- [33225] a coastal permit to occupy the coastal marine area with additions and alterations to features of historic merit located in the coastal marine area
- [33226] a coastal permit to construct, use and maintain additions and alterations to features of historic merit including any disturbance to the coastal marine area
- [33227] a discharge permit to discharge contaminants to the coastal marine area during the construction of the public open spaces located within and adjacent to the coastal marine area

6. Statutory reasons for requiring resource consents

6.1 Resource Management Act 1991

Under sections 12, 14 and 15 of the Resource Management Act 1991 (the Act) the proposed activities are governed as follows:

- Section 12(1) – Restrictions on certain uses of the foreshore or seabed
- Section 12(2) – Restrictions on occupying the foreshore or seabed
- Section 14(2) – Restrictions on the taking, using, damming, or diverting water
- Section 15(1) – Restrictions on the discharge of contaminants into the environment

The activities proposed by the applicant are not permitted as of right under these sections of the Act or by the regional plans; therefore, resource consent is required.

6.2 Regional Rules

Application 2

6.2.1 WGN150102 [33223]

Water take

The applicants have not stated whether they can meet the conditions outlined in rule 7 of the Regional Freshwater Plan (RFP) which provides for “minor abstractions”. Therefore, the proposed abstraction of water during dewatering is considered a **discretionary activity** under rule 16 of the RFP.

Note: Originally water permit [33223] provided for two activities; the temporary take of groundwater and the permanent diversion of groundwater. For clarity reasons it was decided to separate these two activities by creating a new water permit for the permanent diversion of groundwater hence water permit [33393].

6.2.2 WGN150102 [33393]

Diversion of groundwater

The applicants have not stated whether they can meet the conditions outlined in rule 9B “diversion of groundwater”. Rather they have chosen to apply for the proposed groundwater diversion caused by construction of the basement level under rule 16 of the RFP as a **discretionary activity**.

Note: Water permit [33393] was created because the diversion of groundwater caused by constructing the Site 10 building basement level will be permanent whereas the take of groundwater as described in [33223] is a temporary activity.

Splitting the take and diversion activities into two separate water permits does not change what activities the applicant has applied for. Separating the activities will provide more clarity and logistic sense for all persons dealing

with the consents. For example, once the temporary take of groundwater under [33223] has ceased conditions in the consent relating to that activity will cease being relevant. The conditions within groundwater diversion will, however, continue to be relevant as the activity is ongoing.

6.2.3 WGN150102 [33224]

Discharge of contaminants to land

The discharge of contaminants to land (the reticulated stormwater system) from dewatering groundwater from the contaminated site is a **discretionary activity** under Rule 2 of the Regional Discharge to Land Plan (RDLP).

The discharge of any contaminants into or onto land which is, or is part of, the site, in association with the on-site remediation of the contaminated site is a permitted activity under Rule 21 of the RDLP subject to conditions.

Discharge of contaminants to groundwater

The applicant has proposed to use of the construction method deep soil mixing to construct the basement level of the proposed commercial building. This will result in a discharge of contaminants to groundwater which is considered a **discretionary activity** under rule 5 of the RFP.

Note: The Act defines **fresh water** as all water except coastal water and geothermal water. Therefore, this includes groundwater.

6.2.4 Construction of a bore

Rule 15 of the RFP states that the construction of any bore is a discretionary activity.

Bore is defined in the RFP as follows:

[Bore means any hole regardless of the method of formation that has been constructed to provide access to groundwater, or which intercepts groundwater in an aquifer, excluding geotechnical investigation bores other than in the Lower Hutt Groundwater Zone shown in Figure 9.3a of Appendix 9.]

I consider that the excavation to create the basement level of the commercial building at Site 10 does not constitute the construction of a bore. This is because the primary purpose of the excavation is to construct the basement level of a building, the subsequent access to groundwater is incidental; furthermore, the excavation is to take place within an area of reclaimed land and not in an aquifer; and the applicant's groundwater monitoring investigations have shown that there is direct hydraulic connectivity between the site and the sea.

Application 4

6.2.5 WGN150103 [33225]

Occupation of the coastal marine area

The applicants have not stated whether the proposal can comply with rule 11 of the Regional Coastal Plan (RCP) which provides for occupation of the CMA

by structures as a permitted activity. Rather the applicants have applied for occupation of the CMA under rule 16 of the RCP as a **controlled activity**.

Note: A number of rules in the RCP including rules 13 and 25 provide for additions and alterations to existing structures located in the CMA; however, the RCP does not provide for the occupation of additional space within the CMA which occurs as a result from these additions and alterations.

6.2.6 WGN150103 [33226]

Additions and alterations to existing structures within the CMA.

The applicants have not stated whether the proposed additions and alterations to existing structures including the protected wharf and reclamation edges can comply with rule 13 of the RCP which provides for additions and alterations to existing structures as a controlled activity. Rather they have conservatively applied for the additions and alterations under rule 25 of the RCP as a **discretionary activity**.

Disturbance of the CMA

The disturbance of the seabed associated with the placement of the proposed structures is a **discretionary activity** pursuant to Rule 40 of the RCP as rule 25 of the RCP does not provide for any disturbance.

6.2.7 WGN150103 [33227]

Discharge of contaminants to the CMA during construction of public open space in and adjacent to the CMA

The discharge of contaminants to the CMA from construction works in and adjacent to the CMA including reinstating rock rip-rap is not expressly allowed by a rule in the RCP. Rule 61 of the RCP provides for the discharge of a contaminant or water onto land or water in the coastal marine area, outside any Area of Significant Conservation Value as a **discretionary activity**. I consider that the proposed discharge falls within the ambit of this rule.

I have considered the proposal as a whole as a **Discretionary activity**. This is in accordance with the principle of consent bundling (*Tairua Marine Limited v Waikato Regional Council*, High Court CIV-2005-485-1490) that provides where there is an overlap between two consents it is generally appropriate to treat the application as one requiring assessment on the basis of the most restrictive activity.

7. Notification and submissions

7.1 Notification

As outlined in Section 2 of this report “background” The application was publicly notified in the Dominion Post on Thursday 20 November 2014. In addition signs were installed at the site.

7.2 Submissions

A total of 45 submissions were received in relation to the applications. Three of these submissions (Submission No: 43 to 45) were late submissions, but were each received on the next working day after the close of submissions. All late

submissions were accepted. The general position of the submissions are outlined the table 2 below

Table 2: The general position of the submissions

General Position of Submission	Total
Oppose	37
Oppose in part	1
Support	3
Support in part	3
Submissions that are Neutral	1
Total Submissions received	45

For convenience, these submissions have been summarised in Appendix 3 of this report.

7.3 Issues raised by submissions

I reviewed all 45 submissions and found that 11 of the 45 submissions raised issues relevant to the applications being considered by GWRC. These 11 submissions highlighted a number of common concerns which I have outlined in the Table 3 below.

Table 3: Issues raised in submissions that are relevant to the applications being considered by GWRC

Issues	No. of times issue raised
Effects of sea level rise caused by climate change	7
Effects from the discharge of contaminants to the CMA	7
Effects on historic heritage	3
Effects from construction within the CMA and from occupying the CMA with new structures.	3

A summary of the submissions that raise issues relevant to the applications being considered by GWRC are attached as Appendix 4.

8. Matters for consideration

This section sets out the framework that has been used to assess the application.

8.1 Statutory criteria

The sections of particular relevance to this application are listed below, and the relevant sections of the Act are presented in their entirety in Appendix 2 to this report.

Section 87F of the Act outlines that if a consent authority grants a request for direct referral it must prepare a report on the application and in the report, the consent authority must—

- (a) *address issues that are set out in sections 104 to 112 to the extent that they are relevant to the application; and*
- (b) *suggest conditions that it considers should be imposed if the Environment Court grants the application; and*
- (c) *provide a summary of submissions received.*

The matters to which a consent authority shall have regard when considering applications for resource consents and submissions are set out in section 104(1) of the Act as follows:

When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*
 - i. *a national environmental standard,*
 - ii. *other regulations,*
 - iii. *a national policy statement,*
 - iv. *a New Zealand coastal policy statement,*
 - v. *a regional policy statement or proposed regional policy statement; and*
 - vi. *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

The provisions of s 104 are all "subject" to Part 2, which means that the purpose and principles of the Act are paramount.

8.2 Planning instruments and other matters

The following planning instruments and documents are relevant to this application:

National

- The New Zealand Coastal Policy Statement 2010
- The National Policy Statement for Freshwater Management 2011

Regional

- The Regional Policy Statement for the Wellington Region 2013
- The Regional Coastal Plan for the Wellington Region 2000
- The Regional Freshwater Plan for the Wellington Region 1999
- The Regional Plan for Discharges to Land in the Wellington Region 1999

- The WCC District Plan

I have deferred assessment of the WCC District Plan to WCC. The relevant provisions of the other planning instruments mentioned above are included in Appendix 2 to this report.

The actual and potential effects on the environment of allowing the activities are addressed in Section 9 of this report.

The relevant provisions of the planning instruments outlined above (apart from the WCC District Plan) are discussed in Section 10 of this report.

8.3 Matters relating to the grant of discharge permits

Section 105 of the Act lists additional matters that a consent authority must have regard to when considering applications for discharge or coastal permits to do something that would contravene section 15 of the Act. These matters are addressed in Section 9 of this report.

Section 107(1) of the Act places restrictions on the grant of resource consents for the discharge of contaminants into water if they cause certain adverse effects in receiving waters after reasonable mixing. The effects listed in section 107(1) of the Act are also discussed in Sections 9 and 10.2.5 of this report.

9. Assessment of actual and potential effects 104(1)(a)

I have considered the potential adverse environmental effects of the two applications referenced WGN150102 and WGN150103 which comprise the parts of the NKPP being considered by GWRC. I have split the assessment with respect to short-term effects when the site is under construction, and on-going or long term effects following construction.

Short term effects

9.1 Discharges to land

9.1.1 Effects of proposals

The application referenced WGN150102 describes the following construction activities that will result in discharges to land (the reticulated stormwater network) which will then enter the Wellington Harbour, which is adjacent to the site:

- Discharge to the stormwater network from excavation of Site 10 to allow for the construction of the commercial buildings basement level will potentially mobilise contaminants known to be within the site including asbestos, heavy metals and polycyclic aromatic hydrocarbons
- Dewatering of water from the Site 10 excavations to the stormwater network during construction of the commercial building basement level and the discharge of this water to land (the stormwater system)

9.1.1.1 Authorisation requirements - WCC and Wellington Water Limited

Note: I feel that it is important to raise here that any proposal to discharge water other than stormwater to the stormwater network in Wellington City requires authorisation from WCC and Wellington Water Limited (network owner and operator respectively). Authorisation is needed as WCC hold a suite of resource consents from GWRC which allow them to discharge stormwater from their stormwater network to the Wellington Harbour – subject to a range of conditions – some of which may be impacted by the applicant’s proposed discharge. The applicant will need to obtain authorisation prior to commencing discharges to the stormwater network.

9.1.1.2 Marine environment

(Helson, 2014) for the applicant states the following:

- The marine environment in the vicinity of Site 10 is already contaminated with heavy metals, should any groundwater enter the marine environment this would merely introduce additional contaminants into an already-contaminated environment. Given that animals in the vicinity of Queens Wharf already live within and on top of contaminated sediment, and are likely to have adapted to some degree to this environment, the biological effect is likely to be negligible.
- Any further and indirect contamination is not likely to have a significant effect on the marine environment due to the low likelihood of this occurring, the already contaminated nature of the receiving environment and the capacity to mitigate such effects.

Dr Megan Oliver, GWRC Environmental Scientist, Aquatic Ecosystems and Quality reviewed (Helson, 2014) for GWRC. Copies of Dr Oliver’s comments are attached in Appendix 4 of this report.

Dr Oliver advised the following:

- Overall I agree with the author, Jeremy Helson, that the effects of constructing the building at site 10 and associated landscaping will have a less than minor impact on the marine environment, provided all care is taken to treat the discharge and to minimise the volume of discharge to the CMA.

9.1.2 Avoiding, remedying and mitigating effects

Attached to the application as “Appendix 17” is a Basement Construction Method Statement by Dunning Thornton Consultants Ltd. This statement outlines steps for the basement construction.

Note: this statement shall be referred to as (Dunning Thornton Ltd) for the remainder of the report. The steps outlined in (Dunning Thornton Ltd) illustrate that the applicants intend to achieve the following:

- Control run-off from the excavations to ensure untreated sediment contaminated water does not enter the stormwater system
- Limit the volume of water entering the Site 10 excavations by constructing subterranean grout column walls within and around the perimeter of the building platform. This wall will limit the volume of water that needs to be de-watered and treated before being discharged from Site 10
- Appropriately treat water from within Site 10 (a contaminated site) before it is discharged from the site

To ensure discharges from the site do not cause a significant effect on the receiving marine environment Dr David Bull Senior Consultant, Site Investigation, Remediation and Auditing, Golder Associates (NZ) Limited was engaged by GWRC to review the groundwater sections of (T&T, 2014) and to provide appropriate water quality discharge limit compliance values based on the known contaminants identified in (T&T, 2014).

Copies of Dr Bull’s comments are attached in Appendix 4 of this report.

Dr Bull advised the following:

- Water sampling as part of the investigation was very limited
- Dr Bull agreed with T&T that groundwater is likely to be tidally affected, but it is not clear what the effect may be on water quality or quantity
- When sampled, groundwater was within the reclamation fill, but not necessarily in contact with the most contaminated material
- Material beneath the groundwater table may oxidise on exposure to air, leading to increased leaching of metals

Dr Bull advised that considering these factors, while concentrations of the contaminants of concern were low when sampled (below detection limits for metals and most polycyclic aromatic hydrocarbons (PAH)), we cannot be certain that these results will be representative of produced water from dewatering. Accordingly, Dr Bull advised that further monitoring and controls are appropriate.

Dr Bull recommended compliance limits for a water quality discharges to ensure water from the site is appropriately tested and treated before being discharged from site.

Dr Bull advised it would be reasonable to apply ANZECC (2000) trigger values for protection of 80% of marine species for the contaminants of concern. Dr Bull advised that this may be a rather conservative approach, as a short-term exceedance of compliance values by no means implies environmental harm, but the applicant had not in his view provided sufficient evidence to justify anything less stringent.

The ANZECC (2000) trigger values suggested by Dr Bull are listed below. They have been incorporated into a proposed water quality discharge limit condition within discharge permit [33224]:

- Copper 8 µg/L
- Lead 12 µg/L
- Zinc 43 µg/L

Dr Bull also advised the following trigger level for pH

- A pH value below 6 or above 8.5

Dr Bull advised that there is no corresponding ANZECC (2000) trigger value for PAH, and therefore was unable to recommend a water quality standard for this contaminant. Dr Bull advised that elevated PAH readily result in oil films and as a result recommended the use of a mixing zone condition. However, I have not recommended a mixing zone condition for discharge permit [33224] as once the treated contaminated water is discharged from the site and into the stormwater network the consent holders will effectively lose control of the quality of their discharge as it will mix with the stormwater already in the stormwater network, and this stormwater may already contain contaminants.

Dr Bull was also asked by GWRC to review supplementary information from Tonkin and Taylor. The supplementary information titled “Wellington Waterfront Site 10 – Groundwater and Contamination Assessment and Basement Dewatering Effects” is dated 20 February 2015.

Note: this assessment shall be referred to as (T&T, 2015) for the remainder of the report.

Dr Bull outlined that he did not believe the information in (T&T, 2015) required any change to the advice he had already provided GWRC.

Dr Oliver was engaged to recommend a compliance limit for total suspended sediment (TSS) which will result in acceptable effects on the receiving environment. Dr Oliver provided the following comments regarding setting a TSS compliance limit.

- The applicant has not provided baseline information on the receiving environment so she is unable to make an informed recommendation on TSS;
- There is no detail on how contaminated water will be treated, its anticipated efficiency or the frequency of discharge
- Furthermore there is no national guidance or standard relating to TSS in the marine environment

Dr Oliver has therefore recommended the applicant gives further consideration to the method of water treatment, the resultant water quality, and the water quality of the receiving environment, to determine an appropriate discharge limit for total suspended solids.

As a result of Dr Oliver's comments I consider that there is insufficient information to set a water quality discharge limit for TSS. However I still consider that a water quality limit for TSS is important for the following reasons:

- To manage the quality of dewatered water that is being discharged from the site and into the stormwater network so that the ecological effects on the receiving coastal environment are no more than minor.
- To limit potential effects on WCC and Wellington Water who hold consents to discharge stormwater to Wellington Harbour from the stormwater network.

I consider that it is important for a TSS limit to be included in the water quality compliance limit condition within discharge permit [33224] hence why TSS remains in the condition as a parameter to be tested for albeit without a corresponding concentration limit.

To resolve the lack of information which may have enabled development of a TSS water quality limit I considered the following options:

- Using the TSS water quality limit from other consents to discharge treated sediment laden water to the CMA e.g. Aotea Stage 10 WGN110111 [30702].
- Including an additional clause in the construction management plan condition located within discharger permit [33224] that would require the applicant to undertake further investigation to gather sufficient information to provide an appropriate TSS limit to GWRC for consideration.
- Encourage consultation between the applicant's experts and the experts engaged by GWRC at or prior to an Environment Court hearing to determine an appropriate TSS limit that both the applicants and GWRC were satisfied with prior to any consents being granted.

Of the three options outlined above, I consider that the addition of a clause in the construction management plan condition, located within discharger permit [33224], requiring the applicant to submit an appropriate TSS limit to GWRC for consideration is most appropriate.

Clause k) in the CMP condition within [33224] outlines that the TSS water quality compliance limit submitted by the applicant must show consideration of the following:

- The water quality of the final receiving environment (CMA).
- The sensitivity of the final receiving environment to increases in TSS.
- Expected volumes of water that will be dewatered from Site 10 and treated.
- Expected composition of suspended solids within water dewatered from Site 10.
- The intended method for treatment of contaminated water that is to be dewatered from Site 10.
- The expected water quality (TSS), post the intended method of treatment.
- The expected duration of discharges from Site 10 works.

Suggesting a TSS limit based on other granted consents is not ideal as other sites may be subjected to different variables e.g. the environments that would receive treated discharges may be different; and the composition of sediment to be treated may be different. Therefore a TSS limit for one site may not necessarily be appropriate or even achievable for another.

Determining a TSS limit via consultation between the applicant's experts and the experts engaged by GWRC at or prior to an Environment Court hearing may not be successful as the experts may still lack the information required to determine an appropriate limit.

9.1.3 Assessment

With the support of my technical experts I consider that, provided the applicant complies with the application documentation and meets the recommended conditions of consent outlined below, the proposed discharge of treated contaminated water to land will have acceptable effects on the receiving environment.

9.1.4 Recommended conditions

To supplement the mitigation measures outlined in the applicant's proposal and to avoid, remedy and mitigate any adverse effects that may be caused by discharges to land arising as a result of the proposed works, I have recommended the following consent conditions:

- A sampling condition requiring water to be tested prior to being discharged off site
- A water quality discharge limit condition will ensure water that is to be discharged from site meets water quality standards before it is discharged off site
- A reporting condition requiring the results of water quality testing to be provided to GWRC to enable assessment of compliance
- A construction management plan condition will ensure GWRC is satisfied with information relating to the proposed construction methodology prior to any works commencing on site. Information will include but not limited to:
 - The construction methodology
 - Methodology to collect and treat groundwater and/or sediment laden water from the excavated areas
 - Methodology for discharging treated groundwater and/ or sediment laden water from site
 - Representative water quality monitoring of the discharge, including the methodologies to be used and the parameters to be measured
 - Contingency measures, including additional methods to treat water if the water quality of the discharge is likely to cause an adverse effect

9.2 Discharges to the CMA

9.2.1 Effects of proposal

The application referenced WGN150103 describes the following construction activities that will result in discharge of contaminants to the coastal marine area:

- The construction of the public open spaces located within and adjacent to the coastal marine area. This will include alteration works to rock rip-rap and excavation of Site 8

These works generate sediment and increase turbidity in the waters of the coastal marine area which may result in adverse effects on ecology within the coastal marine area.

As outlined in the section of this report titled “discharges to land” Dr Oliver advised that the effects of the proposal will be less than minor, provided all care is taken to treat the discharge and to minimise the volume of discharge to the CMA.

9.2.2 Avoiding, remedying and mitigating effects

Although the applications do not contain a specific methodology of works for undertaking construction of the public open spaces located within and adjacent

to the CMA they have outlined a methodology in (Dunning Thornton Ltd) that demonstrates they have considered methods to control run-off from excavation works and to treat contaminated water prior to discharging it from site.

I consider that the discharge of contaminants to the CMA arising as a result of the construction of public open spaces can be mitigated through appropriate construction management and sediment control measures.

9.2.3 Assessment

With support from my technical experts I consider that, provided the applicant complies with the application documentation and meets the recommended conditions of consent outlined below, the proposed discharge to the CMA will have acceptable effects on the receiving environment.

9.2.4 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects that may be caused by the proposed disturbance to the CMA, I have recommended the following consent conditions:

- An erosion and sediment control plan (ESCP) condition which requires the consent holder to prepare and submit final ESCP to GWRC for approval at least 20 working days prior to the works commencing works. The ESCP shall be the satisfaction of GWRC prior to any works authorised by this consent commencing
- A mixing zone condition that will ensure that, after a 25 metre radius reasonable mixing zone treated contaminated water discharged to the CMA will not give rise to any of the following effects in the receiving waters:
 - a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - b) Any conspicuous change in the colour or visual clarity, or
 - c) Any emission of objectionable odour, or
 - d) Any significant adverse effects on aquatic life

I consider that a mixing zone condition is appropriate for any discharge to the CMA including discharge permit [33227] because it is possible to attribute any effects from the discharge e.g. a plume in the CMA, to a specific source.

Unlike discharge permit [33224] which is for a discharge to land (the reticulated stormwater system) which results in the discharge mixing with other potential contaminants in stormwater prior to it being discharge to the CMA.

- A condition to minimise sediment loading and increased turbidity in the CMA has also been included in coastal permit [33226] which provides for construction and disturbance in the CMA.

This condition will include requirements to:

- Ensure any materials/structures placed in the coastal marine area are clean and free of contaminants prior to placement; and
- Disturb the minimum area of seabed necessary
- Use appropriate sediment control measures (eg, floating sediment containment boom)

9.3 Discharge to ground water

9.3.1 Effects of proposal

The application referenced WGN150102 describes the following construction activities that will result in discharges to groundwater.

- The construction of a new commercial building, specifically construction of a basement level including piling and the subterranean column walls that are to be constructed in and around the perimeter of the building footprint at Site 10

The subterranean column walls are to be constructed using the method of deep soil mixing (DSM) which is a process of installing soil cement columns by grout mixing of in situ soils using an auger.

A potential adverse effect of this process is the leaching of grout or concrete into groundwater, which may increase groundwater pH.

9.3.2 Avoiding, remedying and mitigating effects

I consider that the proposed discharge to groundwater will be mitigated to an acceptable level so that it will not have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water. Furthermore, the proposed discharge will be to groundwater within a contaminated site and not to any freshwater ecosystem.

To ensure that effects on groundwater as a result of the proposed construction works are acceptable, the applicant has outlined in (Dunning Thornton Ltd) that they will undertake the following mitigation measures:

- Localised de-watering during basement construction works and the pumping of this water to settling tanks for appropriate treatment prior to it being discharged to the stormwater system

Further to the treatment proposed by the applicant, Dr Bull and Dr Oliver have suggested water quality limits that have been incorporated into a water quality discharge limit condition. The condition will ensure water that is to be discharged from site meets water quality standards before it is discharged. Suggested water quality limits include limits for pH, total suspended solids, total copper, total lead and total zinc.

9.3.3 Assessment

I consider that, provided the applicant complies with the application documentation and meets the recommended conditions of consent outlined below, the proposed discharge of contaminants to groundwater will have acceptable effects on the receiving environment.

9.3.4 Recommended conditions of consent

To supplement the mitigation outlined in the applicant's proposal and to avoid, remedy and mitigate any adverse effects they may be caused by discharges to groundwater arising as a result of the proposed works, I have recommended the following consent conditions:

- A water sampling condition will ensure water that is to be discharged from the site is tested prior to being discharged
- A water quality discharge limit condition will ensure water that is to be discharged from site meets water quality standards before it is discharged
- A water quality reporting condition will ensure the results of water quality testing is promptly given to GWRC to enable assessment of compliance.
- A construction management plan (CMP) condition will ensure GWRC is satisfied with key details for undertaking the works prior to any discharges commencing on site including but not limited to:
 - A detailed final construction methodology
 - Methodology to collect and treat groundwater and/or sediment laden water from the excavated areas
 - Methodology for discharging treated groundwater and/ or sediment laden water from site
 - Representative water quality monitoring of the discharge, including the methodologies to be used and the parameters to be measured
 - Contingency measures, including additional methods to treat water if the water quality of the discharge is likely to cause an adverse effect

9.4 Disturbance of the CMA

9.4.1 Effects of proposal

The application referenced WGN150103 describes the following construction activities that will result in disturbance to the CMA:

- Piling operations within the CMA for the additions and alterations to the Wharf edges
- Landscaping including alteration works to the existing rock rip-rap located west of the Tug Wharf. Note: the existing rock rip-rap forms the interface between the CMA and Site 8

Disturbance will generate sediment and increase turbidity in the waters where works are being undertaken which may result in adverse effects on ecology within the coastal marine area.

Some of the activities listed above will be undertaken in the coastal marine area below low tide level. Therefore, a localised increase in turbidity and sedimentation of the coastal marine area is unavoidable.

9.4.2 Avoiding, remedying and mitigating effects

As detailed in Section 4 of this report, the marine environment in the vicinity of the proposed development is highly modified and has undergone significant modification since the late 1800s. Reclamations, the construction of wharves, seawalls and rock rip-rap edge protection structures and the use of the area as a commercial port facility have altered the marine environment.

(Helson, 2014) states the following in regard to the existing environment:

- The marine environment in the vicinity of the proposed landscaping is a relatively small area of intertidal substrate and shallow subtidal seabed at a depth of approximately 1-2 metres below chart datum. The sea floor environment that would be affected is typical soft bottom substrate comprised of primarily mud and sand.
- The intertidal and shallow subtidal fauna inhabiting the rip-rap are species common to most hard substrates in Wellington Harbour and similar temperate environments throughout New Zealand. These include the common periwinkle, barnacles, limpets, chitons, bivalves, top shells, seaweeds, porcellanid crabs and star fish.
- The species that inhabit the subtidal sediments are considered to be common to those found in similar soft sediment environments. The area of the proposed development is not considered to be pristine and has undergone significant alteration as a result of the development of surrounding port facilities and the regular passage of vessels.

In Dr Megan Oliver's review of (Helson, 2014) she advised the following:

- That overall she agreed with the author, Jeremy Helson, that the effects of landscaping will be less than minor, provided all care is taken to treat the discharge and to minimise the volume of discharge to the CMA.
- That sediment dispersal resulting from the rip-rap realignment and extension should be limited to ensure any impacts will be minimal.

Considering the existing environment and temporary nature of works I consider that the effects from the proposed disturbance to the CMA can be mitigated through appropriate construction management and sediment control measures.

With support from Dr Oliver, I consider that any increase in turbidity as a result of the above works will be temporary, and will be limited to during construction, and while the rip-rap and piling stabilises.

9.4.3 Assessment

I consider that, provided the applicant complies with the application documentation and meets the recommended conditions of consent outlined below, the proposed disturbance of the CMA will have acceptable effects on the receiving environment.

9.4.4 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects they may be caused by the proposed disturbance to the CMA, I have recommended the following consent conditions:

- A CMP condition will ensure GWRC is happy with key information that relates to undertaking disturbance works in the CMA including but not limited to:
 - A detailed final construction methodology
 - An indicative timetable for the works
 - An Environmental Management Plan (EMP) for the works, detailing specific environmental measures to be taken to contain silt close to the works area
 - Procedures (immediate and subsequent) to be undertaken in the event of a spill of oil or other hazardous substances into the coastal marine area occurring
- A condition to minimise sediment loading and increased turbidity in the CMA. Including requirements to:
 - Ensuring any materials/structures placed in the coastal marine area are clean and free of contaminants prior to placement; and
 - Disturbing the minimum area of seabed necessary
 - Use of appropriate sediment control measures (eg, floating sediment containment boom)

9.5 Take of water

9.5.1 Effects of proposal

The application referenced WGN150102 describes the following construction activities that will result in a take of water:

- During construction of the basement level of the building to be constructed at Site 10 groundwater will need to be dewatered from the site. The dewatering at Site 10 constitutes a water take

(T&T, 2015) outlines that the volume of water that needs to be dewatered from site depends on the amount of seepage into the excavation and that this is highly dependent on the permeability and performance (water tightness) of the proposed cofferdam.

9.5.2 Avoiding, remedying and mitigating effects

The following reasons outline how the applicants will reduce to an acceptable level the effects arising from the proposed water:

- The proposed water take is only required during construction of the commercial buildings basement level at Site 10
- No fresh water bores are located close by. The closest bore is a geo tech bore (bore R27/7142) that is located approximately 285m North West of Site 10
- The GWRC GIS database does not identify any water take consents within the catchment where Site 10 is located.
- The groundwater take will avoid effects on any surface water body, as no surface water bodies are located in the vicinity of Site 10. (The GWRC GIS database shows the Kumutoto Stream as being located in a different catchment to site 10)
- (T&T, 2015) outlines that it is clear from the monitoring that there is direct hydraulic connectivity between the site and the sea

9.5.3 Assessment

I consider that, provided the applicant complies with the application documentation and meets, the recommended conditions of consent outlined below, the proposed water take will have acceptable effects on groundwater and the surrounding environment.

9.5.4 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects they may be caused by the proposed disturbance to the CMA, I have recommended the following consent conditions:

- A condition to notify GWRC when the excavated basement area has been sealed and water is no longer being collected, treated and discharged

Note: Sealing of the excavated basement area is defined as the installation of a permanent basement slab and sealing of the walls to significantly reduce or prevent groundwater inflows into the basement area.

9.6 Public access to CMA during construction

Attached to the application as "Appendix 22" is a construction management plan (CMP) for site 10. This report was prepared by Willis Bond & Co and L.T. McGuiness Building Contractors Limited; and dated October 2014.

Note: this assessment shall be referred to as (L.T. McGuiness, 2014) for the remainder of the report.

Section 1 of (L.T. McGuiness, 2014) outlines the objectives of the CMP. This includes the following:

- To establish how public interface will be managed
- Ensure the safety of the public at all times during works

Section 4 of (L.T. McGuinness, 2014) outlines the following:

- 1800mm high timber and wire mesh hoarding will be used to separate the public area from the construction zone
- Gantries will be used to allow public traffic along footpaths next to construction sites

Although the applications do not contain a specific CMP for undertaking construction of the public open spaces located within and adjacent to the CMA they have outlined a methodology in (L.T. McGuinness, 2014) that demonstrates they have considered methods to separate the general public from construction zones.

This suggests that during construction, public access through the North kumutoto precinct will be limited. This may include restrictions on access to the CMA when works are being undertaken there.

The applicant has not provided detail on the level of public access; however, I have recommended a condition of consent, requiring the consent holder to provide for public access, where possible, during construction.

I consider that; in the long-term, public access to the waterfront will be improved as a result of the proposed works. In particular, the proposed promenade extension, bridges and concrete paving platforms that step down to the CMA from Site 8 will increase connectivity between the different areas of North Kumutoto and connectivity between land and the CMA.

Long-term effects

9.7 Alteration of Historic structures

9.7.1 Effect of the proposal

The application referenced WGN150103 will involve additions and alterations to wharf and reclamation edges which are features and buildings of historic merit and listed in Appendix 4 of the RCP including the following:

- A waterfront promenade extension that will be built adjacent to the former Eastbourne Ferry Terminal building and above existing rock rip-rap. This promenade extension will attach to the north eastern side corner of the Harbour Wharf and to the coastal edge
- The construction of two footbridges that will extend from the public open space that is to be developed at Site 8 to the Tug Wharf which is located in the CMA
- Restoration of the timber wharf between the Former Eastbourne Ferry Terminal Building and the Tug Wharf

- Alteration of the rock rip-rap adjacent to Site 8 which will include the removal of some rock rip-rap and the construction of concrete paving platforms that step down into the CMA from Site 8

9.7.2 Avoiding, remedying and mitigating effects

Attached to the application as “Appendix 12” is a Historic Heritage Assessment. The report was written by Archifact – architecture & conservation Limited and dated October 2014.

Note: this assessment shall be referred to as (Archifact, 2014) for the remainder of the report.

(Archifact, 2014) stated the following in concluding comments:

- The integrated approach to the proposed developments including landscaping across both proposals shows a commitment to maintaining and enhancing the public environment
- The proposed development will further enhance the public environment by a visual and textural strengthening of the wharf and rip-rap reclamation edge and by enhanced pedestrian links between city and sea and the Site 8 landscaping work
- The proposed developments including the wider landscaping works responds in the round to adjacent heritage, the harbour and the broader city heritage context

Heritage Consultant Michael Kelly was engaged by GWRC to review (Archifact, 2014). Mr Kelly was asked to focus his assessment on the structures that are identified in Appendix 4 of the RCP as these are the only structure of historic significance within the jurisdiction of GWRC.

Copies of Mr Kelly’s comments are attached in Appendix 4 of this report.

Mr Kelly advised the following in his review:

- I concur that the proposed changes to the harbour edges, wharves and wharf edges will have relatively minor effects on historic heritage. The alterations are not without purpose; they are likely to improve the appearance and usefulness of the area, which may eventually enhance heritage values
- With the exception of the former Eastbourne Ferry Terminal, the items currently listed by GWRC in Appendix 4 of the RCP are not hugely significant from a heritage perspective; they are functional structures of modest historic and technical importance.

The concluding comments outlined in (Archifact, 2014) and in Mr Kelly’s review are supported by the submission from Heritage NZ which supported the applications within the NKPP.

9.7.3 Assessment

With the support from Mr Kelly I consider that, effects on historic structures will be acceptable because due to the following reasons:

- (Archifact, 2014) raised no concerns with regards to the proposed additions and alterations to the structures listed in Appendix 4 of the RCP
- The peer review completed by Mr Kelly agreed with the findings outlined within (Archifact, 2014)
- Heritage NZ submitted in support of the NKPP

9.7.4 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects on historic heritage, I have recommended the following consent conditions:

- A condition that will ensure the location, design, implementation and operation of the structures shall be in general accordance with the consent application and its associated plans and documents lodged with the GWRC

9.8 Occupation of the CMA with structures

9.8.1 Effect of the proposal

Application WGN150103 seeks to construct additions and alterations to existing structures located in the CMA. These include the following:

- The waterfront promenade extension that will attach to the north eastern side corner of the Harbour Wharf and to the coastal edge
- The construction of two footbridges that will extend from Site 8 to the Tug Wharf

9.8.2 Assessment

I consider that the proposed additions to the existing structures that require occupation consent are generally small in scale and due to their proposed locations will not cause any issues with the operation of existing port activities or navigational hazards because:

- The proposed promenade extension will largely be located above an area of exiting rock rip-rap
- The proposed footbridges will be located in a portion of the CMA that is inaccessible to vessels due its obscure location, ie, the small space between Site 8 and the Tug Wharf

Therefore I consider the effects of the additional occupation will be no more than minor.

9.8.3 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects arising from the occupation of the coastal marine area, I have recommended the following consent conditions:

- A maintenance condition that will ensure the structures authorised by this consent shall remain the responsibility of the consent holder and shall be maintained so that:
 - Any erosion of the coastal marine area that is attributable to the structures and works carried out as part of this permit is repaired by the consent holder
 - The integrity of the structure is maintained and no materials are dumped or stored on the structure
 - Access to the coastal marine area is not impeded by the structures, and
 - The structures do not pose a hazard to navigation or public safety

9.9 Natural hazards

9.9.1 Effect of the proposal

Proposal two of the NKPP will result in the construction of additions and alterations to existing coastal structures that are located in or adjacent to the CMA.

Proposal One of the NKPP will also result in the construction of a new commercial building on Wellington's waterfront; however, this activity falls within the jurisdiction of WCC and has not been assessed in this report.

The construction of any structures in or adjacent to the CMA must take into consideration natural hazards, especially the potential effects of climate change/sea level rise.

Attached to the application as "Appendix 21" is a Natural Hazard Assessment for site 10. The report was written by Richard Sharpe on behalf of Beca Ltd and dated 22 October 2014.

Note: this assessment shall be referred to as (Beca, 2014) for the remainder of the report.

(Beca, 2014) assessed climate change/sea-level rise issues with respect to the proposed development of Kumutoto-Site 10 on the Wellington waterfront. Specifically effects on the commercial building proposed for site 10.

Dr Iain Dawe, Senior Policy Advisor (Hazards) was engaged to review (Beca, 2014)

Copies of Dr Dawes comments are attached in Appendix 4 of this report.

The consideration of natural hazards, especially the effects of sea level rise, is more important for structures such as the commercial building proposed for Site 10 because unlike a coastal structure, such as a wharf, it has not been designed to be located within the CMA. The consideration of natural hazards such as sea level rise is less important for additions and alterations to existing coastal structures such as wharves, seawall or rock rip-rap as these structures have been designed to withstand a location in the coastal environment.

9.9.2 Assessment

I consider that the effects from natural hazards on the proposed additions and alterations to existing structures located within the coastal marine area will be no more than minor because the proposed additions and alterations will not create habitable structures rather they will result in additions and alterations to existing coastal structures that have been designed to be in the CMA and/or to interact with the coastal environment.

9.9.3 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects arising from natural hazards, I have recommended the following consent conditions:

- A maintenance condition that will ensure the structures authorised by this consent shall remain the responsibility of the consent holder and shall be maintained so that:
 - The integrity of the structure is maintained and no materials are dumped or stored on the structure, and
 - Access to the coastal marine area is not impeded by the structures, and
 - The structures do not pose a hazard to navigation or public safety

9.10 Diversion of groundwater

9.10.1 Effect of the proposal

The application referenced WGN150102 describes the following construction activities that will result in the permanent diversion of groundwater:

- The construction of a new commercial building at Site 10, specifically construction of the basement level

During site investigation groundwater was identified within Site 10. The diversion of this groundwater will commence once the proposed DSM perimeter wall has been constructed around the footprint of the Site 10 building. The DSM wall will effectively act as a coffer dam diverting groundwater around the Site 10 excavation. Once the basement level of the Site 10 building has been completed it will ensure the diversion of groundwater is permanent.

9.10.2 Assessment

I consider that the proposed permanent diversion will result in adverse effects on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water that are acceptable, as the proposed permanent diversion will be to groundwater within a contaminated site and not to any freshwater ecosystem.

Furthermore, as outlined in Section 9.5 “take of groundwater”

- No fresh water bores are located close by. The closest bores are geo tech bores. The closest (bore R27/7142) is located approximately 285m North West of Site 10
- GWRC GIS database does not identify any water take consents within the catchment where Site 10 is located.
- No surface water bodies are located in the vicinity of Site 10. (The GWRC GIS database shows the Kumutoto Stream as being located in a different catchment to site 10)

9.11 Cultural effects

9.11.1 Effects of the Proposal

Attached to the application as “Appendix 7” is a Cultural Impact Investigation report. This report was written by Wellington Tenth Trust and Port Nicholson Block Settlement Trust; and dated September 2014.

Note: this assessment shall be referred to as (WTT and PNBST, 2014) for the remainder of the report.

(WTT and PNBST, 2014) investigated the likely cultural impact of the proposed development at North Kumutoto. The report outlined the following in its concluding comments.

- The reconnection of the people of Wellington with the waters of Wellington harbour in a positive way is important, not only in terms of Māori culture, but also in terms of the overall culture of the City of Wellington
- The proposed building on Site 10 raises no particular tangata whenua issues in an area where large buildings were the norm for the last 100 years or more. The buildings bulk and form raise no particular cultural issues
- There is some possibility that Māori artefacts or archaeological items are within the footprint of the site and it would be prudent to have an accidental discovery protocol in place

9.11.2 Assessment

I consider that (WTT and PNBST, 2014) does not raise any concerns that relate to activities described in either WGN150102 or WGN150103.

9.11.3 Recommended conditions

To supplement the applicant's proposal and to avoid, remedy and mitigate any adverse effects arising from the proposed works, I have recommended the following consent conditions:

- An artefact condition will ensure that in the event koiwi, taonga or other artefact material is discovered in any area during the works, the consent holder shall ensure that Wellington Tenth's Trust and Port Nicholson Block Settlement Trust are immediately contacted, and construction work in that area shall be stopped immediately to allow a site inspection by this group and their advisors

10. Objective and policies of the relevant planning instruments 104(1)(b)

10.1 National planning instruments

10.1.1 The New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 (NZCPS) took effect on 3 December 2010. The preamble states that the New Zealand coastal environment is facing a number of key issues, including:

- *loss of natural, built and cultural heritage from subdivision, use, and development;*
- *compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area;*
- *continuing coastal erosion and other natural hazards that will be exacerbated by climate change and which will increasingly threaten existing infrastructure, public access and other coastal values as well as private property; and*

A consent authority, when considering an application for a resource consent, must, subject to Part 2 of the Act, have regard to, amongst other things, the relevant provisions of the NZCPS. I have assessed the proposed additional and alterations to existing structures, their occupation of the CMA and the proposed discharge to the CMA against the relevant objectives and policies of the NZCPS below.

10.1.1.1 Assessment of relevant objectives

Objective 1: *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land.*

I consider that, provided the applicant complies with the application documentation and meets the recommended conditions of consent, the proposed discharges to, and disturbance of, the CMA will have acceptable effects on the receiving coastal environment.

Conditions of consent will ensure that appropriate measures are utilised to appropriately treat contaminants from the Site 8 and 10 work sites before they are discharged into the surrounding environment. Finally (Helson, 20014) outlines that the receiving coastal environment where the CMA works are to be undertaken is already contaminated and the species that inhabit the subtidal sediments are considered to be common to those found in similar soft sediment environments. The area of the proposed development is significantly modified and has undergone substantial alteration as a result of the development of surrounding port facilities and the regular passage of vessels.

Objective 2: *To preserve the natural character of the coastal environment and protect natural features and landscape values.*

The North kumutoto precinct is a developed port area that has limited remaining natural character and natural features. The area has been a working port for over 100 years and in that time has been subjected to reclamations and the construction of numerous built structures.

Objective 3: *To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

The applicant has consulted with two iwi authorities, namely the Wellington Tenth Trust and the Port Nicholson Block Settlement Trust. These two iwi authorities prepared a cultural impact report on the NKPP as part of the consultation. The report did not raise any concern with the NKPP. This is covered in more depth in Section 9.11 “cultural effects” of this report.

Objective 4: *To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:*

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and*

- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

I consider that in the long-term, public access to the waterfront will be improved as a result of the proposed works. In particular, the proposed low level boardwalks and new bridges will increase connectivity between the different areas of North Kumutoto and connectivity between land and the CMA.

Access to the CMA may be restricted during construction works, however this potential restriction of access will only be short term – for the duration of construction and is a safety precaution to keep the general public out of work sites.

Objective 5: *To ensure that coastal hazard risks taking account of climate change, are managed by:*

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

The NKPP proposes additions and alteration to existing structures located in the CMA. Such development will always be prone to some coastal hazard risks as they are located in the CMA.

The North kumutoto precinct is highly modified; therefore, the restoration of natural defences is not practicable.

Furthermore, as highlighted in Section 9.9 “natural hazards” of this report, the risks from natural hazards on the structures within GWRC jurisdiction will be no more than minor because:

- The structures proposed in application WGN150103 are not habitable structures
- The proposed additions and alterations will be to existing coastal structures that have been designed to be in the CMA and/or to interact with the coastal environment

Objective 6: *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

- *functionally some uses and developments can only be located on the coast or in the CMA;*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Application WGN150103 will not result in any new stand-alone structures in the CMA. The proposed additions and alterations will be to existing structures in an area which is already significantly modified. The development should increase access between land and sea in the area which will help to provide for the social, economic, and cultural wellbeing of people and communities.

Effects on historic heritage are considered to be acceptable, as outlined in Section 9.7 “alteration of historic heritage” of this report.

10.1.1.2 Assessment of relevant policies

In addition to the relevant objectives, the NZCPS outlines a total of twenty nine policies to guide the sustainable management of the coastal environment.

Policies that I consider to be relevant to the assessment of the NKPP include:

- Policy 2: The Treaty of Waitangi, tangata whenua and Māori Heritage
- Policy 4: Integration
- Policy 6: Activities in the coastal environment
- Policy 17: Historic heritage identification and protection
- Policy 18: Public open space
- Policy 19: Walking access
- Policy 23: Discharge of contaminants
- Policy 24: Identification of coastal hazards
- Policy 25: Subdivision, use, and development in areas of coastal hazard risk
- Policy 27: Strategies for protecting significant existing development from coastal hazard risk

The specific sections of each of the relevant policies listed above are outlined below and include:

The Treaty of Waitangi, tangata whenua and Maori Heritage

Policy 2: Take account of the principals of the Treaty of Waitangi and Kaitiakitanga, in relation to the coastal environment.

The applicant has consulted with the appropriate two iwi authorities, namely the Wellington Tenth Trust and the Port Nicholson Block Settlement Trust. These two iwi authorities prepared a cultural impact report on the NKPP as part of the consultation. The report did not raise any concern with the NKPP. This is covered in more depth in Section 9.11 “cultural effects” of this report.

Integration

Policy 4: Provides for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

- (c) particular consideration of situations where:
 - (i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or**

The applications within proposal two relates to the proposed construction of public open spaces. Some of these works cross the jurisdiction boundaries between WCC and GWRC for example, the proposed alterations to the rock rip-rap at Site 8. This is because the line of Mean High Water Springs (MHWS) which defines the boundary of the CMA and therefore the jurisdiction boundary of each authority is located along the rock rip-rap that is to be altered.

I consider that the applicants have applied for the appropriate resource consents from both WCC and GWRC and those are being assessed together. This will provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment.

Activities

Policy 6:

1. In relation to the coastal environment:

- (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*

2. Additionally, in relation to the coastal marine area:

- (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine*

energy to contribute to meeting the energy needs of future generations;

- (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*

The proposed additions and alterations to the existing structures and public open space development will maintain the character of the existing built environment and provide open space, public access and amenity of the area. Eg, the car park at Site 8 will be developed into public open space and the proposed low level boardwalks and new bridges will increase connectivity between the different areas of North Kumutoto and connectivity between land and the CMA.

I consider that the existing roads such as Waterloo Quay, Custom House Quay and those which provide vehicle access in and around the north kumutoto precinct limit the ability to set back the proposed developments further from the CMA.

Historic Heritage

Policy 17: Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- (c) initiating assessment and management of historic heritage in the context of historic landscapes;*

Effects on historic heritage have been assessed to be acceptable, as outlined in Section 9.7 “alteration of historic heritage” of this report and therefore the NKPP is consistent with this policy.

Public Open Space

Policy 18: Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- (d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*

- (e) *recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

Application WGN150103 proposes to create public open space and to construct additions and alterations to existing structures that will provide public access linkages between existing and proposed public open spaces and the coastal environment. As detailed in the application the existing car park at Site 8 is to be developed into public open space and proposed low level boardwalks and new bridges will provide connectivity between the different areas of North Kumutoto and connectivity between land and the CMA.

Walking Access

Policy 19:

1. *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use:*
2. *Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
 - (b) *avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
 - (c) *identifying opportunities to enhance or restore public walking access, for example where:*
 - (i) *connections between existing public areas can be provided.*

The proposed works will provide additional walking access to and along the coast by erecting public access linkages between existing structures and proposed public open spaces and by improving public access linkages to the coastal environment.

Discharge of contaminants

Policy 23:

1. *In managing discharges to water in the coastal environment, have particular regard to:*
 - (a) *the sensitivity of the receiving environment;*
 - (b) *the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and*
 - (c) *the capacity of the receiving environment to assimilate the contaminants; and:*

- (d) *avoid significant adverse effects on ecosystems and habitats after reasonable mixing;*
- (e) *use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and*
- (f) *minimise adverse effects on the life-supporting capacity of water within a mixing zone.*

As detailed in Section 4 of this report the receiving environment has been highly impacted from historical use and received stormwater from an urban catchment. (Helson, 2014) demonstrated that elevated heavy metals have been detected in the receiving environment as a result.

However recommended conditions of consent will ensure any contaminants from works at Sites 8 and 10 will be appropriately treated prior to discharging into the environment. Therefore, it is considered that any further and indirect contamination as a result of the proposed development is not likely to have a significant effect on the existing marine environment. This is supported by the assessments and advice provided to GWRC by Dr Megan Oliver and Dr David Bull as outlined in Sections 10.1 “discharges to land” and 10.2 “discharges to CMA” of this report.

Identification of coastal hazards

Policy 24:

1. *Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:*
 - a. *physical drivers and processes that cause coastal change including sea level rise;*
 - b. *short-term and long-term natural dynamic fluctuations of erosion and accretion;*
 - c. *geomorphological character;*
 - d. *the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;*
 - e. *cumulative effects of sea level rise, storm surge and wave height under storm conditions;*
 - f. *influences that humans have had or are having on the coast;*
 - g. *the extent and permanence of built development; and*
 - h. *the effects of climate change on:*

i.matters (a) to (g) above;

ii.storm frequency, intensity and surges; and

iii.coastal sediment dynamics;

taking into account national guidance and the best available information on the likely effects of climate change on the region or district

As outlined in Section 9 “coastal hazards” of this report, the risks from natural hazards on the structures outlined in WGN150103 will be no more than minor due to:

- The structures proposed in application WGN150103 are not habitable structures.
- The proposed additions and alterations will be to existing coastal structures that have been designed to be in the coastal marine area and/or to interact with the coastal environment.

10.1.1.3 Summary

I have reviewed application WGN150103 against the relevant objectives and policies of the NZCPS. I consider application WGN150103, together with the suggested conditions of consent will meet the intent of the relevant objective and policies of the NZCPS. These objectives and policies are outlined in full in Appendix 2.

10.1.2 The National Policy Statement for Freshwater Management 2011

The National Policy Statement for Freshwater Management 2011 (NPSFM) took effect on 1 July 2011. The NPSFM sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. The NPSFM is an important step to improve freshwater management at a national level.

The key purpose of the NPSFM is to set enforceable quality and quantity limits. This is a fundamental step to achieving environmental outcomes and creating the necessary incentives to use fresh water efficiently, while providing certainty for investment. The intent of this NPSFM is that any more than minor potential adverse effects of activities, in relation to water takes, use, damming and diverting, as well as discharges, are thoroughly considered and actively managed.

The NPSFM is given effect to through the Regional Freshwater Plan (RFP) - two transitional policies (5.2.10A and 6.2.4A) have been directly inserted into the RFP which require GWRC to consider specific criteria when making decisions on resource consent applications that relate to freshwater.

10.1.2.1 Summary

I have assessed the application referenced WGN150102 against policy 5.2.10A and 6.2.4A in Section 9.3 “discharge to groundwater”; Section 9.5

“take of groundwater” and Section 9.10 “diversion of groundwater” of this report. I consider application WGN150102 to be consistent with these two policies for the following reasons.

- Provided the applicant complies with the application documentation and meets, the recommended conditions of consent outlined in Section 9.3 “discharge to groundwater” of this report, the proposed discharge of contaminants to groundwater will have acceptable effects on the receiving environment
- The proposed discharge to groundwater will avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water as the proposed discharge will be to groundwater within a contaminated site and not to any freshwater ecosystem
- The proposed groundwater take will be temporary and will not affect any other water body, or consented water take or existing bores.

10.1.3 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

The Resource Management (Measuring and Reporting Water Takes) Regulations 2010 (the Regulations) came into effect on 10 November 2010 which require all fresh water takes of 5L/s or more to be metered, get the meters verified on a regular basis and record daily meter readings.

However, the regulations do not apply to a water permit if the taking of water is non-consumptive in that the same amount of water is returned to the same water body at or near the location from which it was taken and there is no significant delay between the taking and returning of the water.

I consider that it will not be appropriate to require the applicant to install a meter and record water use for the following reasons.

- The proposed de-watering (water take) will be non-consumptive because the dewatering will not be from a water body as outlined in the Act. Rather it will be from an excavation site on an area of reclaimed land.

Note: The Regulations do not define water body however the Resource Management Act (the Act) does. The Act defines water body as meaning fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

- The proposed water take will be temporary and will only be required during construction of the commercial buildings basement level at Site 10
- (T&T, 2015) outlines that there is direct hydraulic connectivity between the site and the sea. This suggests that the water that will be abstracted from Site 10 during de-watering will not solely be comprised of freshwater but will also likely comprise saltwater

- No fresh water bores are located close by. The closest bore is a geo tech bore (bore R27/7142) that is located approximately 285m North West of Site 10
- The GWRC GIS database does not identify any water take consents within the catchment where Site 10 is located and there are few resource consents for the take of groundwater in Wellington City.
- The groundwater take will avoid effects on any surface water body, as no surface water bodies are located in the vicinity of Site 10. (The GWRC GIS database shows the Kumutoto Stream as being located in a different catchment to site 10)

10.2 Regional planning instruments

The relevant regional planning instruments are the Regional Policy Statement (RPS), the Regional Coastal Plan (RCP) the Regional Freshwater Plan (RFP) and the Regional Plan for Discharges to Land (RPDL) for the Wellington region, which are all operative. The applicant's proposal has been assessed against the relevant objectives and policies contained within the RPS, RCP, RFP and RPDL. The full wording of the relevant objectives, policies and methods is contained in Appendix 2 to this report.

10.2.1 Regional Policy Statement (RPS)

The RPS outlines the resource management issues of significance to the region and provides a framework for managing the natural and physical resources of the region in a sustainable manner. Further to this, the RPS identifies objectives, policies and methods which are designed to achieve integrated management of the natural and physical resources of the whole region.

Section 4.2 of the RPS contains regulatory policies to be considered when processing resource consent applications.

The most relevant policies to consider in assessing this application are listed below:

Policy 35: Preserving the natural character of the coastal environment

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:

(a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;

(c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;

(d) minimising any significant adverse effects from use and enjoyment of the coast by the public;

- (e) safeguarding the life supporting capacity of coastal and marine ecosystems;*
 - (f) maintaining or enhancing biodiversity and the functioning of ecosystems;*
- and*

As outlined in Section 4 of this report the areas that are proposed to be subject to development are highly modified and likely contaminated. Further to this Section 9 of this report outlines that the effects resulting from the proposal will be acceptable. Recommended conditions of consent will manage discharges (point source and non-point source) that will end up in the coastal environment. Conditions will include water quality discharge limits for discharges from the contaminated Site 10. This in turn will help safeguard the life supporting capacity of coastal and marine ecosystems and help maintain remaining biodiversity and the functioning of remaining ecosystems in the area.

Policy 40: Safeguarding aquatic ecosystem health in water bodies

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to:

- (b) requiring, as a minimum, water quality in the coastal marine area to be managed for the purpose of maintaining or enhancing aquatic ecosystem health; and*
- (c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.*

As outlined in Section 9 of this report, the proposal will not have any more than minor effects on the receiving environment. Recommended conditions of consent will manage discharge quality via implementation of water quality discharge limits for discharges from the contaminated Site 10.

Policy 41: Minimising the effects of earthworks and vegetation disturbance

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

- (a) erosion; and*
- (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.*

As outlined in Section 9 of this report, the GWRC part of the proposal will not have adverse effects associated with earthworks. I consider that with appropriate construction management and erosion and sediment control measures (which are recommended in conditions of consent), the effects of site runoff from areas of earthworks within GWRC jurisdiction will be acceptable.

Policy 46: Managing effects on historic heritage values

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect a place, site or area with historic heritage value, and in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the degree to which historic heritage values will be lost, damaged or destroyed;*
- (b) the irreversibility of adverse effects on heritage values;*
- (c) the opportunities to remedy or mitigate any previous damage to heritage values;*
- (d) the degree to which previous changes that have heritage value in their own right are respected and retained;*
- (e) the probability of damage to immediate or adjacent heritage values;*
- (f) the magnitude or scale of any effect on heritage values;*
- (g) the degree to which unique or special materials and/or craftsmanship are retained;*
- (h) whether the activity will lead to cumulative adverse effects on historic heritage; and*
- (i) whether the relationships between distinct elements of an historic place, site or area will be maintained.*

As outlined in Section 9 of this report, the GWRC part of the proposal will not have more than minor effects on historic heritage values because:

- (Archifact, 2014) raised no concerns with regards to the proposed additions and alterations to the structures listed in Appendix 4 of the RCP
- The peer review of completed by Heritage Consultant Michael Kelly agreed with the findings outlined within (Archifact, 2014)
- Heritage NZ submitted in support of the NKPP

Policy 48: Principles of the Treaty of Waitangi

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the principles of the Treaty of Waitangi; and*

(b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

As outlined in Section 9.11 “cultural effects” of this report, the Wellington Tenth Trust as and Port Nicholson Block Settlement Trust provided a cultural impact investigation report as Appendix 7 of the application. I consider that the provision of this report satisfies the principals of the treaty of Waitangi and settlement decision relating to the Wellington Region.

Policy 51: Minimising the risks and consequences of natural hazards

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

(a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;

(b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;

(c) whether the location of the development will foreseeably require hazard mitigation works in the future;

(d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;

(e) any risks and consequences beyond the development site;

(f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;

(g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;

(h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and

(i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.

As outlined in Section 9 “coastal hazards” of this report, the risks from natural hazards on the structures outlined in WGN150103 will be acceptable because:

- The structures proposed in application WGN150103 are not habitable structures

- The proposed additions and alterations will be to existing coastal structures that have been designed to be located in the coastal marine area and/or to interact with the coastal environment

Policy 53: Public access to and along the coastal marine area

When considering an application for a subdivision consent, or a coastal or land use consent on public land, or a change, variation or review of a district plan to address subdivision or rezoning, particular regard shall be given to enhancing public access to, and along:

(a) areas of the coastal marine area, and lakes and rivers with:

(i) places, sites and areas with significant historic heritage values identified in accordance with policy 21;

(b) Wellington Harbour and Porirua (Onepoto Arm and Pauatahanui Inlet) Harbour;

Except where there is a need to protect:

(c) sensitive indigenous habitats of species;

(d) the health or safety of people;

(e) sensitive cultural and historic heritage values; and/or

(f) the integrity and security of regionally significant infrastructure.

An assessment of the effects of the proposal on public access is provided in Section 9.6 “public access to CMA” of this report and in respect to the RCP objectives and policies in Section 10.2.2 below.

Public access to and along the CMA will be provided. The proposal will undertake additions and alterations to existing structures that will improve public access linkages between existing structures and proposed public open spaces and by improving public access linkages to the coastal environment. A condition of consent will also require access to the CMA to be maintained during works were possible.

10.2.1.1 Summary

I have reviewed both application referenced WGN150102 and WGN150103 against the relevant policies of the RPS. I consider the GWRC aspects of the NKPP to be consistent with the relevant objective and policies of the RPS. These objectives and policies are outlined in full in Appendix 2.

10.2.2 Regional Coastal Plan (RCP)

The RCP contains several objectives and policies aimed at avoiding, remedying or mitigating the potential adverse effects of use and development in the coastal marine area. I consider that the application is consistent with the objectives and policies in Section 4, 6, 7, and 10 of the RCP.

10.2.2.1 Section 4

Section 4 of the RCP considers general objectives and policies relating to the coastal environment.

Environmental

Objective 4.1.8: *Public access along and within the coastal marine area is maintained and enhanced.*

As discussed in Sections 10, 11.1.1 and 11.2.1 of this report the NKPP, (specifically Application WGN150103) will provide public access along and within the CMA by constructing additions and alterations to existing structures to improve access to the CMA.

Objective 4.1.9: *Amenity values in the coastal marine area will be maintained and enhanced.*

I consider that the amenity values of the area will be maintained if consent is granted for the proposed additions and alterations to the existing structures located within the CMA. The proposed additions will assist to improve access to the coastal marine area.

Objective 4.1.10: *Important views to and from the coastal marine area are retained.*

I consider that the proposed additions and alterations to existing structures already located in the CMA will not result in the loss of important views to or from the CMA as they will not impede views.

Objective 4.1.11: *Any adverse effects from natural hazards are reduced to an acceptable level.*

As discussed in Section 10 of this report details the effects of natural hazards on the proposed additions and alterations to existing structures are considered to be at an acceptable level.

Objective 4.1.12: *That the location of structures and/or activities in the coastal marine area does not increase the risk from natural hazards beyond an acceptable level.*

As discussed in Section 10 of this report the proposed additions and alterations to existing structures already located in the CMA will not increase risks from natural hazards beyond an acceptable level.

Objective 4.1.16: *Tangata whenua are consulted on resource consent applications which may affect their interests and values.*

As discussed in Section 10 of this report tangata whenua the applicants consulted with tangata whenua.

Policy 4.2.3: *When considering the significance of adverse effects of activities on the coastal marine area, to recognise and distinguish between:*

- *those activities which require occupancy on a "permanent" basis, and those which can effectively relinquish coastal space at a future date;*
- *those activities which have irreversible adverse effects and those for which adverse effects are reversible; and*
- *those activities which have short term adverse effects and those which have on-going or long term adverse effects.*

As outlined in Section 9 of this report the proposed additions and alterations to the existing structures will effectively result in the occupation of a greater area of CMA. However, this additional occupation of space is not significant in size and structures within the CMA can be removed at a future date if required. All effects arising from the construction works including the discharges from the works sites will be short term and conditions of consent will ensure the effects of construction works within the CMA are no more than minor.

Policy 4.2.12: *To protect significant cultural and historic features in the coastal marine area from the adverse effects of use and development. In particular, the values of the features and buildings identified in Appendix 4 will be protected.*

As outlined in Section 9 of this report the proposed additions to and alterations of the wharf and reclamation edges identified in Appendix 4 are considered to be acceptable.

Policy 4.2.21: *Use and development of the coastal marine area must take appropriate account of natural hazards, and any adverse effects arising from the storage, use, disposal, or transportation of hazardous substances.*

As discussed in Sections 9.9 and 10 of this report the effects of natural hazards on the proposed additions and alterations to existing structures are considered to be at an acceptable level.

Tangata Whenua

Objective 4.1.16: *Tangata whenua are consulted on resource consent applications which may affect their interests and values.*

As outlined in the Section 9 of this report; the applicant has consulted with The Port Nicholson Block Settlement Trust and the Wellington Tenth's Trust.

Management

Objective 4.1.24: *The comprehensive development of the Lambton Harbour Development Area is provided for.*

The NKPP directly relates to this objective as it relates to comprehensive development within the Lambton Harbour Development Area.

Policy 4.2.33: *To identify explicitly the occupancy component on any resource consent which is granted for an activity in the coastal marine area which*

requires occupation of land of the Crown and any related part of the coastal marine area.

Coastal permit WGN150103 [33225] provides for occupation of the coastal marine area by the proposed additions and alterations to the existing structures already located within the CMA.

Policy 4.2.45: In the Lambton Harbour Development Area to:

- *provide for a wide range of activities appropriate to the harbour/city interface;*
- *provide for development compatible with the urban form of the city;*
- *recognise the heritage character, development and associations of the area;*
- *develop and have particular regard to any design guides for the area which are contained in any proposed or operative Wellington City District Plan;*
- *provide for a range of public open spaces, access and through-routes, and to ensure that their nature, purpose and function is maintained;*
- *ensure that the effects of development and activities do not detract from people's enjoyment of the area; and*
- *ensure that the area is an integral part of the working port of Wellington*
- *[ensure structures containing noise sensitive activities are adequately acoustically insulated.]*

From a Regional Council perspective, I consider that the NKPP is consistent with Policy 4.2.45 for the reasons outlined below:

- The effects of the proposed activities that require coastal permits are not incompatible with other activities appropriate to the location, nor will they detract from the amenities of the area
- The structures outlined in application WGN150103 are additions and alterations to existing coastal structures. I therefore consider them to be compatible with the urban form of the area and of the city
- The buildings and other features which have recognised heritage value in the area are to remain
- Wellington City Council have jurisdiction to assess the proposal against any design guides outlined within the Wellington City District Plan
- The NKPP recognises that the Lambton Harbour Development Area provides the main area of open space near the City Centre, this is reflected

by proposal 2 which seeks to develop an existing car park at Site 8 into an improved area of public open space

- The NKPP recognises that the Lambton Harbour Development Area is primarily a “place for people” the proposed activities provide for the development of the area, the effects of which will be temporary, but once complete will enhance the public open space available at Site 8 and improve the public’s ability to interact with the CMA
- Areas that are currently used for port related activities will be able to continue being used for port related activities
- The coastal permits required by the NKPP do not relate to any noise sensitive activities

10.2.2.2 Section 6

Section 6 of the RCP considers objectives and policies pertaining to structures in the coastal marine area.

Environmental

Objective 6.1.1: *Appropriate structures which enable people and communities to provide for their economic and social well-being are allowed.*

I consider that the proposed additions and alterations to the existing wharf and reclamation edge structures are appropriate for the site.

Policy 6.2.1: *provides for the use and development of structures in the CMA including the Lambton Harbour Development Area.*

I consider that the NKPP is consistent with Policy 6.2.1 of the RCP as the proposal is undertaking development in the Lambton Harbour Development Area.

6.2.5: *To ensure that adequate allowance is made for the following factors when designing any structure:*

- *rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC);*
- *waves and currents;*
- *storm surge; and*
- *major earthquake events.*

As outlined in Section 9 “coastal hazards” of this report, the risks from natural hazards on the structures outlined in WGN150103 will be no more than minor because:

- The structures proposed in application WGN150103 are not habitable structures.

- The proposed additions and alterations will be to existing coastal structures that have been designed to be in the coastal marine area and/or to interact with the coastal environment.

Therefore, I consider that the NKPP is consistent with Policy 6.2.5 of the RCP.

10.2.2.3 Section 7

Section 7 of the RCP considers objectives and policies pertaining to the destruction, damage and disturbance in the coastal marine area.

Environment

Objective 7.1.2: *Provides for adverse effects from activities which destroy, damage, or disturb foreshore or seabed are avoided, remedied or mitigated.*

Policy 7.2.1: *To allow activities involving damage or disturbance to any foreshore or seabed, where the adverse effects are short term, reversible, or minor; and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated. As a guide, the following criteria will need to be met for the activity to be deemed to have minor adverse effects:*

- *the activity will not require exclusive use of the foreshore or seabed, and will not preclude public access to and along the foreshore past the site of the disturbance or damage;*
- *any adverse effects on plants and animals or their habitat will be short term, and the area will be naturally recolonised by a similar community type;*
- *the activity will not result in any significant increase in water turbidity or elevated levels of contaminants;*
- *the activity will not have any off-site adverse effects;*
- *the activity will not adversely affect shoreline stability;*
- *the activity will not have any permanent adverse effects on the amenity values of the foreshore or seabed;*
- *the activity will not have any adverse effect on natural character;*
- *the activity will not destroy or damage historic sites;*
- *the activity will not have any adverse effects on the Hutt Valley aquifer; and*
- *the activity will not have any adverse effects on mahinga maataitai, waahi tapu or any other sites of significance to iwi.*

I consider that the NKPP is consistent with Objective 7.1.2 and Policy 7.2.1 of the RCP for the reasons outlined below:

- The NKPP will provide public access and additional use of the foreshore
- The NKPP will have effects on the receiving environment that are short term. The effects will not persist beyond completion of construction
- Conditions of consent relating to erosion and sediment control and construction management will ensure the NKPP does not result in adverse effects caused by increased water turbidity and the release of contaminants
- Conditions of consent relating to erosion and sediment control and construction management will ensure the NKPP does not result in adverse effects off-site caused by increased water turbidity and the release of contaminants
- The NKPP will not affect shoreline stability. It will not interrupt the supply of sediment to the shoreline
- Conditions of consent relating to erosion and sediment control and construction management will ensure that disturbance caused by the NKPP will not diminish amenity values
- The disturbance caused by the NKPP will not adversely affect natural character
- The NKPP will not destroy any historic structures. The proposal will alter some rock rip-rap that is recognised in the RCP as having historic merit but the effects of this are considered to be acceptable as outlined in Section 9.7 “alteration of historic structures” in this report
- The NKPP is not located above an aquifer
- The NKPP will not have any adverse effects on characteristics of significance to tangata whenua

Management

Objective 7.1.4: *The positive effects from activities which disturb foreshore or seabed are recognised where such activities are undertaken for the well-being of the community. Activities with minor adverse effects are allowed.*

Disturbance of the foreshore and seabed will provide for additions and alterations to existing structures that will improve the interface between public open space and the CMA. Therefore, I consider that the NKPP is consistent with Objective 7.1.4 of the RCP.

10.2.2.4 Section 10

Section 10 of the RCP considers objectives and policies pertaining to the discharges of a contaminant or water to:

- coastal water

- land in the coastal marine area

Environment

Policy 10.2.4: *allows for the discharge of contaminants or water to land or water in the coastal marine area providing certain criteria are met.*

I consider that the NKPP is consistent with Policy 10.2.4, as all contaminants discharge to land or water in the CMA will be subject to controls that are outlined in recommended conditions of consent.

Policy 10.2.8: *To ensure that where appropriate coastal permits to discharge contaminants to land or water in the coastal marine area contains conditions for monitoring:*

- *the effects of the discharge; and*
- *compliance with any conditions or standards imposed on the consent.*

I consider that the NKPP is consistent with Policy 10.2.8, as conditions of consent have been recommended that will ensure that any discharges of water from site are appropriately monitored.

I consider that the NKPP, together with the suggested conditions of consent will meet the intentions of the relevant policies of the RCP. These policies are outlined in full in Appendix 2 of this report.

10.2.2.5 Summary

I have reviewed application WGN150103 against the relevant policies of the RCP. I consider application WGN150103, together with the suggested conditions of consent will meet the intentions of the relevant objectives and policies of the RCP. These objectives and policies are outlined in full in Appendix 2.

10.2.3 10.2.3 Regional Freshwater Plan (RFP)

The RFP contains several objectives and policies aimed at avoiding, remedying or mitigating the potential adverse effects from the use and development of freshwater. I consider that the application is consistent with the objectives and policies in Section 5, and 6 of the RFP.

Policy 5.2.7: *To manage all groundwater in the Wellington Region so that there are no net adverse effects on its quality as a result of discharges to surface water or groundwater (subject to Policy 5.2.10).*

I consider that the NKPP is consistent with Policy 5.2.7.

The proposed discharge to groundwater is temporary in nature. As outlined in Section 9.3 “discharges to groundwater” of this report; the proposed discharge to groundwater will avoid deterioration of present ground water quality at the site as groundwater at the site (Site 10) is already contaminated; the groundwater at Site 10 is hydraulically linked to coastal water; and the

groundwater on site is not located in an aquifer. These factors contribute to ensure the proposed discharge will result in "No net adverse effects" on groundwater quality as a result of discharges.

Policy 5.2.10A: *To allow the discharge of contaminants to fresh water which do not satisfy Policies 5.2.1 to 5.2.9, whichever is (are) relevant, only where:*

(1) the discharge is of a temporary nature; or

I consider that the NKPP is consistent with Policy 5.2.10A, as the proposal will result in temporary discharges to groundwater during construction.

Policy 6.2.8: *To ensure that water permits to take groundwater:*

- *consider excessive reductions in the yields of nearby bores (including excessive interference drawdowns); and*
- *avoid significant adverse effects on surface water bodies.*

I consider that the NKPP is consistent with Policy 6.2.8, due to the following reasons:

- The proposed water take is only required during construction of the basement level of the commercial building to be built at Site 10
- No fresh water bores are located close by
- The take will avoid effects on the any surface water body
- (T&T, 2015) outlines that there is direct hydraulic connectivity between the site and the sea suggesting that groundwater on-site likely contains coastal water

As outlined in Section 9.5 "take of water" in this report I consider the effects arising as a result of the proposed water take will be acceptable. Therefore, I consider that with the suggested conditions of consent Application WGN150102 will meet the intentions of the relevant policies of the Regional Freshwater Plan. These policies are outlined in full in Appendix 2 of this report.

10.2.3.1 Summary

I have reviewed application WGN150102 against the relevant policies of the RFP. I consider application WGN150102, together with the suggested conditions of consent will meet the intentions of the relevant objective and policies of the RFP. These objectives and policies are outlined in full in Appendix 2.

10.2.4 Regional Plan for Discharges to Land (RPDL)

The RPDL contains several objectives and policies aimed at avoiding, remedying or mitigating the potential adverse effects of from discharges to

land. I consider that the application is consistent with the objectives and policies in Section 4 of the RPD.

Objective 4.1.10: *Any risk to human and environmental health presented by contaminated sites is lowered to an acceptable level or the site is otherwise managed in an appropriate and timely manner.*

As outlined in Section 9 of this report the works methodology and recommended conditions of consent will ensure the risk to human and environmental health arising from the discharges from works undertaken on the contaminated site are low.

Policy 4.2.46: *To develop, in consultation with site owners, occupiers and territorial authorities, strategies for further action for contaminated sites.*

WCC will be dealing with the remediation of the site regarding removal of contaminated excavated material and therefore any assessment of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011.

As outlined in Section 10 of this report conditions of consent have been set that will require appropriate treatment of the water dewatered from the site before it is discharged to land. The water quality discharge limit condition has water quality trigger limits that are based on the ANZECC Guidelines for the Assessment and Management of Contaminated Sites.

Policy 4.2.48: *To give particular consideration to the following matters when assessing applications for permits for discharges associated with contaminated sites:*

- (1) the nature, concentration and quantity of contaminants at the site;*
- (2) the potential for contaminants from the site to contaminate surrounding:*
 - groundwater;*
 - surface water;*
 - soil; or*
 - air;**and any effects of that contamination;*
- (3) the potential for direct or indirect contact of humans or animals with contaminants on the site;*
- (4) any actual or potential adverse effects on:*
 - human health;*
 - the health and functioning of plants, animals or ecosystems; or*
 - existing or future uses of water or land on the site and in the surrounding area;*
- (5) any potential long-term or cumulative effects of discharges from the site;*
- (6) any remedial action planned or required in relation to the site, and the potential adverse effects of any remedial action on the matters listed in (1)-(5) above, whether at the site or at another location; and*
- (7) The ANZECC Guidelines for the Assessment and Management of Contaminated Sites and the Draft Health and Environmental Guidelines for*

Selected Timber Treatment Chemicals, and any other relevant national or international guidelines of standards.

As outlined in Section 10.1 “discharge to land” of this report consideration has been given to all the matters outlined above in policy 4.2.48

10.2.4.1 Summary

I have reviewed application WGN150102 against the relevant policies of the RPD. I consider application WGN150102, together with the suggested conditions of consent will meet the intentions of the relevant objective and policies of the RPD. These objectives and policies are outlined in full in Appendix 2.

10.2.5. District Plans

An assessment of the NKPP against the relevant district plans has been completed by WCC in their assessment of the NKPP.

10.2.6 Other relevant matters 104(1)(c)

10.2.6.1 Section 107 of the Act

Section 107 of the Act outlines restriction on grant of certain discharge permits.

Section 107(1) of the Act states:

(1) Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene [section 15](#) or [section 15A](#) allowing—

Section 107 (2) of the Act states:

(2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or [section 15A](#) that may allow any of the effects described in subsection (1) if it is satisfied—

*(a) that exceptional circumstances justify the granting of the permit;
or*

(b) that the discharge is of a temporary nature; or

(c) that the discharge is associated with necessary maintenance work—

and that it is consistent with the purpose of this Act to do so.

Therefore section 107(2) (b) of the Act allows temporary discharges that contravene section 15 or 15A of the Act

I am satisfied that the discharges proposed in discharger permit [33224] will be temporary in nature as discharges will only last the duration of works to construct the basement level of the proposed commercial building.

I am satisfied that the discharges proposed in discharge permit [33227] will be temporary as discharges will only last the duration of works to construct the public open spaces in and adjacent to the CMA.

11. Part 2 of the Act

Part 2 of the Act sets out the purpose of the Act, which is to promote the sustainable management of natural and physical resources, and in sections 6, 7 and 8 sets out matters that consent authorities should consider when exercising their functions under the Act.

Part 2 of the Act is assessed below.

11.1.1 Section 6 – Matters of National Importance

In exercising its powers and functions under the Act, GWRC is required to recognise and provide for the matters of national importance listed in section 6 of the Act. I have identified the following matters to be of relevance to this application and have addressed the effects of the proposal on that basis.

- (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:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

I consider that both applications WGN150102 and WGN150103 provide for all of the above matters because:

- I consider that both applications will not have more than minor effects on natural character as the areas to be subjected to works are highly modified
- I consider that application WGN150103 will enhance public access to and along the CMA. In particular, the proposed promenade extension, bridges and concrete paving platforms that step down to the CMA from Site 8 will increase connectivity between the different areas of North Kumutoto and connectivity between land and the CMA
- As outlined in Section 9.11 “cultural effects” of this report, I consider that both applications have considered the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

- As outlined in Section 9.7 “alteration of historic structures” of this report, I consider that the features of historic merit in the area (as outlined in the RCP) will not be subjected to inappropriate development

11.1.2 Section 7 – Other Matters

The other matters to which GWRC must have particular regard in relation to managing the use, development, and protection of natural and physical resources are listed in section 7 of the Act.

Section 7(a) and 7(aa) provides opportunities for tangata whenua, through the practical expression of kaitiakitanga and ethic of stewardship to be involved in managing the use, development and protection of their ancestral taonga (resources). As outlined in Section 9.11 “of this report the Wellington Tenth Trust and the Port Nicholson Block Settlement Trust representing the tangata whenua have not raised any concerns with the NKPP.

The efficient use and development of natural and physical resources (Section 7(b)), the maintenance and enhancement of amenity values (Section 7(c)), the intrinsic values of ecosystems (Section 7(d)), the maintenance and enhancement of the quality environment (Section 7(f)) and the effects of climate change (Section 7(i)), are discussed in Section 9 of this report. I consider that the NKPP will have effects on the section 7 matters listed above that are acceptable.

I do not consider that the other matters listed in section 7 are of relevance to this application.

11.1.3 Section 8 – Principles of the Treaty of Waitangi

Section 8 of the Act requires GWRC to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) when considering applications for resource consent. The Waitangi Tribunal and Courts continue to establish the principles of the Treaty of Waitangi and it is recognised that the principles are continuing to evolve. The two key principles that are of relevance to this application are active protection of Māori interests and consultation.

The principle of active protection has been described as a “guarantee to Māori to continue a relationship with resources that was as much about their use as about their conservation” *NZ Cooperative Dairy Company Limited v Commerce Commission* (1991). In the context of this application, active protection must be taken into account when considering the tangata whenua relationship with their ancestral land, water, waahi tapu and other taonga.

The general requirements of ‘consultation’ have been well established by the judiciary and Courts both within and outside the Act. Consultation should facilitate tangata whenua understanding of the effects of a proposal on their relationship with the area in question to a point where the applicant can consider how those effects might be avoided, remedied or mitigated. GWRC requires this kind of information to be able to assess how the Council can meet its statutory responsibilities.

The applicant has consulted extensively with local iwi about the NKPP. The applicant commissioned a Cultural Impact Assessment Report from Wellington Tenth Trust and the Port Nicholson Block Settlement Trust who represent the tangata whenua of the area. The findings of the report are summarised in Section 9.11 of this report. In summary, Wellington Tenth Trust and Port Nicholson Block Settlement Trust have not raised any concerns with the NKPP.

11.1.4 Section 5 – Purpose and Principles

Section 5 defines “sustainable management” as:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enable people and communities to provide for their social, economic, and cultural wellbeing 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.”*

I consider that Section 9 “assessment of actual and potential effects” of this report demonstrates that the approval of the resource consent applications WGN150102 and WGN150103 subject to conditions will enable the people and communities of the Wellington Harbour environs, and the wider Wellington region, to provide for their social economic and cultural well-being and for their health and safety while:

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

12. Conclusions

I consider that the NKPP will provide benefits to the people of Wellington by improving access to and along the CMA and by creating additional public open space. However, in terms of GWRC parts of the proposal I also consider that the NKPP will have some effects during construction such as:

- The discharge of treated contaminated water to land and water

- The disturbance to land in and adjacent to the CMA
- Take of groundwater

As outlined in Section 9 of this report, these effects will be temporary and largely limited to the period of construction and will be effectively mitigated by the recommended conditions of consent.

The NKPP will also result in some on-going and/or permanent effects after completion of construction such as:

- Occupation of additional space within the CMA
- The permanent diversion of groundwater around the basement level of the constructed commercial building
- Additions to and alteration of structures of historic merit

However, again as outlined in Section 9 of this report, these effects which are on-going or permanent will be acceptable because of the following reasons:

- The effects arising from occupation of the CMA will be minor, due to the small scale of the occupation and because of the locations where the proposed occupation is to occur
- The proposed permanent diversion will result in adverse effects on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water that are acceptable, as the proposed permanent diversion will be to groundwater within a contaminated site which is hydraulically linked to coastal water and not to any freshwater ecosystem.
- The changes to the features of historic merit will be acceptable due to the small scale of works, and in light of the findings in the heritage assessment (Archifact, 2014) and the conclusions in the assessment by the GWRC heritage expert Mr Michael Kelly
- All effects will be effectively mitigated by the recommended conditions of consent as outlined in Section 9 of this report

My assessment concludes that the aspects of the NKPP that are within GWRC jurisdiction will be of benefit to Wellington, through the provision of improved access to the CMA and by increasing and improving public open spaces. In my view the GWRC consents can be granted, subject to appropriate conditions being imposed. My suggested conditions are attached as Appendix 1.

Appendix 1: Suggested consent conditions dated 31.03.2015

WGN150102 [33223] – Water permit to temporarily take groundwater during construction of the basement level of a commercial building.

General conditions

1. The location, design, implementation and operation of the take shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 11 November 2014 and further information received on:

Xxx Supplementary groundwater information
Xxx Updated plans

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150102 [33223]** and the name and phone number of a contact person responsible for the proposed works.*

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

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

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

Completion of works

5. The Manager, Environmental Regulation, Wellington Regional Council, shall be notified within two working days (48 hours) when the excavated basement

area has been sealed and water is no longer being taken, treated and discharged.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150102 [33223]**.*

Note: Sealing of the excavated basement area is defined as the installation of a permanent basement slab and sealing of the walls to significantly reduce or prevent groundwater inflows into the basement area.

Review condition

6. Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:
 - a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
 - b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
 - c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
 - d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

The review of conditions shall allow for the deletion or amendment of conditions of this consent; and the addition of such new conditions as are shown to be necessary to avoid, remedy or mitigate any significant adverse effects on the environment.

Note: For the purposes of this condition the “exercise of the consent” is deemed to be once the works authorised by this consent have commenced.

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

WGN150102 [33224] – Discharge permit to temporarily discharge contaminants to land, including to the reticulated stormwater system; and to groundwater during construction of a new commercial building.

Note

Any proposal to discharge water other than stormwater to the stormwater network in Wellington City requires authorisation from WCC and Wellington Water Limited (network owner and operator respectively). Authorisation is needed as WCC hold a suite of resource consents from GWRC which allow them to discharge stormwater from their stormwater network to the Wellington Harbour – subject to a range of conditions – some of which may be impacted by the applicant’s proposed discharge. The applicant will need to obtain authorisation prior to commencing discharges to the stormwater network.

General condition

1. The location, design, implementation and operation of the discharge shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 11 November 2014 and further information received on:

Xxx Supplementary groundwater information
Xxx Updated plans

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150102 [33224]** and the name and phone number of a contact person responsible for the proposed works.*

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

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

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

Pre-construction condition

5. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of 10 working days' notice, the Greater Wellington Regional Council and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Construction Management Plan

6. The consent holder shall submit a final **Construction Management Plan (CMP)** for approval by the Manager, Environmental Regulation, Wellington Regional Council, at least 20 working days prior to any works. The CMP shall include but not be limited to the following:
 - a) Responsibilities and contact details of all parties involved with the excavation works
 - b) A detailed construction methodology
 - c) How compliance with the consent conditions will be achieved
 - d) The location of all erosion and sediment control measures and devices, including a map showing all flow paths
 - e) Location of the discharge point(s) to the stormwater system
 - f) Methodology to collect and treat groundwater and/or sediment laden water from the excavated areas
 - g) Methodology for discharging treated groundwater and/ or sediment laden water from site
 - h) Methodology for representative water quality monitoring of the discharge.
 - i) Details of how frequent water sampling, as required by condition 12 of this consent will be undertaken.
 - j) Contingency measures, including additional methods to treat water if the water quality of the discharge is likely to cause an adverse effect.

- k) A total suspended solids (TSS) water quality compliance limit.

Note: This water quality compliance limit must show that consideration has been given to the following:

- The water quality of the final receiving environment (CMA).
- The sensitivity of the final receiving environment to increases in TSS.
- Expected volumes of water that will be dewatered from Site 10 and treated.
- Expected composition of suspended solids within water dewatered from Site 10.
- The intended method for treatment of contaminated water that is to be dewatered from Site 10.
- The expected water quality (TSS), post the intended method of treatment.
- The expected duration of discharges from Site 10 works.

The consent holder shall not commence discharging as authorised by this consent until the CMP has been approved in writing by the Manager, Environmental Regulation, Wellington Regional Council.

Any amendment to the approved CMP shall be submitted for certification by the Manager, Environmental Regulation, Wellington Regional Council at least 15 working days prior to commencing the works authorised under this consent.

Note: Approval of this CMP does not imply approval to discharge to the stormwater network.

Erosion and sediment control

7. The consent holder shall ensure that all collected water from the excavations areas shall be treated as detailed in the approved Construction Management Plan required by condition 6 of [33224].
8. All erosion and sediment control measures and devices shall as a minimum be installed, operated and maintained in accordance with the latest version of the *Erosion and Sediment Control Guidelines for the Wellington Region (September 2002* and the approved CMP required by condition 6 of [332247] of this permit.
9. All erosion and sediment control measures and devices shall remain the responsibility of the consent holder and no devices shall be removed prior to receiving written confirmation that the relevant site area is sealed or stabilised to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Site auditing requirements

10. The consent holder shall ensure that the site is audited by a suitably qualified and experience person on a minimum of a weekly basis to ensure that the erosion and sediment control measures and devices are being maintained in accordance with the approved Construction Management Plan required by condition 6 of this consent.

The weekly audits shall include, but not be limited to, the following information:

- a) Date
- b) Name of auditor
- c) Site condition
- d) Weather conditions
- e) Sediment management (including identification of problem areas that are not being treated by erosion and sediment control measures and devices, and any measures put in place to treat these areas)
- f) Runoff control
- g) Condition of erosion and sediment control measures and devices,, including silt fences, contour drains and treatment devices
- h) Maintenance required and the date this will be completed by
- i) Contractor responsible for the maintenance; and
- j) General comments

The frequency of the audits may be reduced if agreed in writing by the Manger, Environmental Regulation, Wellington Regional Council.

11. The results of the weekly audits as required by condition 10 shall be submitted each month to the Manager, Environmental Regulation, Wellington Regional Council, no later than the 15th of the following month.

Water sampling

12. The consent holder shall undertake representative water quality testing of all water, dewatered from site 10. The parameters to be tested shall provide an appropriate representation of the water quality to be discharged from the site, and shall include but not limited to:

- a) pH

- b) Total suspended solids
- c) Total Copper
- d) Total Lead
- e) Total Zinc

The consent holder shall engage a suitably qualified and experienced person(s) to undertake water sampling. Water samples shall be analysed at an International Accreditation New Zealand (IANZ) registered laboratory or otherwise as specifically approved by the Wellington Regional Council.

Water quality compliance limits

13. No water shall be discharged from the site if the quality of the water exceeds the following limits:

- a) A pH value below 6 or above 8.5
- b) Total suspended sediment concentration

Note: This limit is to be submitted to GWRC for approval as required by condition 6. k) of this consent.

- c) Total copper concentration of more than 8 µg/L
- d) Total lead concentration of more than 12 µg/L
- e) Total zinc concentration of more than 43 µg/L

Note: The Wellington Regional Council will investigate breaches of these limits and may take enforcement action under the Act.

Water quality reporting

14. The consent holder shall engage a suitably qualified and experienced individual to provide reports to the Manager, Environmental Regulation, Wellington Regional Council that demonstrates that treated water dewatered from the site complies with condition 13. A report shall be provided every 7 days or other timeframe to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

The reports shall include but not be limited to:

- a) The results of the water quality monitoring undertaken in accordance with condition 12, including all raw data
- b) An assessment of the results including a comparison with the limits in condition 13 of this consent

- i) Recommendations for any additional water quality treatment to comply with the water quality limits set out in condition 13 of this consent
- d) Recommendations for further water quality testing to ensure sampled water meets the water quality limits in condition 13 post any additional water quality treatment
- e) No discharge shall occur until the consent holder has received written confirmation that the water quality of the discharge, and the method of treatment, is to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council

Completion of works

15. The Manager, Environmental Regulation, Wellington Regional Council, shall be notified within two working days (48 hours) when the excavated basement area has been sealed and water is no longer being collected, treated and discharged.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150102 [33224]**.*

Note: Sealing of the excavated basement area is defined as the installation of a permanent basement slab and sealing of the walls to significantly reduce or prevent groundwater inflows into the basement area.

Complaints and incidents records

16. The consent holder shall maintain a permanent record of any complaints received alleging adverse effects from, or related to, the exercise of this permit.

The record shall include:

- The name and address (as far as practicable) of the complainant
- Identification of the nature of the matter complained about
- Date and time of the complaint and of the alleged event
- Weather conditions at the time of the complaint (as far as practicable); and,
- Steps taken to investigate the issue which caused the complaint
- Steps taken to address the issue which caused the complaint

This record shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation, Wellington Regional Council upon request.

17. The consent holder shall maintain a permanent record of any incidents that occur on the site which result in any adverse effects from, or related to, the exercise of this permit.

The record shall include:

- The type and nature of the incident
- Date and time of the incident
- Weather conditions at the time of the incident (as far as practicable)
- Measures taken to remedy the effects of the incident; and
- Measures put in place to prevent the incident from re-occurring

This record shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation, Wellington Regional Council upon request.

18. The consent holder shall notify the Manager, Environmental Regulation, Wellington Regional Council of any such incident, within twenty-four hours of the incident being brought to the attention of the consent holder, or the next working day.
19. The consent holder shall forward an incident report to the Manager, Environmental Regulation, Wellington Regional Council within seven working days of the incident occurring. This report shall describe reasons for the incident, measures taken to mitigate the incident and measures to prevent recurrence.

Post-construction conditions

20. All works affecting the fresh water and coastal marine area, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. All material surplus to the works shall be removed from the area and disposed of appropriately.

Artefacts

21. If koiwi, taonga or other artefact material is discovered in any area during the works, the consent holder shall ensure that Wellington Tenth Trust and the Port Nicholson Block Settlement Trust are immediately contacted, and construction work in that area shall be stopped immediately to allow a site inspection by this group and their advisors. The consent holder shall then consult with Wellington Tenth Trust and the Port Nicholson Block Settlement Trust on appropriate steps to recover the artefacts in order that work can resume.

Review conditions

22. The Manager, Environmental Regulation, Wellington Regional Council may review any or all conditions of this permit by giving notice of its intention to do so pursuant to Section 128 of the Resource Management Act 1991, at any time within six months of the first, third, fifth, seventh, tenth, fifteenth,

twentieth, twenty-fifth and thirtieth anniversaries of the date of commencement of this permit for any of the following purposes:

- a) To deal with any adverse effects on the environment, which may arise from the exercise of this permit, and which it is appropriate to deal with at a later stage
 - b) To review the adequacy of any monitoring plans proposed and/or monitoring requirements so as to incorporate into the permit any monitoring or other requirements which may become necessary to deal with any adverse effects on the environment arising from the exercise of this permit
23. The Wellington Regional Council shall be entitled to recover from the consent holder the actual and reasonable costs of the conduct of any review, calculated in accordance with and limited to that council's scale of charges in-force and applicable at that time pursuant to Section 36 of the Resource Management Act 1991.

WGN150102 [33393] – Water permit to permanently divert groundwater during and post construction of a new commercial building

General condition

1. The location, design, implementation and operation of the diversion shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 11 November 2014 and further information received on:

Xxx Supplementary groundwater information

Xxx Updated plans

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150102** and the name and phone number of a contact person responsible for the proposed works.*

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

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

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

WGN150103 [33225] – Coastal Permit to occupy the coastal marine area with additions and alterations to protected wharf and reclamation edges.

General conditions

1. The location, design, implementation and operation of the structures shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 11 November 2014 and further information received on:

Xxx Updated plans

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150103 [33225]** and the name and phone number of a contact person responsible for the proposed works.*

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

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

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

5. The consent holder shall maintain public access to the coastal marine area (including foreshore) at all times.

WGN150103 [33226] – Coastal Permit to construct, use and maintain additions and alterations to protected wharf and reclamation edges including any associated disturbance to the coastal marine area.

General condition

1. The location, design, implementation and operation of the structures shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 11 November 2014 and further information received on:

Xxx Updated plans

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150103 [33226]** and the name and phone number of a contact person responsible for the proposed works.*

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

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

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

5. All works affecting the coastal marine area including tidy up on completion of the works shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Pre-construction meeting

6. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of 10 working days' notice, the Greater Wellington Regional Council and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Construction Management Plan

7. The consent holder shall submit a final **Construction Management Plan (CMP)** for approval by the Manager, Environmental Regulation, Wellington Regional Council, at least 20 working days prior to any works. The CMP shall include but not be limited to the following:

- a) A detailed construction methodology
- b) An indicative timetable for the works
- c) Responsibilities and contact details of all parties involved
- d) An Environmental Management Plan (EMP) for the works, detailing specific measures to be taken to contain silt close to the works area
- e) Procedures (immediate and subsequent) to be undertaken in the event of a spill of oil or other hazardous substances into the coastal marine area occurring

The consent holder shall not commence works as authorised by this consent until the CMP has been approved in writing by the Manager, Environmental Regulation, Wellington Regional Council.

Works shall be undertaken in accordance with the approved CMP. Any amendment to the approved CMP shall be submitted for certification in writing to the Manager, Environmental Regulation, Wellington Regional Council at least 15 working days prior to commencing the works authorised under this consent. .

Implementation of any amendment shall only occur if the amendment is to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Erosion and sediment control

8. The consent holder shall prepare an Erosion and Sediment Control Plan for the site, which shall be in accordance with the Erosion and Sediment Control Guidelines for the Wellington Region.

The Erosion and Sediment Control Plan shall be prepared and submitted to the Manager, Environmental Regulation, Wellington Regional Council for approval at least 20 working days prior to the works commencing. The Erosion and Sediment Control Plan shall include, but not be limited to:

- Plans of the location of sediment control measures and the locations where material will be stockpiled
- A detailed description of sediment control measures (including sediment ponds or similar to treat runoff from earthworked areas)
- Appropriate measures to contain and treat discharge from stockpiled materials (particularly dredgings)
- Individual/s responsible for the implementation and maintenance of erosion and sediment control measures
- Silt fences as required
- A wheel wash (or similar measures) to address tracking of material to road
- Consideration of floating silt curtain (or similar measure) to capture sediment in the lagoon
- consideration of flocculation techniques

The consent holder shall install, operate and maintain all erosion and sediment control measures in accordance with the approved ESCP and as a minimum the Erosion and Sediment Control Guidelines for the Wellington Region (September 2002).

9. All erosion and sediment control measures shall remain the responsibility of the consent holder and no erosion or sediment control measures shall be removed prior to receiving written confirmation that the relevant site area is stabilised to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.
10. The consent holder shall ensure that prior to the completion of operations each working day that all necessary erosion and sediment control measures are reinstated.
11. The consent holder shall at all times take all practicable steps to minimise sediment loading and increased turbidity in the coastal marine area due to the implementation and operation of the work. These steps shall include, but are not limited to, the following:
 - a) Ensuring any materials/structures placed in the coastal marine area are clean and free of contaminants prior to placement; and
 - b) Disturbing the minimum area of seabed necessary
 - c) Use of appropriate sediment control measures (eg, floating sediment containment boom)

Maintenance

12. The structures authorised by this consent shall remain the responsibility of the consent holder and shall be maintained so that:
- a) Any erosion of the coastal marine area that is attributable to the structures and works carried out as part of this permit is repaired by the consent holder
 - b) The integrity of the structure is maintained and no materials are dumped or stored on the structure
 - c) Access to the coastal marine area is not impeded by the structures, and
 - d) The structures do not pose a hazard to navigation or public safety

The consent holder shall undertake maintenance to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council where a breach of this condition is determined.

Note: Maintenance works shall not include any works outside of the scope of the application. Maintenance of lawful structures is generally permitted under Rule 6 of the Regional Coastal Plan for the Wellington Region. Any additional works (including structures, reshaping or disturbance to the coastal marine) following completion of the construction works as proposed in application may require further resource consents. The consent holder should ensure that the structure is compliant with the Building Act 2004 at all times.

Building materials in CMA

13. The consent holder shall prepare and submit a Harbour Debris Management Plan (DMP) to the Harbour Master, Harbour, Wellington Regional Council for approval at least 10 days prior to works commencing: The plan shall include but not be limited to:
- Methods for ensuring no debris enter the Wellington Harbour
 - Procedures for retrieval of debris
 - Roles and responsibilities
 - Plan for notifying the Harbour Master

Public access

14. The consent holder shall, during the construction period and any maintenance or repair activities, ensure:
- a) Public access to the coastal marine area, excluding the areas subject to the works, is provided at all times; or

- b) In the event that access to the foreshore is restricted, the duration and extent of the restriction is minimised, and alternative access is provided and sign-posted.

Post-construction conditions

- 15. All works affecting the coastal marine area, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. All material surplus to the works shall be removed from the area and disposed of appropriately.

Artefacts

- 16. If koiwi, taonga or other artefact material is discovered in any area during the works, the consent holder shall ensure that Wellington Tenth Trust and the Port Nicholson Block Settlement Trust are immediately contacted, and construction work in that area shall be stopped immediately to allow a site inspection by this group and their advisors. The consent holder shall then consult with Wellington Tenth Trust and the Port Nicholson Block Settlement Trust on appropriate steps to recover the artefacts in order that work can resume.

WGN150103 [33227] – Discharge Permit to discharge contaminants to the coastal marine area during the construction of the public open spaces in and adjacent to the coastal marine area.

General conditions

1. The location, design, implementation and operation of the discharge shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 11 November 2014 and further information received on:

Xxx Updated plans

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

Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or a change of consent conditions pursuant to section 127 of the Resource Management Act 1991.

2. The Manager, Environmental Regulation, Wellington Regional Council, shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

*Note: Notifications **must be** emailed to notifications@gw.govt.nz. Please include the consent reference **WGN150103 [33227]** and the name and phone number of a contact person responsible for the proposed works.*

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

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

4. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of 10 working days' notice, the Greater Wellington Regional Council and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

5. The consent holder shall ensure that a copy of this consent and all documents and plans referred to in this consent, are kept on site at all times and presented to any Wellington Regional Council officer on request.
6. All works affecting the coastal marine area including tidy up on completion of the works shall be completed to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Pre-construction meeting

7. The consent holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of 10 working days' notice, the Greater Wellington Regional Council and the contractor undertaking the works.

Note: In the case that any of the invited parties, other than the representative of the consent holder, does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.

Erosion and Sediment Control Plan

8. The consent holder shall prepare, in consultation with the contractor undertaking the works, a final Erosion and Sediment Control Plan (ESCP). The ESCP shall be submitted to the Manager, Environmental Regulation, Wellington Regional Council for approval at least 20 working days prior to the works commencing.

The final ESCP shall as a minimum be prepared in general accordance with the current *Erosion and Sediment Control Guidelines for the Wellington Region*, and shall include, but not be limited to, the following:

- Responsibilities and contact details of all parties responsible for the operation and maintenance of all key erosion and sediment control structures
- A detailed description of the works proposed and construction methodology and timetable
- Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control and minimise the potential for sediment discharge from the site
- The design criteria and dimensions of all key erosion and sediment control measures
- Plan(s) of an appropriate scale clearly identifying:
 - the locations of waterways / stormwater drains
 - staging sequence of erosion and sediment control measures
 - areas and cross sections of cut and fill
 - the extent of soil disturbance and vegetation removal
 - any “no go” and/or buffer areas to be maintained undisturbed;
 - locations of topsoil stockpiles, haul roads and site access
 - all key erosion and sediment control measures, including diversion channels

- the boundaries and area of catchments contributing to all stormwater impoundment structures
- the locations of all specific points of discharge to the environment, including stormwater
- civil infrastructure to be constructed in relation to completed bulk earthworks areas, and
- any other relevant site information
- Maintenance, monitoring and reporting procedures and frequency
- Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures, and
- Procedures and timing for review and/or amendment to the ESCP
- Decommissioning methodology for all ESC measures
- Procedures for re-instating erosion and sediment control measures at the end of each working day, where applicable.
- Reasons for any variance to the current *Erosion and Sediment Control Guidelines for the Wellington Region*

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

9. Any amendments proposed to the approved ESCP shall be confirmed in writing by the consent holder and be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council prior to the implementation of any amendments proposed.

Mixing zone

10. The consent holder shall ensure that, after a reasonable mixing zone treated contaminated water discharged to the CMA will not give rise to any of the following effects in the receiving waters:
 - a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
 - b) Any conspicuous change in the colour or visual clarity, or
 - c) Any emission of objectionable odour, or
 - d) Any significant adverse effects on aquatic life

For the purposes of this condition the boundary of the mixing zone shall be a maximum 25 metre radius extending in any direction from the point the discharge at the work areas enters the waters of Wellington Harbour.

Signs

11. Prior to commencing discharges from the site the consent holder shall place and maintain appropriate signage as close as practicable to the discharge points. The signs shall:
 - a) Indicate the location and nature of the discharge and the risk to public health from bathing, and the collection and consumption of shellfish within the vicinity of the discharge
 - b) Be visible to the public visiting the area without unnecessarily detracting from the visual amenity of the areas, and
 - c) Contain appropriate wording to the approval of the Manager, Environmental Regulation, Wellington Regional Council

The new signs shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.

Artefacts

12. If koiwi, taonga or other artefact material is discovered in any area during the works, the consent holder shall ensure that Wellington Tenth Trust and Port Nicholson Block Settlement Trust are immediately contacted, and construction work in that area shall be stopped immediately to allow a site inspection by this group and their advisors. The consent holder shall then consult with Wellington Tenth Trust and Port Nicholson Block Settlement Trust on appropriate steps to recover the artefacts in order that work can resume.

Appendix 2: Provisions of the relevant planning documents

Appendix 2: Provisions of the relevant planning documents

New Zealand Coastal Policy Statement 2010:

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Policy 2: The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- (a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;
- (b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;
- (c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹ in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;
- (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;
- (e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and
 - (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and
 - (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;
- (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:
 - (i) bringing cultural understanding to monitoring of natural resources;
 - (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;
 - (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing; and
- (g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:
 - (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and

(ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.

Policy 4 Integration

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

(a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:

(i) the local authority boundary between the coastal marine area and land;

(ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and

(iii) where hapū or iwi boundaries or rohe cross local authority boundaries;

(b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and

(c) particular consideration of situations where:

(i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or

(ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or

(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or

(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or

(v) significant adverse cumulative effects are occurring, or can be anticipated.

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;

(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;

(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;

(d) recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;

(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;

(f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;

(g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;

(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;

(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and

(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

(2) Additionally, in relation to the coastal marine area:

(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:

(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;

(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;

(d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and

(e) promote the efficient use of occupied space, including by:

- (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;
- (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
- (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 17 Historic heritage identification and protection

Protect historic heritage⁹ in the coastal environment from inappropriate subdivision, use, and development by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
- (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;
- (d) recognising that heritage to be protected may need conservation;
- (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
- (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- (h) requiring, where practicable, conservation conditions; and
- (i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

Policy 18 Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;

(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and

(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

Policy 19 Walking access

(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.

(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:

(a) identifying how information on where the public have walking access will be made publicly available;

(b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and

(c) identifying opportunities to enhance or restore public walking access, for example where:

(i) connections between existing public areas can be provided; or

(ii) improving access would promote outdoor recreation; or

(iii) physical access for people with disabilities is desirable; or

(iv) the long-term availability of public access is threatened by erosion or sea level rise; or

(v) access to areas or sites of historic or cultural significance is important; or

(vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

(3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:

(a) to protect threatened indigenous species; or

(b) to protect dunes, estuaries and other sensitive natural areas or habitats; or

(c) to protect sites and activities of cultural value to Māori; or

(d) to protect historic heritage; or

(e) to protect public health or safety; or

(f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or

(g) for temporary activities or special events; or

(h) for defence purposes in accordance with the Defence Act 1990; or

(i) to ensure a level of security consistent with the purpose of a resource consent; or

(j) in other exceptional circumstances sufficient to justify the restriction.

(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

Policy 23 Discharge of contaminants

(1) In managing discharges to water in the coastal environment, have particular regard to:

(a) the sensitivity of the receiving environment;

(b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and

(c) the capacity of the receiving environment to assimilate the contaminants; and:

(d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;

(e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and

(f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.

(2) In managing discharge of human sewage, do not allow:

(a) discharge of human sewage directly to water in the coastal environment without treatment; and

(b) the discharge of treated human sewage to water in the coastal environment, unless:

(i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and

(ii) informed by an understanding of tangata whenua values and the effects on them.

(3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.

(4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:

(a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;

(b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;

(c) promoting integrated management of catchments and stormwater networks; and

(d) promoting design options that reduce flows to stormwater reticulation systems at source.

(5) In managing discharges from ports and other marine facilities:

(a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;

(b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;

(c) require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and

(d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.

Policy 24 Identification of coastal hazards

(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

(a) physical drivers and processes that cause coastal change including sea level rise;

(b) short-term and long-term natural dynamic fluctuations of erosion and accretion;

(c) geomorphological character;

(d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;

(e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;

(f) influences that humans have had or are having on the coast;

(g) the extent and permanence of built development; and

(h) the effects of climate change on:

(i) matters (a) to (g) above;

(ii) storm frequency, intensity and surges; and

(iii) coastal sediment dynamics; taking into account national guidance and the best available information on the likely effects of climate change on the region or district.

Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk¹⁰ of social, environmental and economic harm from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and
- (f) consider the potential effects of tsunami and how to avoid or mitigate them.

Policy 27 Strategies for protecting significant existing development from coastal hazard risk

(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:

- (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;
- (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';
- (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;
- (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and
- (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.

(2) In evaluating options under (1):

- (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;

¹⁰ Risk: as defined in the Glossary.

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- (b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and
- (c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.

(3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.

(4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.

Regional Policy Statement:

Policy 35: Preserving the natural character of the coastal environment – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:

- (a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;
- (b) protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained;
- (c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;
- (d) minimising any significant adverse effects from use and enjoyment of the coast by the public;
- (e) safeguarding the life supporting capacity of coastal and marine ecosystems;
- (f) maintaining or enhancing biodiversity and the functioning of ecosystems; and
- (g) protecting scientific and geological features from inappropriate subdivision, use and development.

Policy 40: Maintaining and enhancing aquatic ecosystem health in water bodies – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to:

- (a) requiring that water quality, flows and water levels and aquatic habitats of surface water bodies are managed for the purpose of safeguarding aquatic ecosystem health;
- (b) requiring, as a minimum, water quality in the coastal marine area to be managed for the purpose of maintaining or enhancing aquatic ecosystem health; and
- (c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.

Policy 41: Minimising the effects of earthworks and vegetation disturbance – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:

- (a) erosion; and
- (b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.

Policy 46: Managing effects on historic heritage values – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect a place, site or area with historic heritage value, and in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the degree to which historic heritage values will be lost, damaged or destroyed;
- (b) the irreversibility of adverse effects on heritage values;
- (c) the opportunities to remedy or mitigate any previous damage to heritage values;
- (d) the degree to which previous changes that have heritage value in their own right are respected and retained;
- (e) the probability of damage to immediate or adjacent heritage values;
- (f) the magnitude or scale of any effect on heritage values;
- (g) the degree to which unique or special materials and/or craftsmanship are retained;
- (h) whether the activity will lead to cumulative adverse effects on historic heritage; and
- (i) whether the relationships between distinct elements of an historic place, site or area will be maintained.

Policy 48: Principles of the Treaty of Waitangi – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:

- (a) the principles of the Treaty of Waitangi; and
- (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

Policy 51: Minimising the risks and consequences of natural hazards – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

- (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;
- (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;
- (c) whether the location of the development will foreseeably require hazard mitigation works in the future;

(d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;

(e) any risks and consequences beyond the development site;

(f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;

(g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;

(h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and

(i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.

Policy 53: Public access to and along the coastal marine area, lakes and rivers – consideration

When considering an application for a subdivision consent, or a coastal or land use consent on public land, or a change, variation or review of a district plan to address subdivision or rezoning, particular regard shall be given to enhancing public access to, and along:

(a) areas of the coastal marine area, and lakes and rivers with:

(i) places, sites and areas with significant historic heritage values identified in accordance with policy 21;

(ii) areas of indigenous ecosystems and habitats, and areas with significant indigenous biodiversity values identified in accordance with policy 23;

(iii) outstanding natural features and landscapes identified in accordance with policy 25;

(iv) special amenity landscapes identified in accordance with policy 27;

(v) places, sites and areas with high natural character identified in accordance with policy 36; and

(vi) the rivers and lakes identified in Table 15 of Appendix 1;

(b) Wellington Harbour and Porirua (Onepoto Arm and Pauatahanui Inlet) Harbour; Except where there is a need to protect:

(c) sensitive indigenous habitats of species;

(d) the health or safety of people;

(e) sensitive cultural and historic heritage values; and/or

(f) the integrity and security of regionally significant infrastructure.

Regional Coastal Plan:

Objectives:

- 4.1.8** Public access along and within the coastal marine area is maintained and enhanced.
- 4.1.9** Amenity values in the coastal marine area are maintained and enhanced.
- 4.1.10** Important views to and from the coastal marine area are retained.
- 4.1.11** Any adverse effects from natural hazards are reduced to an acceptable level.
- 4.1.12** That the location of structures and/or activities in the coastal marine area does not increase the risk from natural hazards beyond an acceptable level.

Tangata Whenua:

- 4.1.16** Tangata whenua are consulted on resource consent applications which may affect their interests and values.

Policies:

4.2.33 To identify explicitly the occupancy component on any resource consent which is granted for an activity in the coastal marine area which requires occupation of land of the Crown and any related part of the coastal marine area

4.2.45 In the Lambton Harbour Development Area to:

- provide for a wide range of activities appropriate to the harbour/city interface;
- provide for development compatible with the urban form of the city;
- recognise the heritage character, development and associations of the area;
- develop and have particular regard to any design guides for the area which are contained in any proposed or operative Wellington City District Plan;
- provide for a range of public open spaces, access and through-routes, and to ensure that their nature, purpose and function is maintained;
- ensure that the effects of development and activities do not detract from people's enjoyment of the area; and
- ensure that the area is an integral part of the working port of Wellington
- [ensure structures containing noise sensitive activities are adequately acoustically insulated.]

Section 6:

Objectives:

- 6.1.1** Appropriate structures which enable people and communities to provide for their economic and social well-being are allowed.

Policies:

6.2.1 To consider the following as appropriate in the coastal marine area:

- the use and development of structures in the coastal marine area for;

(1) activities which are functionally dependent upon a location in the coastal marine area; or

(2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area;

- the use and development of structures in the Lambton Harbour Development Area;
- the use and development of structures for defence purposes; or
- the development of structures for network utility operations.

6.2.5 To ensure that adequate allowance is made for the following factors when designing any structure:

- rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC);
- waves and currents;
- storm surge; and
- major earthquake events.

Section 7:

Objectives:

7.1.2 The adverse effects from activities which destroy, damage, or disturb foreshore or seabed are avoided, remedied or mitigated.

7.1.4 The positive effects from activities which disturb foreshore or seabed are recognised where such activities are undertaken for the well-being of the community. Activities with minor adverse effects are allowed.

Policies:

7.2.1 To allow activities involving damage or disturbance to any foreshore or seabed, where the adverse effects are short term, reversible, or minor; and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated. As a guide, the following criteria will need to be met for the activity to be deemed to have minor adverse effects:

- the activity will not require exclusive use of the foreshore or seabed, and will not preclude public access to and along the foreshore past the site of the disturbance or damage;

- any adverse effects on plants and animals or their habitat will be short term, and the area will be naturally recolonised by a similar community type;
- the activity will not result in any significant increase in water turbidity or elevated levels of contaminants;
- the activity will not have any off-site adverse effects;
- the activity will not adversely affect shoreline stability;
- the activity will not have any permanent adverse effects on the amenity values of the foreshore or seabed;
- the activity will not have any adverse effect on natural character;
- the activity will not destroy or damage historic sites;
- the activity will not have any adverse effects on the Hutt Valley aquifer; and
- the activity will not have any adverse effects on mahinga maataitai, waahi tapu or any other sites of significance to iwi.

Section 10:

Policies:

10.2.4 To allow discharges of contaminants or water to land or water in the coastal marine area which do not meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3 only if, after reasonable mixing:

- the discharge is not likely to cause a decrease in the existing quality of water at that site; or
- the discharge would result in an overall improvement in water quality in the coastal marine area; or
- the discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of policies 10.2.1, 10.2.2 and 10.2.3; or
- the discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.

10.2.8 To ensure that where appropriate coastal permits to discharge contaminants to land or water in the coastal marine area contains conditions for monitoring:

- the effects of the discharge; and
- compliance with any conditions or standards imposed on the consent.

Regional Freshwater Plan:

Policies:

5.2.7 To manage all groundwater in the Wellington Region so that there are no net adverse effects on its quality as a result of discharges to surface water or groundwater (subject to Policy 5.2.10).

5.2.10A 1. When considering any application for a discharge the consent authority must have regard to the following matters:

a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and

b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.

2. When considering any application for a discharge the consent authority must have regard to the following matters:

a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and

b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.

3. This policy applies to the following discharges (including a diffuse discharge by any person or animal):

a) a new discharge or

b) a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

4. Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.

5. Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect]

6.2.8 To ensure that water permits to take groundwater:

- consider excessive reductions in the yields of nearby bores (including excessive interference drawdowns); and
- avoid significant adverse effects on surface water bodies.

Regional Plan for Discharges to Land

Objectives

4.1.10 Any risk to human and environmental health presented by contaminated sites is lowered to an acceptable level or the site is otherwise managed in an appropriate and timely manner

Policies:

4.2.46 To develop, in consultation with site owners, occupiers and territorial authorities, strategies for further action for contaminated sites.

4.2.48 To give particular consideration to the following matters when assessing applications for permits for discharges associated with contaminated sites:

(1) the nature, concentration and quantity of contaminants at the site;

(2) the potential for contaminants from the site to contaminate surrounding:

- groundwater;
- surface water;
- soil; or
- air;

and any effects of that contamination;

(3) the potential for direct or indirect contact of humans or animals with contaminants on the site;

(4) any actual or potential adverse effects on:

- human health;
- the health and functioning of plants, animals or ecosystems; or
- existing or future uses of water or land on the site and in the surrounding area;

(5) any potential long-term or cumulative effects of discharges from the site;

(6) any remedial action planned or required in relation to the site, and the potential adverse effects of any remedial action on the matters listed in (1)-(5) above, whether at the site or at another location; and Objectives and Policies 73

(7) The ANZECC Guidelines for the Assessment and Management of Contaminated Sites and the Draft Health and Environmental Guidelines for Selected Timber Treatment Chemicals,⁴⁰ and any other relevant national or international guidelines of standards.

Appendix 3: Summary of submissions

Submission No.	Submitter Name	Oppose/Support	Wish to be heard?	How the submission relates to GWRC matters
2	Rosamund Averton	Oppose in part (building on site 10)	No	<ul style="list-style-type: none"> • Opposes construction (disturbance) of the coastal area; • Requests that if consents are granted that the applicant be required to develop the site in a manner which minimizes or mitigates any environmental, ecological or archaeological harm; • Inhibit further contamination of the harbour which will be detrimental to the economic, social, cultural and environmental goals of Wellington.
10	Mary Munro on behalf of Waterfront Watch Inc	Oppose	Yes	<ul style="list-style-type: none"> • Consideration to be given to rising sea level and increase in extreme weather events
11	Gayle Cullwick	Oppose	No	<ul style="list-style-type: none"> • Discharge of contaminants to the coastal marine area during the construction phase
13	Pauline and Athol Swann	Oppose	Yes	<ul style="list-style-type: none"> • Concern with proposal to occupy the cma with new structures; • Concerned about the request for resource consent to discharge contaminants to the cma; • Sea level rise – will put more infrastructure at risk
14	Chris Greenwood	Oppose	No	<ul style="list-style-type: none"> • Object to the discharge of contaminants into waterways and draining into sea • Rising sea level should be taken into consideration during this application
15	Rachel Underwood	Oppose	No	<ul style="list-style-type: none"> • Harmful intrusion on the protected coastal marine area • Reduced access to the coastal area • Contamination of water and land set out in the plan is not acceptable
18	Sue Watt	Oppose	No	<ul style="list-style-type: none"> • Application must comply with the NZCPS objectives and polices specifically: <ul style="list-style-type: none"> - Maintain and enhance public open space qualities and recreational opportunities of the coastal marine area; - Recognise and protect character of the coastal

				<p>environment that are of special value to tangata whenua;</p> <ul style="list-style-type: none"> - Protect historic heritage in the coastal environment from inappropriate development - Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe <ul style="list-style-type: none"> • The public open space at site 8 is better left as is and does not need two over engineered bridge structures from the tug wharf as there is already a connecting structure.
26	Chris Horne & Barbara Mitcalfe	Oppose	Yes	<ul style="list-style-type: none"> • Rising sea level as a result of climate change – possible inundation of the basement and ground floors possible in the future
29	Ann Mitcalfe	Oppose	Yes	<ul style="list-style-type: none"> • Oppose the fact that construction of new buildings will lead to production of more contaminants that will be discharged to the Harbour
37	David Zwartz	Oppose	Yes	<ul style="list-style-type: none"> • There is no allowance for the effects of climate change/sea level rise
38	Ron England	Oppose	Yes	<ul style="list-style-type: none"> • The proposal has potential climate, ecological and environmental effects due to it being located in the interface zone between land and sea
45	Catharine Underwood	Oppose	Yes	<ul style="list-style-type: none"> • The proposed site is unsuitable for building given the serious implications of manmade climate change resulting in sea level rise, more violent storms and extreme weather events.

North Kumutoto Precinct Project: List of Submitters

No.	Submitter Name	Support/Oppose
1	Grant Corleison & Mark Dunajtschik	Support
2	Rosamund Averton	Oppose in part
3	Andrew Bowman	Support
4	Robert Lowe	Oppose
5	Helen Marshall	Oppose
6	Don and Ann Locke	Oppose
7	Julia Burgess	Oppose
8	Virginia Andersen	Oppose
9	Alexander Gough	Oppose
10	Waterfront Watch Inc c/- Mary Munro	Oppose
11	Gayle Cullwick	Oppose
12	Philippa Boardman	Oppose
13	Pauline and Athol Swann	Oppose
14	Chris Greenwood	Oppose
15	Rachel Underwood	Oppose
16	David Underwood	Oppose
17	Jean Morgan	Oppose
18	Sue Watt	Oppose
19	Ponatahi Trust c/- James Graham & Rebecca Treacy	Oppose
20	Body Corporate 309984 c/- Allan Pledger	Oppose
21	Allan Pledger	Oppose
22	Peter & Roy Ferguson	Oppose
23	John Hayes	Oppose
24	Carlos Constable and Megan Compain	Oppose
25	David Barber & Ruth Jamieson	Oppose
26	Chris Horne & Barbara Mitcalfe	Oppose
27	Architecture Centre c/- Christine McCarthy	Oppose
28	Anne Ryan	Oppose
29	Ann Mitcalfe	Oppose
30	Heritage NZ c/- Jillian Kennemore	Support
31	PowerCo Ltd c/- Burton Planning Consultants Ltd	Neutral

No.	Submitter Name	Support/Oppose
32	Alana Bowman	Oppose
33	David Stevens	Oppose
34	Frances Lee	Oppose
35	NZ Police C/- Senior Sargeant David Houston	Support in part
36	Wellington Civic Trust c/- Alan Smith	Oppose
37	David Zwartz	Oppose
38	Ron England	Oppose
39	Action for the Environment c/- David Lee	Oppose
40	Judith M Graykowski	Oppose
41	Living Streets Aotearoa c/- Ellen Blake	Support in part
42	Victor Davie	Oppose
43	John Graham Galloway	Support in part
44	Sri Farley	Oppose
45	Catharine Underwood	Oppose

Summary of Submissions North Kumutoto Precinct Project

This 'Summary of Submissions' summarises the 45 submissions received in relation to the North Kumutoto Precinct Project (the Project').

The resource consent applications associated with the Project (Applications 1 to 4) were publicly notified jointly by both WCC and GWRC under Section 95A of the RMA (at the applicant's request). The Public Notice appeared in the Dominion Post on 20 November 2014. Signs advertising the public notification of the application were also erected on the site. The submissions period closed 18 December 2014.

A total of 45 submissions were received in relation to the applications. Three of these submissions (Submission No: 42 to 45) were late submissions, but were each received on the next working day after the close of submissions. All late submissions were accepted with the agreement of the applicant.

The general position of these submissions are:

Position	Total
Oppose	37
Oppose in part	1
Support	3
Support in part	3
Neutral	1
Total Submissions Received	45

The majority of submissions have been categorised into separate topics under the following headings:

- A) Matters raised in Submissions in Opposition**
- B) Matters raised in Submissions in Support**
- C) Matters raised in Submissions that are Neutral**

Submissions that raised matters of a specific nature in detail have been summarised separately under the following headings:

- D) Waterloo Apartments - 28 Waterloo Quay (Shed 21): Submissions 19-22 & 44**
- E) Architecture Centre: Submission 27**
- F) Powerco Ltd: Submission 31**
- G) Wellington Police Maritime Unit: Submission 35**

Where these parties raised a matter in detail that is also discussed in Sections A-C, this is noted underneath the relevant table of comments in Sections A-C with an asterisk (*) and note.

Conditions requested by submitters have been listed under the following heading:

- H) Conditions Requested by Submitters**

A) Matters raised in Submissions in Opposition

- Inappropriate Use of the Land
- Building Size, Height and Dimensions
- Design, External Appearance and Architecture
- Heritage
- Archaeology
- Views and Viewshafts
- Wider Waterfront Amenity
- Wind and Shading
- Traffic Safety and Pedestrian/Vehicle Conflicts
- Traffic Generation
- Vehicular Access, Circulation and Pedestrian Crossings
- Public Open Space
- Contamination, Coastal Environment and Ecology
- Inconsistency with Planning Framework/Higher Order Documents
- Holistic Planning on the Waterfront
- General/Other Matters

Inappropriate Use of the Land (Site 10)		
Comment	Submitter No.	Total
Will take up 'finite' public space/open space available for the leisurely enjoyment of the Waterfront for the benefit of all citizens.	2, 8, 10, 11, 12, 18, 25, 26, 28, 33, 34, 37, 39, 40, 45	15
Site 10 should remain a public space.	2, 8, 10, 11, 12, 14, 18, 25, 26, 28, 34, 37, 39, 40, 45	15
Privatisation of public space/alienation of public land for private use.	2, 7, 8, 10, 11, 14, 15, 18, 25, 26, 28, 29, 37, 39, 40, 45	16
Wellington Waterfront not an extension of the CBD; office blocks belong in CBD.	2, 10, 14, 18, 26, 28, 29, 34, 37, 45	10
There are many existing underutilised buildings in CBD and many "for lease" signs.	14, 16, 17, 25, 29, 45	6
Effects of a building on Waterfront irreversible.	12	1
Commercial development of area/No commercial reasoning given for the building.	7, 16	2
Need for more recreational space in area due to growth of office and apartments in the Capital, Railway and Centreport Precincts.	13	1
Footprint encroaches into what should be public space.	14	1
Wellington Waterfront walkways are a great attraction for overseas tourists, visitors and local residents; Waterfront should not be swamped with buildings like Auckland's Waterfront.	16	1
Opposed to more tall buildings on Waterfront.	17	1

Building Size, Height and Dimensions		
Comment	Submitter No.	Total
Bulk is excessive for the site.	6, 10, 11, 15, 18, 29, 33, 42, 45	9
Height is excessive/too large for the area.	4, 5, 6, 11, 15, 17, 18, 29, 33, 42	10
Size should be considerably reduced.	11	1
Height exceeds height stated in Environment Court decision for Variation 11.	10, 14, 15, 16, 18, 37, 39, 45	8
Width and length exceed width and length stated in Environment Court decision for Variation 11 when taking into account the building's overhangs.	10, 15, 18, 45	4
Disregards Environment Court recommendation that buildings have a gentle downward slope from Shed 21 to Shed 13.	45	1
If approved, the size of the Building's southern end should be reduced so that it only occupies the solid footprint area shown on Drawing 1.041 to keep views of Mt Victoria unobstructed and leave the Former Eastbourne Ferry Terminal Building as a feature.	33	1
Will crowd existing buildings and public access.	4	1
Any development must be small scale with minimum effect on movement, light and sun.	6	1

Design, External Appearance and Architecture		
Comment	Submitter No.	Total
The Building's design should be in keeping with the architecture of historic buildings (RE: Shed 11).	12	1
Flying Gantry adds massively to the Building's bulk and bears no resemblance to a gantry.	18	1
The Building should be integrated with the sea, open space and maritime heritage rather than CBD buildings.	18	1
The Building does not strike a balance between urban design, heritage and contextual considerations.	45	1
The Building's design does not meet exacting standards of design excellence as required by the District Plan.	37*	1

* *Note: Matters relevant to design, external appearance and architecture have also been raised by the Architectural Centre (Submission 27) whose comments are summarised in greater detail in Section E below.*

Heritage		
Comment	Submitter No.	Total
Size is inappropriate for heritage setting and will dominate and overwhelm surrounding heritage buildings (Shed 21, Former Eastbourne Ferry Terminal Building, Wharf Gates).	6, 10, 12, 15, 16, 17, 18, 33, 34, 37, 39, 45	12
Will significantly shade or overshadow the Former Eastbourne Ferry Terminal Building.	10, 33, 37, 39, 45	5

Design not sympathetic to historic surroundings and other buildings on Waterfront.	33	1
Focus of current open space is on listed heritage buildings; this will be lost following and the standing of the surrounding listed heritage items will be diminished.	45	1
No contribution to heritage values of North Kumutoto Area.	10	1
Gestures and representations of historic heritage of development on the Waterfront does not compensate for the destruction of heritage features.	10	1
The Building and the areas of public open space fail to recognise or reflect both historical Maori and European connections to the Waterfront.	18	1
The Waterfront's heritage should be protected, not destroyed.	15, 16, 29	3
Proposal inconsistent with WCC's Heritage Policy.	10	1
Planned use inconsistent with WCC's stated heritage values.	45	1
The Building, with its horse float-like extension, will dominate and overwhelm the heritage listed Former Eastbourne Ferry Terminal and conflicts with Section 6 of the RMA in that it does not <i>protect historic heritage from inappropriate development</i> .	39	1
Site 10 is being researched for possible registration with Heritage NZ; Queens Wharf is one of the earliest wharf sites of European origin left in Wellington City. There must be more protection of these features rather than their destruction.	29	1
Toll Booth Building should not be moved from its historic site.	13	1
Historic sea wall (currently unseen) should be preserved and restored. Historic photographs show a lovely edge to the wharf that is likely to be buried under the concrete.	45	1

Archaeology		
Comment	Submitter No.	Total
Disturbance of archaeological features.	2	1
WCC should undertake an exploratory excavation along the line of the former wharf to investigate whether there are any remnants of the old wharf that still exist and, if so, whether it can be exposed and restored as a historic feature.	43	1
Although Site 8 and 10 are not archaeological sites (refer Mary O'Keefe's Archaeological Assessment attached to Application), the area has Maori ancestral connections and European settler connections and, in particular, Site 8 and 10 contain a range of significant features and references that require protection. Both Proposal One and Two fail largely to recognise these connections.	18	1

Views and Viewshafts		
Comment	Submitter No.	Total
Structures should remain at a human scale and should not restrict harbour views.	2	1
Will block harbour views from Molesworth Street, Parliament and Whitmore Street.	14	1
Will block a viewshaft from the CBD to Lambton Quay and the hills beyond, and an existing view from the harbour edge to Te Ahumairangi (formerly Tinakori Hill).	26	1
Will block views of the harbour and surrounding hills from the CBD.	28, 40, 45	3
Disrupted harbour views from Cenotaph/Will leave only framed viewshafts and glimpses of the inner and outer harbour for the public.	13	1
Loss of viewshafts.	34	1
Will be constructed right up to the protected Whitmore Street Viewshaft (VS6 in the District Plan) so will not be enhanced under District Plan Policy 12.2.2.7.	39	1
Will compromise viewshaft from Bowen Street/Lambton Quay to Harbour.	37	1
Viewshafts and glimpses of the harbour not substitutes for panoramic views.	2	1
Will block the breath-taking view going down Whitmore Street and through the gates onto the Wharf of the Harbour, Hutt Valley and Mt Victoria.	28	1
Will look ghastly and have a dominating impact on the Waterfront (refer Drawing No. 0.016/View 5).	33	1
Will spoil views of the approach to the Waterfront along Customhouse Quay and the views of pedestrians who use the area.	12	1
The space is an important gateway to the Waterfront and will be disrupted.	12	1
The Building creates a canyoning effect for Waterloo Quay, which is not mitigated by the diagonal tunnel through the Building.	18	1

Wider Waterfront Amenity		
Comment	Submitter No.	Total
Amenity value of adjoining open space will be heavily impacted.	45	1
The Waterfront provides an escape from the large buildings of the CBD; people can walk unimpeded, enjoy a different scene and engage with a wider view of the sea.	28	1
The two over-engineered bridge structures from the Tug Wharf are unnecessary as there is already a connecting structure.	18	1

The reconnection with Te moana o te Whanganui a Tara (the waters of Wellington Harbour) in a positive way is important not only in terms of Maori culture but also in terms of the overall culture of the City of Wellington.	29	1
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Wind and Shading		
Comment	Submitter No.	Total
Will increase wind issues on adjacent public land and pedestrian areas.	11, 12, 13, 17, 34, 37*	6
Will significantly shade areas of public space along the waterfront.	11, 12, 13, 15, 18, 34	6

* *Note: The Architecture Centre (Submission 27) have provided detailed comments on potential wind issues associated with the building and these summarised in greater detail in a separate section titled: 'Architecture Centre: Submission 27' below.*

Traffic Safety and Pedestrian/Vehicle Conflicts		
Comment	Submitter No.	Total
Mixture of traffic will be confusing and increase vehicle and pedestrian conflicts.	9, 12, 33, 34, 36, 37, 41, 45	8
Opposed to mixing of vehicles on waterfront side of the development.	9, 36	2
Will create an opportunity to provide a pedestrian-free route along waterfront side of the building.	9, 25, 33, 36, 41	5
Encourages traffic into public open space.	29	1
Principle of 'pedestrians come first' should be considered.	10, 15, 41, 45	4
No pedestrian assessment undertaken independently of other elements.	41	1
Safety issues of shared pathways not addressed in the "Crime Prevention through Urban Design (CPTED)" Report.	41	1
No reference to NZ Pedestrian Planning and Design Guide in the Application.	41	1
Additional vehicle access, associated parking and servicing detrimental to pedestrians and those with mobility restrictions.	2	1
Mix of vehicles and pedestrians and lack of clear pathways will make it difficult for people with visual impairments. Good walking surfaces are required (no slippery or uneven surfaces).	41	1
Hard surfaces focus almost entirely on the movement of cars.	3	1
Vehicles need intervention to ensure they move slowly through the area.	41	1
Safety concerns with a two-way vehicle route along Waterfront and traffic 'pinch-point' near the Former Eastbourne Ferry Terminal.	10	1

No reason for anything more than limited vehicle access. Consideration should be given to preventing vehicle access during busy pedestrian times.	9	1
Truck dock on eastern side of Building will be problematic given it is a main pedestrian route.	10, 45	2
Will be less space available for pedestrians and cyclists due to increase in service vehicles and cars.	17	1
Bicycle exits onto Customhouse Quay need to be improved so that cyclists do not tend to use the pedestrian footpath.	41	1
Truck dock will generate large, noisy vehicles with the possibility of vehicle back-ups. There are dangers with certain types of deliveries (i.e. diesel).	10	1
Reversing manoeuvres from the truck dock may be dangerous therefore the truck dock should be relocated to the basement level.	36	1
Concerns with mixed traffic use over Whitmore Plaza.	10	1

Traffic Generation		
Comment	Submitter No.	Total
Will be consistent movement of cars coming and going throughout the day from the basement level car park.	10	1
Continued use of Site 9 for commuter car parking will result in increased car use and further development of Site 9 (to include car parking) may worsen traffic safety concerns.	10	1
Commercial building will result in more vehicles in the area.	12	1
Opposes subterranean car park.	2	1

Vehicular Access, Circulation and Pedestrian Crossings		
Comment	Submitter No.	Total
Vehicles should enter from Woolstore Plaza only (not from Whitmore Plaza) and exit via Bunny Street gates.	36	1
Need new pedestrian crossing from Whitmore Street to Site 10 across Customhouse Quay. Improvements could be made by moving pedestrian crossing from northern to southern side of Whitmore Street.	36	1
Traffic entering from Whitmore Street should only be able to turn right.	36	1
There should be no right turn at Woolstore Plaza.	33	1
Vehicle access to Site 10 and Shed 21 should be via Woolstore Plaza only. Whitmore Street entrance to Waterfront should be restricted to pedestrians and cyclists.	33	1
Whitmore Plaza is a muddle of people and vehicles. It is the access point to Kumutoto Lane to the north and south. Cars entering will be under pressure to move quickly as they leave busy Customhouse Quay via the slip lane.	10	1

If entering Bunny Street entrance from south there will be pressure to turn quickly. Commuters will be walking and arriving or leaving by car or bicycle at the same time.	10	1
Access and egress points for campervans need to be considered as part of this application.	10	1

* *Note: Matters related to traffic circulation and access have also been raised in several of the submissions from Waterloo Quay Apartments (Shed 21) (Submissions 19 to 24 & 44) and the Wellington Police Maritime Unit (Submission 35). Comments from these parties are summarised in greater detail below in Section 'D' and 'G' respectively.*

Public Open Space		
Comment	Submitter No.	Total
This public open space development is inextricably linked to the development of Site 10.	10, 18	2
Limited public space will remain after development of Site 10.	15	1
Little or no public space within the building.	14	1
Existing open space will become a "structured" area.	28	1
Will reduce the quality of the public space.	45	1
Waterfront should be a people-friendly open space for the enjoyment of all Wellingtonians.	18	1
District Plan Policy 12.2.8.3 seeks to achieve high quality public spaces and opportunities for vibrant activities. The design for the proposed public open space area is poor and unimaginative with an absence of planting and gardens. The landscape design should focus on bringing nature back to the Waterfront while providing for commercial development. The design fails to achieve quality design outcomes and does not enhance the 'sense of place' on the waterfront.	3	1
Kumutoto Estuary should be made more natural.	10, 45	2
Permit applications would not be needed if Site 10 remained as a public open space.	34	1
Woolstore Plaza essentially a carpark entrance.	10	1

Contamination, Coastal Environment and Ecology		
Comment	Submitter No.	Total
Opposed to all permit applications related to Applications 2 and 4. Contaminating Harbour will be detrimental to the economic, social, cultural and environmental goals of Wellingtonians.	2	1
Release of contaminants into Harbour, waterways and/or Coastal Marine Area that will occur during construction unacceptable/of great concern.	11, 13, 14, 15, 29	5
Hazardous waste matter underneath the ground will create problems during the construction phase.	12	1
Civic funds should be directed to "cleaning up" the harbour.	29	1
Disturbance/harmful intrusion of Coastal Marine Area.	2, 15, 29	3

Concerns over environmental sensitivity of proposal and changes to the interface zone between land and water, which have their own ecologies.	38	1
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Coastal Hazards		
Comment	Submitter No.	Total
Site 10 not suitable for building development given the growing evidence of man-made climate change and more frequent extreme weather events.	10, 13, 14, 26, 45	4
Building on reclaimed land means it will be subject to liquefaction in a severe earthquake.	26	1

Inconsistency with Planning Framework/ Higher Order Documents		
Comment	Submitter No.	Total
Fails to give effect to New Zealand Coastal Policy Statement objectives and policies.	18	1
Inconsistency with Wellington Waterfront Framework.	13, 36, 40	3
Key over-arching principle for the waterfront is that it should be people-friendly open space for the enjoyment of all Wellingtonians and visitors as per the <i>Wellington Waterfront Framework</i> and the vision for Wellington as a 'people-centred city' (see <i>Wellington Towards 2040: Smart City</i>).	18	1
Non-compliance with Wellington District Plan Objective 12.2.11 which seeks to maintain and enhance the unique and special components and elements that make up the Waterfront.	39	1
Covering more of the Waterfront's open space with a private office building will not "reinforce" the Lambton Harbour Area's role as a "primary open space on the waterfront".	39	1
Wellington Waterfront Framework specifies that " <i>Public Space development does not depend on funding on commercial development and the waterfront as a whole will remain a unique asset to the city that is a draw card in its own right</i> ".	13	1

Holistic Planning of the Waterfront		
Comment	Submitter No.	Total
Site 9 not integrated with rest of precinct.	36	1
Proposed Pavilion sounds like a glorified carport and would block off a future building on Site 9.	18	1
Environment Court decision on Variation 11 stated, inter alia, that " <i>new buildings are to be designed in a coherent fashion so they relate to and complement each other</i> ". There is still no indication of intended development on Site 9 apart from the former Toll Booth Building on its boundary.	36	1
The Waterfront must be considered as a whole, researched and planned, and designed to global expectations with clear character differences from other building groups.	38	1
Decision on Site 8 should be delayed until decision made on Site 10. Until then we can only comment that we are not	13	1

greatly impressed with the design.		
Site 9 should remain as public open space, perhaps with a small pavilion to function as a cafe and information kiosk.	33	1

General/Other Matters		
Comment	Submitter No.	Total
Loss of campervan space.	9, 37, 40, 45	4
No provision for public toilets.	10	1
Suggested "Creative Business Units" will become offices and the general public will have no reasons to access the area.	10	1
It is unclear whether ground floor tenants will attract people given their isolation from retail activities.	19	1
Most successful public places on the waterfront incorporate retail and commercial space that drive people to use them at various times. This design does little to take this success forward.	3	1
No details given of cost of 125 year lease or estimated rates received.	34	1
Peter Brooks, an influential and passionate supporter of development on the Waterfront, should be commemorated. Naming the Pavilion "Peter Brooks Pavilion" would be a fitting tribute.	36	1
WCC has conflict of interest as both applicant and decision-maker therefore independent commissioner requested.	27	1
Consultation has been limited to assumption that a building is to be constructed on Site 10 and excludes other alternatives. Consultation has been limited to the remainder of the Precinct Area.	10, 32, 34, 45	4
Figures and pictures in application inaccurate/deceptive.	10	1
Average submitter has not had time to assess the application; application should be explained more lucidly.	13	1

B) Matters raised in Submissions in Support

- General Comments in Support
- Design, External Appearance and Architecture
- Heritage
- Archaeological
- Public Open Space
- Wider Waterfront Amenity
- General/Other Matters

General Comments in Support		
Comment	Submitter No.	Total
Supports the proposal outright.	1	1
Supports the North Kumutoto Area as a more pleasant space that is accessible to all.	41	1

** Note: The Architecture Centre (Submission 27) supports a building on Site 10 accommodating a commercial activity and considers that a building will attract more people to the area; activate this part of the City better; and, ensure a more viable link to Harbour Quay. This submission is summarised in greater detail below in a separate section below titled: 'Architecture Centre: Submission 27'.*

Design, External Appearance and Architecture		
Comment	Submitter No.	Total
Buildings will benefit area.	9	1
Little objection to Building's style and finish; design is light and translucent.	36	1
Softens the Brutalism of the NZ Post Building when viewed from the Waterfront.	36	1

Heritage		
Comment	Submitter No.	Total
Height and bulk is in comparative proportion with Shed 21 and does not overwhelm this building in terms of size or through the appearance of external fabric.	30	1
Efforts have been taken to align the features of the Building with the detailing of the Shed 21 building and show sensitivity to Heritage features. Alignment of the proposed building will ensure views of Shed 21 building from the roadway.	30	1
Building does not compete with either Shed 21 or the Former Eastbourne Ferry Passenger Terminal	36	1
There is enough space between the Building and the Former Eastbourne Ferry Terminal Building to enable it to be approached, seen and understood in its three-dimensional nature.	30	1
The cantilevered space provided by the Building will provide sheltered space to appreciate waterfront heritage and view the Former Eastbourne Ferry Terminal Building.	30	1
Use of the wharf gates (presently in storage) recommended as it will offer increased understanding and interpretation of the area as a historic place.	30	1
Proposal respects nearby heritage items in terms of bulk and location of the building; its exterior appearance is not overwhelming.	30	1

**Note: The Architectural Centre (Submission 27) considers the building size, form, orientation and location as being appropriate relative to its historic neighbours and outlines that they have no problems with a building from a heritage perspective. This submission is summarised in greater detail below in a separate section below titled: 'Architecture Centre: Submission 27'.*

Archaeological		
Comment	Submitter No.	Total
Welcome Applicant's agreement to have a consent condition imposed requiring an 'Accidental Discovery Protocol' to be in place for the duration of the site works.	18	1

Public Open Space		
Comment	Submitter No.	Total
Welcome reintroduction of Toll Booth Building to Waterfront but regret it is only an interim use of the site.	18	1
Improved walkway and cycleway from the Ferry Terminal to the north end of Shed 21.	18	1
Pavilion will provide shade and shelter.	36	1
Great to see descending access to the water.	36	1
Supports the use of marine gardens (no use of non-Wellington Pohutukawa).	41	1
Supports use of appropriate lighting along the waterfront but this should be lighting so that it does not blind pedestrians	41	1
Supports application despite design being poor and failing to achieve the District Plan objectives as a decline would result in more years of delay and arguing. Requests that the applicants redesign the public spaces to include significantly larger trees and landscaping elements and be strongly focussed on bringing nature back to the Waterfront while providing commercial development to provide facilities that Waterfront visitors want. The landscape design should focus on people and movement.	3	1

Wider Waterfront Amenity		
Comment	Submitter No.	Total
The buildings cantilever will provide a good area of covered and sheltered open space underneath the building.	36	1

General/Other Matters		
Comment	Submitter No.	Total
Site 8 better left as public space.	3, 18, 36	1

C) Matters raised in Submissions that were Neutral

General/Other Matters		
Comment	Submitter No.	Total
Neutral towards pavilion shelter but seems pointless taking up space that could be better used for planting large trees and green space. Support some form of shelter but it could better incorporate nature within and around it.	3	1
Neutral to plans for the Precinct Project as a whole but suggests an enhancement to the public open space on the area on the seaward site of Site 10. Requests that WCC undertake an exploratory excavation along the line of the former wharf (detailed further in submission) to ascertain whether any of it still exists and, if so, whether it is of sufficient	43	1

quality and quantity for a suitable length to be exposed and restored as a historic feature of the North Kumutoto Precinct.		
Design approach good in general; Buildings will benefit area.	9	1

** Note: Both Powerco Ltd (Submission 31) and Wellington Police Maritime Unit (Submission 35) have indicated that they are neutral towards the proposal overall but have specific comments that they wish to make for consideration.*

D) Waterloo Apartments - 28 Waterloo Quay (Shed 21): Submissions 19-22 & 44

Submission 20 was received from the Chairperson of Body Corporate 309984 for the apartment owners of Waterloo Apartments (Shed 21) at 28 Waterloo Quay. Similar submissions were received by individual unit owners (Submission 19, 21, 22, 23, 24 and 44) who represent themselves as individuals.

The majority of the content of these submissions is similar (if not the same) and is summarised in general terms below. Where submitters have raised additional matters, these are identified under the heading 'Specific Comments'.

General Submission:

Underground carpark
Interactions between trucks, cars, cyclists and pedestrians would take place within a small area, which is contrary to good traffic management practice.
It would be better traffic management to locate the basement entry and exit to the southern end or the eastern side of the Building (where the truck dock is currently proposed) where the number of interactions between trucks, cars, cyclists and pedestrians would be fewer.
Vehicles entering an exiting the basement would cause unnecessary disruptions to apartment owners and commercial units at the southern end of Shed 21, generating noise and the nuisance of vehicle headlights shining into units during hours of darkness.
The entrance to Shed 21 is not integrated with, or complementary to, the entrance to Shed 21 (a listed heritage building) and will clutter and downgrade the entrance to Shed 21.

Wharf Gates at Southern End of Shed 21
Unnecessary to move the Wharf Gates near the southern end of Shed 21 to line up with the Building's built edge as these gates currently align with the built edge of Shed 21.
The southern entrance to Shed 21 differs from the waterfront entrances near the Customhouse Quay/Waring Taylor Street intersection and the Customhouse Quay/Johnston Street intersection but they do not need to conform.
The new location of the Wharf Gates will unnecessarily obstruct views through the only exterior window of the commercial unit (Unit 1.04) at the southern end of Shed 21.

Changes to Ground Levels at Southern End of Shed 21

Introducing two new (downward) steps at the southern end of Shed 21 will change the ground level and make it more difficult for people accessing Shed 21 (for deliveries; pick ups of furniture, appliances and equipment; tradespeople; and other pedestrians). Submission 20 identifies that the body corporate agreement for the apartment owners requires these activities to be conducted from the southern end of the building.

The Woolstore Plaza is not integrated with, and complementary to, the Environment Court decision (*Waterfront Watch Inc v Wellington City Council* [2012] NZEnvC 74), in particular, Para [82], [83], [86] and [107]. It is requested that this level change is reconsidered as it is only needed as a result of the relocation of the Wharf Gates.

Eastern Accessway

The proposal makes no provision for the two commercial units on the eastern side of Shed 21 to stop or park temporarily for deliveries other than on the two-way laneway (potentially to become a one-way laneway).

There is no provision for emergency vehicles to get close to the eastern or northern walls of Shed 21. The fire sprinkler inlet, which hoses are to connect to in the event of a fire, is in the middle of the northern wall of Shed 21 and the proposed landscaping changes do not provide access to this point.

The proposal will reduce the total number of car parking spaces occupied by Shed 21 from 9 to 7 with other spaces relocated.

Construction Phase

Should consent be granted, robust conditions must be imposed to mitigate dust and noise.

Conditions should be imposed to ensure care is taken to reduce the impacts on the Shed 21 building through pile driving and ground compaction works and to repair any structural damage to the Site 10 building.

Lack of Consultation

Consultation between the applicant and the Body Corporate has not been effective with no discussion regarding the location of the basement carpark (even though the Body Corporate had raised this as an issue beforehand), the change in ground levels or the landscaping and laneway.

Specific Comments from Individual Submitters:**Submission 20**

One of the key principles of the original consents, which provided for the conversion of 28 Waterloo Quay into apartments, was to ensure that its southern access area would be primarily a pedestrian area. The primary access to the underground basement carpark of Site 10 is contrary to this principle.

The proposal is in breach of the registered Right of Way Easement (5297344) held by the Body Corporate because it entails the use of the southern access area (Woolstore Plaza) that is not permitted for use by vehicles without the consent of the Body Corporate, which has not been given.

Access will be difficult, if not impossible, for height access equipment essential for maintenance or repair work for the Shed 21 building (scissor lifts, cherry pickers, cranes or

static scaffolding).

Submission 23

No pile driving or compaction works should be allowed for the foundations of the new building on Site 10; metal sea wall foundations must be drilled.

Submission 24

Changes to the laneway and landscaping should not remove any existing structures, namely our columns.

Summary of Outcomes Sought:

1. Entry/exit to the basement level carpark relocated to the southern or eastern side of the building;
2. Effective consultation from the Applicant with the Body Corporate and give effect to the agreements reached;
3. Wharf Gates remain in situ;
4. Reconsider the changes to ground levels (the two downward steps) within the Woolstore Plaza;
5. Ensure that laneway changes and landscaping do not compromise the existing rights represented in the right of way easement;
6. Impose conditions of consent (and commitment from the Applicant) to make good any structural damage to the Shed 21 building resulting from pile driving or other works.

E) The Architectural Centre: Submission 27

The Architectural Centre opposes the resource consents for the North Kumutoto Project. It considers that the building is not of sufficient design quality for its context on this sensitive and significant publicly-owned site. In the opinion of the Architectural Centre, the proposed building does not meet the exacting standard of 'design excellence' and is deficient in terms of meeting the needs of Wellingtonians social and cultural well-being.

The proposal also falls short in terms of compliance with the Council's ethic of stewardship - both in terms of enhancing public amenity, and perhaps, more importantly, in its obligations to ensure an ethically responsible design in terms of energy-use, water-use and pollution mitigation (e.g. having a green roof). These ethical aspects are not separate to those which determine other parameters of design quality, and our current design industry would expect high standards in sustainability as fundamental to notions of design excellence...This current proposal is a lukewarm one, and a missed opportunity; a disheartening engagement with what must be one of the country's most cherished urban coastal landscapes.

Buildings on the Waterfront are vital to attract high quality public amenity to the waterfront by providing adequate environmental protection (from wind, rain and sun) and facilities (public amenities, retail and event space).

The Architectural Centre supports a building on Site 10 accommodating a commercial activity and considers that a building will attract more people to the area; activate this part of the City better; and, ensure a more viable link to Harbour Quay.

The Architectural Centre is of the view that the proposal is inconsistent with the Wellington Waterfront Framework (WWF), an important Policy document with respect to development on the Waterfront. Consistency with the ambitions and intent of the WWF is considered particularly relevant to the Architectural Centre given the long term commitment (125 years) of the lease to Site 10 Redevelopment Limited Partnership.

Constant themes in the opinion of The Architectural Centre include:

- (a) a requirement for exciting, innovative, high quality, and a diverse range of, design to facilitate a wide variety of activities;
- (b) the provision of high quality outdoor space, with views of the harbour;
- (c) new design, which is cognisant of heritage buildings (specifically their design, scale and appearance);
- (d) recognition of the importance of the connection between the city and the sea
- (e) the description of the waterfront as a very special civic place (e.g. "an exciting playground of beautiful and inspiring spaces that connect our city to the sea, and protect our heritage for future generations;" "a special place that welcomes all people to live, work and play in the beautiful and inspiring spaces and architecture that connect our city to the sea and protect our heritage for future generations."

The Architectural Centre consider that the application is inconsistent with the WWF because the proposed Site 10 building, and the Whitmore Plaza, are of insufficient quality and character when considered in the context of the very high threshold for both quality and character of design that the WWF requires. The proposed building is a standard commercial office building, which is seemingly oblivious to its obligations as a public building to demonstrate this design excellence, and to contribute positively to the city.

Architectural Centre considers that achieving the building's responsibilities as public architecture, which obligations include:

- (a) Site-specific design;**
- (b) The provision of public space on the ground floor of the building, which is important in contributing to the social and cultural well-being of Wellingtonians, and enhancing the amenity values of the site;**
- (c) Outstanding architectural design of the interior public spaces, the exterior facades of the building, and external public spaces, including aspects of amenity; and**
- (d) Ethical design.**

Each of these is expanded on further below:

(a) Site-specific design

This includes:

- (i) understanding the narrative of ambitious and idiosyncratic design which characterises the waterfront;
- (ii) engaging with the formal qualities of the existing heritage building (materials, proportionality, scale etc)
- (iii) achieving exemplary design, with an obligation to engage with the complex interaction between the city and the harbour, including the facilitation between the harbour and the city, with the ground floor being predominantly transparent.

The Architectural Centre considers that the building behaves conscientiously relative to its historic neighbours. The scale of Shed 21 establishes and is related to the new Site 10 building. Scale references are made to the Former Eastbourne Ferry Terminal Building. Additional moves via material references might also have been made but the Architectural Centre has no problems with a building of this size, form, orientation and location from a heritage or urban design perspective.

The waterfront is described by the Architectural Centre as an idiosyncratic and risk-taking built environment amid the existing heritage infrastructure, which “productively and creatively challenges and tests the meaning of public architecture”. It is a gutsy and tough environment, unafraid of controversy. The District Plan describes this form of development as “imaginative developments, which in turn encourage an improvement of the amenities of the waterfront for use and enjoyment by the public.”

The WWF and its preceding policy stress the special character of the waterfront and the need to maintain and preserve views as one of the mechanisms for preserving this character. The Architectural Centre identifies the need for thoughtful and careful design to maximise views between city and sea, with Policy 12.2.8.3 of the District Plan which aims for “views from city streets preserved, and improved where possible”¹.

Careful and thoughtful design is needed to maximise views between harbour and city at ground floor. Currently, the proposed design will block off 70% of the ground floor, preventing views through the building. The fit-out of tenancies within the building are likely to further block views (kitchens, product shelving, staff-only spaces). The Architectural Centre suggests that it may be appropriate for the design on the building to meet specific conditions regarding transparency through the ground floor.

(b) Provision of public space on the building’s ground floor

The Architectural Centre considers ground floor public space as important to contributing to the social and cultural well-being of Wellingtonians, and enhancing the amenity values of the site. In their opinion, this includes space which:

- (i) is welcoming to the public, and open and transparent;
- (ii) aesthetically engages with the cultural values of the public
- (iii) does not require the public to purchase anything in order to occupy the space;
- (iv) includes public use, as well as being publicly accessible space; and
- (v) provides public facilities (e.g. public toilets, bookable community meeting rooms).

The ground floor of proposed building, in their opinion, requires skill to convey that the building is a fundamentally generous public space (through a high floor to ceiling dimension, high quality materials, the inclusion of community-orientated functions, active edges, high quality adjacent public outdoor space). The floor to ceiling dimension of the proposed building is high-ish, at approximately 3.5 metres. However, the planning ground floor of the building reflects a conventional commercial space at the expense of public use.

The Architectural Centre acknowledges the capacity of the ground floor for retail and hospitality tenancies, which will enable publicly-accessible space, and will broaden the destination value of the ground floor, but we consider that the brief for ground floor space must also require specific public-use functions, which do not require the public to purchase goods or services in order to occupy spaces. Interior spaces need to be designed to encourage the occupation of ground floor spaces by the public (rather than simply facilitating their passing through these), and that

¹ Wellington Waterfront Framework , quoted in Applicant’s AEE, pg. 12

some of these spaces must have exclusively public functions, even if they are as mundane as the provision of public toilets, showers and changing rooms to supplement waterfront activities.

The Architectural Centre suggests a resource consent condition which requires a minimum of 65% of the ground floor being designated space accessible to the public. The explanation to District Plan Policy 12.2.8.6 requires consideration of “active edges” that support public use and which is predominantly accessible to the public. In their opinion this suggests a policy intention for meaningful public use at the ground floor beyond commercial activity.

The initial consultation of the redevelopment of Site 10 included a publicly accessible roof area and active use of the top floor. One of the fundamental changes following the initial consultation was a change of the building from 6 storeys to 5 storeys and the loss of this publicly accessible roof space. The Architectural Centre considers this to be a missed opportunity which would have been a ‘grand civic gesture’.

In the opinion of the Architectural Centre, the current design of the roof needs greater attention given that it will be looked down upon by several neighbouring buildings.

(c) Outstanding architectural design of the interior public spaces, the exterior facades of the building, and external public spaces, including aspects of amenity, such as:

- (i) innovative and challenging design
- (ii) a higher design quality threshold than normal commercial development.

The proposed building won a design competition in 2013, and the same firm (Athfield Architects) also won a design competition in 2007 for a related proposal. However, in the opinion of the Architectural Centre, the earlier (2013) design was more elegant and sophisticated in design terms than the current proposal which appears ‘clutter-up’; and, the current proposal is a ‘watered-down’ version of the 2007 design. The current design of the Waterloo Quay façade is, in the opinion of the Architectural Centre, ‘over-cooked’, hard to read and prevents clarity of the building’s form. The Architectural Centre suggests that an inquiry is made by the decision makers as to the different nature of these competitions (e.g. a strong focus on architectural design vs. developer driven to deliver a project).

In the opinion of the Architectural Centre, the building lack ambition and is ‘thin on the ground’ when it comes to site specificity.

The idea of the working gantry has potential but the two level volume is a placed awkwardly beneath it making it difficult to read as a cantilevered structure. Expressions of the remaining gantry references may be largely lost should tenants install blinds within the building to control sunlight.

The built volume within the space under the gantry also closes off the openness and visual connection to the Former Eastbourne Ferry Terminal Building. The Architectural Centre considers that removing the built volume under this space will “unblock” and “de-clutter” this space to better enable the cantilever of the gantry to be understood and will better enhance city to sea connections that the Wellington Waterfront Framework desires.

There are three key public spaces and the Architectural Centre comments on these spaces are as follows:

Site 8:

- is the most successfully designed and the only aspect of the application that it supports.

- whilst a comparatively meek example of public space compared to overseas examples it will make a new contribution to the waterfront, with its merging of landscape and furniture (such as the communal lunch table) and such thinking could be playfully teased out further through the site.
- The isolation of the pavilion from the aesthetically related ground is disappointing. These gestures stop short of achieving something truly creative and challenging; with the underdeveloped pavilion appearing more of an object on the waterfront, rather than an innovative space that provides shelter and functional opportunities at a more expansive scale.
- There is the potential to explore roof top access to the pavilion. It could become an artificial seaside landscape; a forest (engaging proximate tree canopies); a lookout; and fully functioning serial kiosk, facilitating temporary and ad hoc refreshment and novelty stalls during waterfront events.

Woolstore Plaza:

- The Woolstore Plaza is deceptively named as it is not a plaza at all, but rather an unattractive leftover space whose primary function is directed towards traffic circulation.

Whitmore Plaza:

- The Whitmore Plaza is a large barren circulation space, scaled towards the needs of a car.
- It is not a destination and lacks meaningful shelter, but does have some provision for seating, though all of this is to frame car use.
- This space should be primarily designed for the pleasure of people and at the very best a “shared space”.
- It appears to likely be an unpleasant and exposed space.
- The provision of near continuous verandahed spaces for pedestrians and cyclists will give this space a purpose.
- Despite its location as the closest point between the Quays and the harbour edge, and the connection between Parliament and the water, the proposed Plaza gives no reference to itself as a “tidal area”, nor its capital city aspirations.
- Visual connections along Whitmore Street and to and from a peripheral part of the Beehive are acknowledged.
- The material palette could be an appropriate way to amplify city to sea associations.

Comments on wider proposal for public open space:

- There is a lack of public toilets, cycle parking, rubbish bins, signage etc.
- Reclaimed cobblestones will slow traffic but could make journeys uncomfortable for cyclists. Continuous strips of a smoother surface could improve the ride for cyclists.

Wind Tunnel Study

The location is clearly windy, with 15 of the 43 locations measured in the *Opus Research Report* (Wind Tunnel Study) experiencing winds that exceed the Wellington City Council safety criterion. When the building is completed, 17 of these locations will experience dangerous winds. In the opinion of the Architectural Centre, is difficult to see this achieving the aims of the District Plan.

Clearly the wind environment on the close to the building will be markedly improved; but the wind speed will be significantly increased on the opposite side of Customhouse Quay, being the most highly used pedestrian path in the neighbourhood.

Although the building may not cause a worse wind environment than the present situation, the current wind environment is challenging to say the least and is frequently not an environment conducive to outdoor activities indicated by the design – suggesting that outdoor spaces will have low levels of amenity.

The diagonal route through the building appears to be a crude architectural move which doesn't understand the geometry of the building and will be appalling wind tunnel worsening the pedestrian experience. Linking the windy and windward side of a building is just not sensible (as the market area on the Herd Street Post Office Building demonstrates every northerly). The use of this link-through is not an safety concern but an amenity issue.

Awareness of sun and wind issues in relation to public amenity spaces are critical to the success of the project and the Architectural Centre believes that more development work is required to design and test appropriate shelter that retains access to the sun but enhances the experience of these spaces. An agreement is required upfront to work on large scale screens and landscaping interventions to address and improve this experience.

If the diagonal walkway through the building is removed to mitigate wind issues, the external wall of the ground floor tenancy could be pulled back to grid-line L (on the original Athfield Architects building plans), and, with the removal of the two level projection under the "gantry" cantilever, a vertically larger public space would be created, increasing the visual and physical openness to the waterfront.

Toll Booth Building

The Architecture Centre support the relocation, new position and orientation of the Toll Booth Building.

(d) Ethical Design

In the opinion of the Architectural Centre, ethical design would include:

- (i) sustainable design (in terms of: material selection, waste management and waste minimisation in its construction, achieving zero-energy design, roof collection of water, recycling water/use of grey water (e.g. for toilet flushing), a green roof, green walls - though these need maintenance.
- (ii) encouraging occupant use of sustainable and active transport options (e.g. provision of showers for cyclists, provision of cycle parks, reduced provision of car parks, maximises its proximity to public transport hubs).
- (iii) resilient design in terms of earthquake design, low damage design, and climate change (which would include its viability in the context of sea level rises).
- (iv) sustainable uses (e.g. recycling), and in this regard the provision near the Truck Dock Entry for recycling is a positive inclusion in the plan.

The building addresses some of these issues, in particular:

- 1) the building is base isolated, ensuring earthquake resilience;
- 2) issues relating to sea level rise appear to be accommodated;
- 3) the project reduced the net number of car parks;
- 4) showers appear to be provided on each floor;
- 5) the application refers to the building receiving a 5 star Green Star Certified Rating.

But all of this falls short of a zero-energy building, which the Architectural Centre consider is necessary to give meaning to the Council's aim to promote sustainable design. Large areas of glass may cause the building to overheat, requiring air-conditioning, when passive-energy design (openable windows and ventilation) would be much more responsible. In addition, there is no rainwater collection or water recycling. There is no mention of construction waste

minimisation strategies. A green roof would also improve the building's status as an exemplar and provide an enjoyable space for the building's occupants.

Notes about the Architectural Centre Submission:

The Architectural Centre Inc. is an incorporated society dating back to 1946 which represents both professionals and non-professionals interested in the promotion of good design.

No members of the Architectural Centre whose firms work on the waterfront or who are involved in projects on the waterfront have been involved in writing this submission.

The Architectural Centre have participated in consultation processes with respect to the energetic redevelopment of the waterfront dating from the early 2000s. Most recently, the Centre made a submission to the Wellington City Council (28 February 2014) on consultation initiated by the Wellington City Council for the North Kumutoto Site 10 Development Proposal.

F) Powerco Ltd (Powerco): Submission 31

Powerco Ltd is neutral towards application as a whole. However, Powerco has an existing gas distribution main located in the southern end of the North Kumutoto Precinct, partially within the location of the public space redevelopment.

Powerco Ltd wishes to ensure the proposed works do not have adverse effects on the existing gas distribution main, including:

- 1) ensuring works do not physically damage existing assets;
- 2) ensuring works do not disrupt gas supply to customers during construction works;
- 3) avoiding level changes which result in too much, or too little, coverage of existing underground assets;
- 4) preventing access to underground assets being restricted for required maintenance during construction, or by inappropriate placement of structures, buildings or landscaping.

Powerco have an existing easement (Easement Instrument 7531033.3) over Lot 1 DP 363596, being part of the North Kumutoto Precinct to be developed as public open space.

Powerco seek resource consent condition(s) imposed on the consent (if granted) which, in effect, reflect the restrictions imposed under Easement Instrument 7531033.3. The requested wording is outlined under Section H below.

G) Wellington Police Maritime Unit (NZ Police): Submission 35

The (former) Eastbourne Ferry Terminal Building accommodates both the 'Wellington Police Maritime Unit' (WPMU) and 'Police National Dive Squad' (PNDS). The building also provides secured (gated) access to the adjoining Service Jetty. Docked to this jetty are typically two vessels (18.5m long Lady Elizabeth IV and 12m long Police 8). These vessels carry out a wide range of functions for Police, Local and Central Government and the general public.

The focus of the submission is on maintaining current levels of service delivery and to meet critical functions, and also to ensure that the development does not hinder future capability pertaining to Police Business conducted on the site.

This includes:

- 1) refuelling of Police vessels via a fuel tanker driven to the site. There is no alternative provision for fuel to be delivered by other means.
- 2) Requiring clear access for Police, Ambulance and other Emergency Vehicles. This includes access to the service jetty through the secured gates; space to park a heavy duty truck and trailer to load and unload gear; and, appropriate turning circles for these vehicles.
- 3) Two car parks for Police vehicles between 0700 and 2400 hours.
- 4) Ensuring business continuity for the during construction for (including access to the service jetty; power supply; telecommunications; sewerage and drainage services).
- 5) Not hindering future possibilities of constructing another service jetty for Police use to house ablutions and storage facilities (uses that are currently houses off-site from the current premises).

Further Comments:

- Ensure CCTV is installed and is connected to the City's Central Monitoring system;
- Ensure appropriate lighting, particularly in areas where people may seek shelter in wet weather;
- Possibility to include some form of public art work or nautical themed sculpture to honour Police members who lost their lives at sea.

H) Conditions Requested by Submitters

Submission 2: Rosamund Averton

- The applicant must develop the site in a manner that matches the entire proposal and minimises environmental, ecological and archaeological harm. Clear and concise conditions are needed to ensure that what is constructed honestly reflects these proposals.

Submission 18: Sue Watt

- An Accidental Discovery Protocol is imposed for the entire period of the works.

Submissions 19-24 and 44: Waterloo Apartments (Shed 21)

- Have the entry/exit to the basement level carpark relocated to the southern or eastern side of the building.
- The applicant must undertake effective consultation with the Body Corporate and give effect to the agreements reached.
- That the Wharf Gates remain in situ.
- Reconsider the changes to ground levels (the two downward steps) within the Woolstore Plaza.
- Ensure that laneway changes and landscaping do not compromise the existing rights represented in the right of way easement.

- Impose conditions of consent (and commitment from the applicant) to make good any structural damage to the Shed 21 building resulting from pile driving or other works.

Submission 27: The Architectural Centre

- In relation to SR No: 319836 - Site 10 Building:
 - (a) Require 65% publicly-accessible ground floor space with half of this space (a total of 32.5% of the ground floor space) being given over to public facilities.
 - (b) Increase the connection between the city and sea - Increased transparency through the ground floor is one way to address this.
 - (c) Increase the floor to ceiling height of the ground floor to a minimum of 5m.
 - (d) Remove the built structure immediately under the "gantry" cantilever.
 - (e) Require net zero-energy use.
 - (f) Require water collection and greywater reticulation.
 - (g) Require a plan to reduce waste during construction.
 - (h) Specify a minimum area for cycle parks within the basement.
 - (i) Specify a maximum area for car parks within the basement.
 - (j) Re-design the basement to ensure safe cycling to cycle parks, including testing against Austroads specifications for cycling infrastructure.
- In relation to SR No: 320128 - Public Outdoor Spaces:
 - (k) Improved design of outdoor spaces to improve the wind environment and provide appropriate levels of amenity for users.
 - (l) Reduce car-priority in the design of Whitmore Plaza.
 - (m) Require cycle parks and rubbish bins in outdoor public spaces.
 - (n) Require continuous cycle-friendly surfaces on roadways (i.e. redesign of the reclaimed cobblestone segments).
 - (o) Require a plan to reduce waste during construction.
 - (p) Ensure that the location and orientation of Former Toll Booth building to reflect its former function.
 - (q) Ensure at least three public toilets are provided within the development (i.e. one male, one female, one disabled).

Submission 30: Heritage NZ

- Wharf Gates are to be reused where possible.

Submission 31: Powerco Ltd

- The Consent Holder shall not disturb or permit to be disturbed the soil below a depth of 300 millimetres from the surface of the land subject to easement in favour of Powerco.
- The Consent Holder shall not do anything that may damage or endanger Powerco's existing underground gas distribution assets including anything that would in any way reduce the clearance of the assets to less than the minimum clearance required from time to time by any applicable statutory regulation, code of practice or other authority.

Submission 33: Frances Lee

- The design must be revised to reduce its size by removing the overhang completely. Views of Mt Victoria would be largely unobstructed and the Former Eastbourne Ferry Terminal would be more prominent.

Submission 35: Wellington Police Maritime Unit

- Ensure CCTV is installed and is connected to the City's Central Monitoring system.
- Ensure appropriate lighting, particularly in areas where people may seek shelter in wet weather.

Submission 41: Living Streets Aotearoa

- The key walking route to and from Whitmore Street to the Railway Station must be maintained during construction.

END

Appendix 4: Expert advice given to GWRC

1. Dr Megan Oliver
2. Dr David Bull
3. Heritage Consultant Michael Kelly
4. Dr Iain Dawe

From: [Megan Oliver](#)
To: [Douglas Fletcher](#)
Cc: [Penny Fairbrother](#)
Subject: RE: Esci work request form - Review of report which assess effects on Marine Environ
Date: Thursday, 8 January 2015 10:45:53 a.m.

Hi Doug,

I have reviewed the report outlining the likely effects on the marine environment of the Site 10 Kumutoto development and associated landscaping.

Overall I agree with the author, Jeremy Helson, that the effects of constructing the building at site 10 will have little impact on the marine environment and that the effects of landscaping will be minor. As outlined in the report, the marine environment adjacent to the proposed works is already heavily modified and contaminated. As long as all efforts are made to prevent run-off from the building site and to limit sediment dispersal resulting from the rip-rap realignment and extension, the impact will be minimal.

Happy to discuss further.

Regards
Megan

Dr Megan Oliver

Environmental Scientist - Coast

GREATER WELLINGTON REGIONAL COUNCIL | Shed 39, 2 Fryatt Quay, Pipitea | PO Box 11646,
Manners St, Wellington 6011

T: 04 830 4329 | www.gw.govt.nz

I am in the office on Tuesdays, Thursdays and Fridays.

From: Juliet Milne
Sent: Monday, 22 December 2014 5:36 p.m.
To: Megan Oliver
Subject: FW: Esci work request form - Review of report which assess effects on Marine Environ

Hi M

With Doug's info attached.

From: Douglas Fletcher
Sent: Friday, 19 December 2014 10:38 a.m.
To: Penny Fairbrother
Cc: Juliet Milne
Subject: Esci work request form - Review of report which assess effects on Marine Environ

Hi Penny,

Please find attached a completed Esci work request form. I would like to know if Megan Oliver has capacity to review a report which forms part of the Assessment of Environmental Effects for proposal to build a new building and public open spaces at North Kumutoto, Wellington Waterfront. Located at 10 Waterloo Quay Pipitea.

If possible can you please get back to confirming whether Megan can/cannot complete this review by Friday 9 January 2015?

The report I need reviewed can be found at the link below.

<http://www.gw.govt.nz/assets/Resource-Consents/North-Kumutoto-Project---Wellington-Waterfront/Document-30-Appendix-16-Ecology-Report.pdf>

Other relevant reports which feed into the appendix 16 ecology report can be found at the link below

<http://www.gw.govt.nz/north-kumutoto-project-wellington-waterfront/>

Kind regards,

Doug Fletcher | Resource Advisor, Environmental Regulation

GREATER WELLINGTON REGIONAL COUNCIL

Te Pane Matua Taiao

Shed 39, 2 Fryat Quay Pipitea Wellington 6011 | PO Box 11646, Manners Street, Wellington 6142

T: 04 830 4346 | www.gw.govt.nz

From: [Megan Oliver](#)
To: [Douglas Fletcher](#); [Chris Fern](#); [Sonia Baker](#)
Subject: RE: North Kumutoto advice
Date: Thursday, 26 March 2015 3:31:58 p.m.
Attachments: [image001.png](#)

People, does this seem reasonable?

Hi Doug,

Further to our conversation re discharge limits at the Kumutoto site, here are my comments:

Overall I agree with the author, Jeremy Helson, that the effects of constructing the building at site 10 and associated landscaping will have a less than minor impact on the marine environment, provided all care is taken to treat the discharge and to minimise the volume of discharge to the CMA.

Regarding setting appropriate discharge limits for total suspended solids, this is difficult to do without information about the water quality of the discharge or the adjacent receiving environment and in the absence of national guidance. Furthermore I have no information about the intended methods of water treatment (which will influence water quality) or the expected frequency of discharge.

I propose the applicant gives further consideration to the method of water treatment, the resultant water quality, and the water quality of the receiving environment, to determine an appropriate discharge limit for total suspended solids.

Megan

Dr Megan Oliver

Environmental Scientist - Coast

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T: 04 830 4329 | www.gw.govt.nz

I am in the office on Tuesdays, Thursdays and Fridays.

From: Douglas Fletcher
Sent: Tuesday, 24 March 2015 3:30 p.m.
To: Megan Oliver
Subject: RE: North Kumutoto advice

Hi Megan,

Can you please let me know when you may have some feedback for me regarding appropriate water quality/discharge limits for pH and total suspended solids; and a reasonable mixing zone for any treated discharges from the site that may enter directly into the CMA?

Note: David Bull Senior Consultant, Site Investigation, Remediation and Auditing from Golder Associates (NZ) Limited has also given me some advice re pH. His comments are outlined in the attached email for your viewing.

I look forward to your reply,

Cheers,

Doug Fletcher | Resource Advisor, Environmental Regulation

GREATER WELLINGTON REGIONAL COUNCIL

Te Pane Matua Taiao

Shed 39, 2 Fryat Quay Pipitea Wellington 6011 | PO Box 11646, Manners Street, Wellington 6142

T: 04 830 4346 | www.gw.govt.nz

From: Douglas Fletcher
Sent: Tuesday, 17 March 2015 10:18 a.m.
To: Megan Oliver

Subject: RE: Esci work request form - Review of report which assess effects on Marine Environ

Hi Megan,

After advising appropriate pH and total suspended sediment concentration limits by Monday would you also be able to advise on what you consider would be a reasonable mixing zone for any treated discharges from the site that may enter directly into the CMA?

Note: This advice is not urgent as presently a mixing zone condition will not likely be used. However feedback before the end of next week would be appreciated if possible.

My current draft condition reads as follows

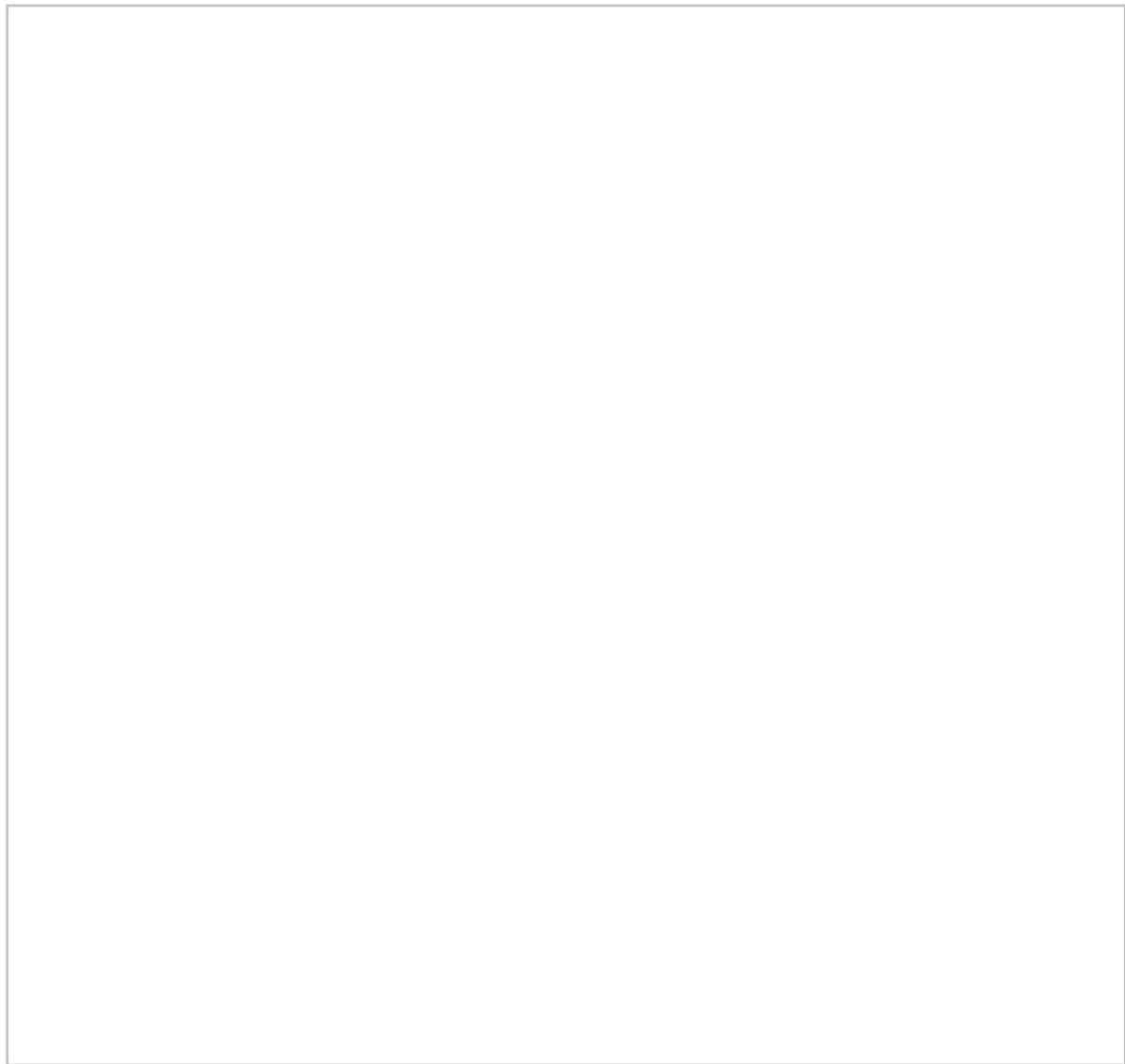
Mixing zone

xx. The consent holder shall ensure that, after a reasonable mixing zone treated contaminated water discharged directly to the CMA will not give rise to any of the following effects in the receiving waters:

- a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or
- b) Any conspicuous change in the colour or visual clarity, or
- c) Any emission of objectionable odour, or
- d) Any significant adverse effects on aquatic life

For the purposes of this condition the boundary of the mixing zone shall be a maximum 35 metre radius extending in any direction from the point the discharge at the work areas enters the waters of Wellington Harbour.

I understand from the report was written by Dr J. G. Helson and from your email review that the receiving environment in the area is compromised due to the proximity to the large stormwater outfall. However I thought that a 35 metre radius mixing zone may be appropriate in this case more from a visual perspective. I would like to know if such a limit would be appropriate from an ecological perspective. The image below depicts 34m radius mixing zones in the area.



From: Douglas Fletcher
Sent: Tuesday, 17 March 2015 8:25 a.m.
To: Megan Oliver
Subject: RE: Esci work request form - Review of report which assess effects on Marine Environ

Hi Megan,

That's should be fine, I intend to hand my report in for QA on Monday 23 March.

Thank you,

Doug.

From: Megan Oliver
Sent: Monday, 16 March 2015 7:44 p.m.
To: Douglas Fletcher
Subject: RE: Esci work request form - Review of report which assess effects on Marine Environ

Hi Doug,
I can look at this but it won't be until Friday. Is that ok?
M

Dr Megan Oliver

Environmental Scientist - Coast

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Wellington 6011

T: 04 830 4329 | www.gw.govt.nz

I am in the office on Tuesdays, Thursdays and Fridays.

From: Douglas Fletcher

Sent: Monday, 16 March 2015 12:17 p.m.

To: Megan Oliver

Subject: RE: Esci work request form - Review of report which assess effects on Marine Environ

Hi Megan,

You may recall that you provided me with the below comments on an Ecology Report that formed part of the application for the proposed North Kumutoto Development. The report was written by Dr J. G. Helson and dated August 2014.

I am presently drafting conditions of consent for the North Kumutoto Project. David Bull from Golders has been providing me with advice regarding the contaminants identified on sites. (see the attached email).

Can you please advise some appropriate water quality/discharge limits for pH and total suspended solids? Note: The highlighted limits in the condition below have been pulled from a different consent and therefore I am uncertain whether they are appropriate for this consent.

Kind regards,

Doug Fletcher | Resource Advisor, Environmental Regulation

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Water quality/discharge limits

12. No water shall be discharged from the site if the water quality exceeds the following limits:

- a) A pH value below 6 or above 8.5
- b) Total suspended sediment concentration of more than 100 grams per cubic metre or 100 milligrams per litre
- c) Total copper concentration of more than 8 µg/L
- d) Total lead concentration of more than 12 µg/L
- e) Total zinc concentration of more than 43 µg/L

From: Megan Oliver

Sent: Thursday, 8 January 2015 10:46 a.m.

To: Douglas Fletcher

Cc: Penny Fairbrother

Subject: RE: Esci work request form - Review of report which assess effects on Marine Environ

Hi Doug,

I have reviewed the report outlining the likely effects on the marine environment of the Site 10 Kumutoto development and associated landscaping.

Overall I agree with the author, Jeremy Helson, that the effects of constructing the building at site 10 will have little impact on the marine environment and that the effects of landscaping will be minor. As outlined in the report, the marine environment adjacent to the proposed works is already heavily modified and contaminated. As long as all efforts are made to prevent run-off from the building site and to limit sediment dispersal resulting from the rip-rap realignment and extension, the impact will be minimal.

Happy to discuss further.

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<http://www.gw.govt.nz/north-kumutoto-project-wellington-waterfront/>

Kind regards,

Doug Fletcher | Resource Advisor, Environmental Regulation

GREATER WELLINGTON REGIONAL COUNCIL

Te Pane Matua Taiao

Shed 39, 2 Fryat Quay Pipitea Wellington 6011 | PO Box 11646, Manners Street, Wellington 6142

T: 04 830 4346 | www.gw.govt.nz

From: [Bull, David](#)
To: [Chris Fern](#)
Subject: RE: North Kumutoto contamination and dewatering
Date: Wednesday, 4 March 2015 12:07:09 p.m.

Good morning Chris

I don't believe this changes the advice we have given you already – in fact it provides some support.

The test results reported here are more or less in keeping with the original results. I note the high copper at P3 on the high tide. Apparent elevated sulphate is a red herring – the reported concentrations are roughly the same as seawater, possibly indicating that the 'groundwater' here is largely marine.

Does the applicant intend to discharge water continuously or in batches? If the latter it should be entirely adequate to test each batch as suggested previously. If the discharge is continuous then you may wish to specify testing at high tide during discharge, possibly allowing for the frequency to be reduced by agreement with GWRC (if the results are always low, this may not be necessary).

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I am slightly concerned that the applicant has assessed the aggressiveness of groundwater to concrete with respect to sulphate, but has not considered chloride. However, that's not a matter for a discharge consent to consider. It might be kind to ask the applicant informally if they have looked at this.

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From: Chris Fern [mailto:Chris.Fern@gw.govt.nz]
Sent: Monday, 2 March 2015 9:50 a.m.
To: Bull, David
Subject: RE: North Kumutoto contamination and dewatering

Morning David,

Hope all is well. Please find attached the additional information we just spoke about.

Kind Regards,

Christopher Fern | Resource Advisor
GREATER WELLINGTON REGIONAL COUNCIL

Te Pane Matua Taiao

Shed 39 | Harbour Quays

PO Box 11646, Manners St, Wellington 6142

T: 04 830 4148

www.gw.govt.nz

www.gw.govt.nz | www.metlink.org.nz

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From: Bull, David [<mailto:DBull@golder.co.nz>]
Sent: Thursday, 19 February 2015 4:02 p.m.
To: Douglas Fletcher
Cc: Chris Fern
Subject: RE: North Kumutoto contamination and dewatering

Good afternoon Doug,

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Bearing in mind that you have already considered the Helson report on the receiving marine environment, and have had that reviewed separately, I consider that you could reasonably apply ANZECC (2000) trigger values for protection of 80% of marine species for the contaminants of concern. This may be a rather conservative approach, as a short-term exceedance of trigger values by no means implies environmental harm, but the applicant has not in my view provided sufficient evidence to justify anything less stringent.

Those values are:

Copper 8 µg/L

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There is no corresponding ANZECC (2000) trigger value for polycyclic aromatic hydrocarbons, therefore I am unable to recommend a water quality standard for this contaminant. However, elevated PAH readily result in oil films and can therefore be controlled qualitatively (see below).

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As discussed, the discharge should also not result in any of the adverse effects listed in s70 RMA (production of conspicuous oil or grease films, etc.) within the coastal marine area after reasonable dilution. Wellington City Council's consent WGN0902019, which you forwarded me earlier, provides for a mixing zone of 50 m radius from the point of discharge.

Sincerely

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Subject: FW: North Kumutoto contamination and dewatering

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You will note that under condition 8 of [27418] the applicants have 7 years from the time the consent was granted (so up to the 14th of March 2018) before they have to submit stage 2 of the Integrated Catchment Management Plan (ICMP).

Stage 2 of the ICMP shall include but not be limited to:

(b) A statement of appropriate specific targets, standards and other performance benchmarks to be met on a specified timetable for each catchment (or group of catchments)

Thus, unfortunately I believe water quality standards relating to the stormwater discharges are still being developed.

Regardless of the above the North Kumutoto project will be discharging treated contaminated groundwater to stormwater. This activity requires resource consent irrespective of the WCC discharge consent [27418].

I have copied my colleague Chris Fern into this email. Chris will be assisting with this project while I take two weeks leave (starting this afternoon)

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Doug Fletcher | Resource Advisor, Environmental Regulation
GREATER WELLINGTON REGIONAL COUNCIL

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Good morning Doug,

We are thinking about the issues you raise and will revert to you promptly.
Are you able to get copies of the existing consents for the reticulated stormwater system?

Kind regards Dave

From: Douglas Fletcher [<mailto:Douglas.Fletcher@gw.govt.nz>]
Sent: Wednesday, 18 February 2015 4:42 p.m.
To: Bull, David
Cc: Chris Fern
Subject: RE: North Kumutoto contamination and dewatering

Hi David,

Thank you for your email which outlined your findings on the Ground Contamination Assessment written by Tonkin and Taylor. This email intends to explain the situation regarding consenting issues that were raised in your review and also requests assistance for the wording of consent conditions for the monitoring of potentially contaminated groundwater that is to be dewatered during construction of the basement level and foundations for the commercial building at site 10; and then discharged to land (stormwater) before directly entering into the coastal marine area.

Consenting Issues

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Regardless of the above the NKPP require a number of consents including the following.

- Discharge of contaminants to land

The discharge of contaminants (potentially contaminated groundwater) to land (the reticulated stormwater system) from dewatering groundwater from within the contaminated site is a discretionary activity under Rule 2 of the Regional Discharge to Land Plan (RDLP).

Rule 2 of the RDLP is the general default rule for discharges of contaminants (other than stormwater) to land where the discharge will contaminate water in a water body, farm drain, water supply race, or the coastal marine area.

Conditions

As per my emails dated 27 and 28 January I intend to recommend conditions of consent that will set water quality limits for the water that is to be discharged from the work site and into the stormwater network. **Can you please advise what contaminants should be tested for (considering those found on site) and appropriate water quality limits? E.g. concentrations of contaminants that will be safe to discharge to the coastal marine area. I assume we will need to consider the ANSECC (2000) guidelines.**

I understand that the contaminants identified on site 10 are ubiquitous in the urban environment, being associated with transport and a number of other sources, and that the receiving environment is not sensitive and indeed is already impacted with the same contaminants.

Please note that the applicants have already advised within their basement construction method statement that groundwater dewatered from the site will be pumped to settling tanks, treated as appropriate and disposed to the stormwater system. The intention of the suggested conditions below is to formalise this process to ensure that effects from the discharge are no more than minor.

Example conditions

-

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10. For each building where the basement is to be excavated, and **prior to discharging water to the public stormwater system**, the consent holder shall undertake representative water quality testing by a suitably qualified and experienced person(s).

The parameters to be tested shall provide an appropriate representation of the water quality of the site, and shall include:

- a) pH
- b) Total suspended solids
- c) Total nickel
- d) Total arsenic
- e) Total lead

All parameters tested and sampling techniques employed in respect of the conditions of this permit shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council. Any analyses undertaken in connection with this permit shall be performed by an International Accreditation New Zealand (IANZ) registered laboratory or otherwise as specifically approved by the Wellington Regional Council.

I note that you considered that groundwater monitoring could have been better, a water sampling condition such as the one outlined above will provide more certainty with regards the quality of groundwater at the site.

Water quality/discharge limits

11. No water shall be discharged to the public stormwater system if the water quality exceeds the following limits:
- a) A pH value below 6 or above 8.5
 - b) Total suspended sediment concentration of more than 100 grams per cubic metre or 100 milligrams per litre
 - c) Total nickel concentration of more than 0.017 milligrams per litre
 - d) Total arsenic concentration of more than 0.36 milligrams per litre
 - e) Total lead concentration of more than 0.0094 milligrams per litre

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Doug Fletcher | Resource Advisor, Environmental Regulation
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T: 04 830 4346 | www.gw.govt.nz

From: Bull, David [<mailto:DBull@golder.co.nz>]

Sent: Wednesday, 4 February 2015 5:04 p.m.

To: Douglas Fletcher

Subject: 1478703168-008-E-RevA North Kumutoto contamination and dewatering

Dear Doug

Golder has reviewed the Tonkin and Taylor Ltd 2014 report *Ground contamination assessment, Wellington waterfront sites 8,9,10* as requested, with a particular emphasis on groundwater aspects.

I can confirm that the report is largely compliant with *Contaminated land management guidelines No. 1: Reporting on contaminated sites in New Zealand* (CLMG#1: MfE 2011a) and *CLMG#5: Site investigation and analysis of soils*. In our view, the report adequately demonstrates that some contaminated fill is present at sites 9 and 10. No figures or soil logs appear to be provided for sampling at sites 8 and 9. Characterisation of site 10 may be incomplete, in that no sampling was done below refusal depths at locations WS1 (1.2 m bgl) and WS3 (1.0 m); thus little is known about reclamation fill within their "Zone 3". Moreover, natural ground (beach deposits) was only proven at location WS4.

The principal contaminants identified at sites 9 and 10 are copper, lead, zinc and PAH, and while no source activity has been identified, these contaminants of concern are very common in urban environments and not at all unexpected at this site. In particular, we concur with Tonkin and Taylor's identification of the narrow band of PAH-rich material at location WS5 as "cold mix", and agree that this material is unlikely to pose a significant hazard.

Water sampling in this investigation was very limited. Only two standpipes at site 10 were sampled, no installation details are supplied for either of the two standpipes, and there was only one monitoring round. The standpipes are installed in permeable fill close to Wellington Harbour (reading from Figure 2, approximately 40 m to the harbour from P1, 15 m from P2). We agree with T&T that groundwater is likely to be tidally affected, but it is not clear what the effect may be on water quality or quantity. When sampled, groundwater was within the reclamation fill, but not necessarily in contact with the most contaminated material. Finally, material from beneath the groundwater table may oxidise on exposure to air, leading to increased leaching of metals.

Considering these factors, while concentrations of the contaminants of concern were low when sampled (below detection limits for metals and most PAH), we cannot be certain that these results will be representative of produced water from dewatering. Accordingly, we advise that further monitoring and controls are appropriate.

Turning to consenting issues, it seems to us that the matter of discharging produced water to stormwater is one for Wellington City Council (WCC), as to whether it is acceptable within their

existing consents for the stormwater network. As any such discharge would not enter fresh water it does not seem that control under the Regional Freshwater Plan is necessary or even feasible.

You might wish to reassure yourselves that the applicant has advised WCC that their proposed discharge will be sourced from a contaminated site, and that WCC will require the applicant to test the water and remove sediment before it goes into the WCC network.

We assume that WCC's stormwater network discharge consent has specified limits for the contaminants of concern (copper, lead, zinc, PAH, suspended sediments). If it does not, then that is a matter between WCC and GWRC, which we would be pleased to advise on separately.

We see a possibility that surface water or rainwater could enter the excavation during works, leach through fill that is normally above the water table, and thereby constitute a discharge to land associated with the proposed works. However,

- (1) the extent of such discharge must be small providing that stormwater was not actually directed into the excavation,
- (2) the contaminants are unlikely to be highly leachable, especially to weak leachants such as rainwater,
- (3) the contaminants of concern are ubiquitous in the urban environment, being associated with transport and a number of other sources,
- (4) the receiving environment is not sensitive and indeed is already impacted with the same contaminants,
- (5) any such water would most likely be promptly removed through the dewatering that would then be necessary.

Therefore, even on the limited available information, we cannot see that effects would be more than negligible. You might well decide that a consent under the Regional Plan for Discharges to Land was also unnecessary.

Sincerely,
Dave

David Bull (PhD CChem CSci) | Senior Consultant, Site Investigation, Remediation and Auditing | Golder Associates (NZ) Limited

Level 1, 93 The Terrace, Wellington (via Straterra reception)
PO Box 5234, Lambton Quay, Wellington 6145 (*Satellite office*)

T: +64 4 974 6397 | **F:** +64 9 486 8072 | **C:** +64 21 330 397 | **E:** DBull@golder.co.nz | www.golder.com

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From: [Bull, David](#)
To: [Douglas Fletcher](#)
Subject: RE: North Kumutoto contamination and dewatering
Date: Wednesday, 18 March 2015 9:46:50 a.m.

Good morning Doug

I agree, leaching from fresh cement is probably the concern here.

I think you would be best to be consistent and use the same $6 < \text{pH} < 8.5$ as in the earlier set of conditions you provided in your first email to me.

More broadly, the actual impact of a discharge with pH significantly outside the range characteristic of natural waters would depend on the total acidity or alkalinity discharged. For example, I wouldn't expect half a litre of 1:100 dilute hydrochloric acid to do a thing to any marine water, despite the fact it has pH of 1.

Kind regards Dave

From: Douglas Fletcher [mailto:Douglas.Fletcher@gw.govt.nz]
Sent: Tuesday, 17 March 2015 5:00 p.m.
To: Bull, David
Subject: RE: North Kumutoto contamination and dewatering

Hi David,

I am back from leave and trying to complete my report for the North Kumutoto Project. Are you also able to advise a suitable pH trigger limit for my water quality discharge limit condition?

I note that the additional info you reviewed (T&T, 2015) outlines that pH varies at site 10. It also states that there is direct hydraulic connectivity between the site and the sea. This suggests that the groundwater at site 10 is not only likely contaminated but its composition is likely includes sea water. I understand that pH varies between freshwater and sea water so wanted to know your view on an appropriate pH trigger limit for the water that is to be discharged from site.

To add another layer to considerations, a potential adverse effect of the works at site 10 is the leaching of cement or grout into groundwater, during construction of the basement level which may increase groundwater pH.

I have asked Dr Megan Oliver our GWRC marine ecology expert for her advice on a pH trigger limit too considering the final receiving environment will be the coastal marine area, however I thought it prudent to also ask your opinion considering your familiarity with the applicants two Tonkin and Taylor reports which you have reviewed.

Please let me know if you are able to assist me and if so, when you may be able to provide a response. I was hoping to have my report ready for review by Monday 23 March so any feedback prior to then would be fantastic.

Kind regards,

Doug Fletcher | Resource Advisor, Environmental Regulation

GREATER WELLINGTON REGIONAL COUNCIL

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Considering these factors, while concentrations of the contaminants of concern were low when sampled (below detection limits for metals and most PAH), we cannot be certain that these results will be representative of produced water from dewatering. Accordingly, we advise that further monitoring and controls are appropriate.

Turning to consenting issues, it seems to us that the matter of discharging produced water to stormwater is one for Wellington City Council (WCC), as to whether it is acceptable within their existing consents for the stormwater network. As any such discharge would not enter fresh water it does not seem that control under the Regional Freshwater Plan is necessary or even feasible.

You might wish to reassure yourselves that the applicant has advised WCC that their proposed discharge will be sourced from a contaminated site, and that WCC will require the applicant to test the water and remove sediment before it goes into the WCC network.

We assume that WCC's stormwater network discharge consent has specified limits for the contaminants of concern (copper, lead, zinc, PAH, suspended sediments). If it does not, then that is a matter between WCC and GWRC, which we would be pleased to advise on separately.

We see a possibility that surface water or rainwater could enter the excavation during works, leach through fill that is normally above the water table, and thereby constitute a discharge to land associated with the proposed works. However,

- (1) the extent of such discharge must be small providing that stormwater was not actually directed into the excavation,
- (2) the contaminants are unlikely to be highly leachable, especially to weak leachants such as rainwater,
- (3) the contaminants of concern are ubiquitous in the urban environment, being associated with transport and a number of other sources,
- (4) the receiving environment is not sensitive and indeed is already impacted with the same contaminants,
- (5) any such water would most likely be promptly removed through the dewatering that would then be necessary.

Therefore, even on the limited available information, we cannot see that effects would be more than negligible. You might well decide that a consent under the Regional Plan for Discharges to Land was also unnecessary.

Sincerely,

Dave

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28 January 2015

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North Kumutoto Precinct Project – Heritage AEE

As discussed, I am responding to your request for a brief report on the impact of the above project on heritage items listed on the regional plan. The project refers to the proposal for a new building on the sites 8 and 10 North Kumutoto, with associated landscaping.

Specifically, you sought:

1. A review of the heritage AEE and the validity of the conclusions reached.
2. An assessment of the potential adverse effects on the protected wharf and wharf edge and the protected reclamation edge within the Lambton Harbour Development Area and if those effects can or will be avoided, remedied or mitigated.
3. The likely future effects the proposed development will have on the protected wharf and wharf edge and the protected reclamation edge.
4. Any other comments as considered relevant

I have addressed these matters as per the order above.

1. Assessment of Environmental Effects on Heritage, prepared by Archifact Ltd.

Although this assessment deals with the entire proposal (new building and associated works) for the sites, it refers specifically to the impacts on the

listed items in the Regional Coastal Plan (see section 4.2). These are the former Eastbourne Ferry Terminal, wharves and wharf edges, and the reclamation edge (rip-rap revetting).

In my opinion the relevant effects are accurately identified and are covered in sufficient detail. The only possible anomaly is that the assessment determines that there is no loss of heritage fabric, although there will be modifications to the rip-rap in the site 8 area and to the area immediately north of the Eastbourne Ferry Terminal. These modifications will require the removal of enough rip-rap to allow the construction of promenade extensions (in the form of two timber decks), which would constitute a loss of heritage fabric, although it would seem to be minor. The remaining rip-rap will be covered over by the deck and although this will partly mask the harbour edge in these locations, this is correctly identified as a minor effect. The work on the Tug Wharf and other harbour edges is also identified as minor. The report identifies no tangible or intangible effects on the Eastbourne Ferry Terminal. Again these effects are appropriately labelled.

2. A brief assessment of the potential adverse effects and possible mitigation

I concur that the proposed changes to the harbour edges, wharves and wharf edges will have relatively minor effects on historic heritage. The alterations are not without purpose; they are likely to improve the appearance and usefulness of the area, which may eventually enhance heritage values. The covering over of the rip-rap in certain places will not entirely obscure the harbour edge, so it will still be possible to determine the line of reclamation, if that is regarded as an important consideration in the future. (The configuration of Lambton Harbour's various structures means that it is not always clear where wharves begin and reclamation ends.) There is no direct impact on the Eastbourne Ferry Terminal, although its context will be altered somewhat by the landscaping changes.

Having made these statements, it is also important to note that the consent application is light on detail, with no specifics on how much rip-rap will be required to be removed. There will also be changes to the area immediately east of the Tug Wharf, with what appears to be the creation of a slope down to the rip-rap and the construction of narrow bridges to the wharf. Again, the extent of the works required to undertake this is not clear from the information provided.

No direct mitigation is required, although some interpretation would allow visitors to understand the various changes to the area over its history.

It should be noted that, with the exception of the former Eastbourne Ferry Terminal, the above items currently listed by Greater Wellington are not hugely significant from a heritage perspective; they are functional structures of modest historic and

technical importance. Tellingly, they will no longer be listed when the new regional plan is released later this year.

3. Future effects on listed items

No future effects are anticipated as the new structures will presumably become semi-permanent fixtures and further changes are unlikely in the short-term. In addition, as the listed items will not be remaining on the regional plan, there is no future effect anticipated anyway. If construction proceeds, it will mostly likely end after the items have been removed from the plan.

4. Additional comments

None.

A handwritten signature in black ink that reads "Michael Kelly". The signature is written in a cursive style with a large, sweeping initial 'M'.

Michael Kelly

MEMO

TO Chris Fern; Doug Fletcher

COPIED TO Lucy Harper

FROM Dr Iain Dawe

DATE 20 February 2015

FILE NUMBER ENV/23/02/01

FOR YOUR INFORMATION

Kumutoto site 10 review of natural hazards assessment

1. Summary and recommendation

Overall I support the assessment of natural hazards for site 10 Kumutoto undertaken by BECA, however, the extreme water level assessment did not use the latest understanding of storm surge in the Harbour and it is not clear how the proposed ground floor elevation was derived.

The design building levels, that are pegged to the New City Datum/Wellington Vertical Datum 1953, have not taken into account the 1% AEP storm tide water level elevation and changes in relative mean sea level for Wellington since 1953, which amounts to *ca.* +0.20 m. Therefore, and for the reasons outlined in more detail below, I recommend that a more thorough assessment be made by a suitably qualified coastal expert to advise on a suitable design ground floor level or alternately, the proposed ground floor level be set at a minimum of 2.70 m (as opposed to 2.5 m).

2. Seismic Hazards

It would have been good to see more discussion of the seismic hazards. There is mention of liquefaction and ground shaking hazard, but no details are provided, (as they are for other hazards in the report) for example, of ground accelerations or of the nature of the subsurface soil profile. I should hope that some drilling will be/has been undertaken to identify a suitable depth for the foundation piles, but this is not specifically mentioned. It is also mentioned that some ground treatment works are being proposed by the consulting engineers to mitigate the risk of liquefaction and lateral spreading, but again, no details are provided to demonstrate what these might be.

3. Tsunami

The tsunami hazard is probably not as high as presented in the report. The 2013 review of tsunami hazard in New Zealand by GNS Science is used as a basis to derive inundation heights for the assessment. The GNS report provides some probability curves showing return periods and tsunami heights that includes the Wellington open coast and harbour. However, more recent research

indicates that there will be attenuation of tsunami wave heights within Wellington Harbour. This is good news for the Wellington CBD [3].

The report mentions that horizontal loads on the wharf and building from a tsunami are likely to be less than from a similar return period earthquake, but research into this is in its infancy and it's too early to make this assumption. However, observations following tsunami events show that reinforced concrete structures survive the best.

A great deal of damage inflicted on buildings during a tsunami is caused by debris entrained in the flow, which acts like a battering ram. It is acknowledged in the report that this might happen, but, it is almost inevitable that there will be some impact damage to structures from debris. This is because a tsunami is a series of waves, each with a return flow. With each successive wave, there is an increasing amount of debris in the water which gets entrained in onshore and return flows. Again, observations from events indicate that reinforced concrete structures survive these impacts the best. These considerations can be built into the design features of the structure and in particular on the ground floor of the building. The assessment suggests that some mitigation features could be built into the landscape and design and I support this consideration.

4. Climate change and sea level rise

Mean sea level (MSL) is the level of the sea that would occur in the absence of any tidal or wave fluctuations. It is commonly measured relative to a fixed terrestrial survey mark. Mean sea level around Wellington has been measured relative to Wellington Vertical Datum 1953 (WVD-53), also known as New City Datum (NCD), which is referenced to survey mark BM K80/1 at the intersection of Featherston Street and Lambton Quay.

There has been considerable analysis of eustatic sea level trends, both globally and around New Zealand using historical tide gauge data and more recently with remote sensing via satellite altimetry. The long term global average from tide gauges is *ca.* +1.7 mm/yr. More recent satellite altimetry measurements show that since 1993, this rate has increased to 3.1 mm/yr. It is unclear whether this change represents an acceleration in the long term rate, but presently relative sea level at Wellington is tracking toward a rise of 1.0 m by 2115 (Fig 1). The assessment accepts this figure and incorporates it into the ground floor level.

The New Zealand Coastal Policy Statement recommends that 100 year planning horizon be used when considering development at the coast and it is good to see that 1.0 m sea level rise over 100 years is used in the assessment. Importantly, sea level will continue to rise beyond 2115 [2].

In the assessment, reference is made to a report to Greater Wellington Regional Council by NIWA in 2002 that *predicted* an increase in sea level of 1.7 mm/yr due to climate change [5]. In fact, this was not a prediction, it was the measured rate of sea level rise up to that date. The report discussed projections, that at the time that were based on the Third Assessment Report of the IPCC, that were greater than the long term average.

The same NIWA 2002 report also stated that MSL over the previous two decades at the Queens Wharf tide gauge was 0.12 m above WVD-53/NCD. The assessment acknowledges that mean sea

level is now in the order of 0.17 m above WVD-53/NCD, but it does not appear to account for this when setting the proposed ground floor level.

In 2012, NIWA was contracted to undertake an analysis of the tide gauge data from Queens Wharf. It showed that the long term annual average sea level rise for Wellington is +2.03 mm/yr (1891-2011). This has been updated recently to 2.1 mm/yr (1891-2014). Mean sea level in Wellington is now +0.20 m above WVD-53/NCD (as measured for the period 2006-2011) (Fig. 2) [1].

There are two causes contributing to this change. First, is the rise in eustatic sea level since 1953. Eustatic sea level is a measure of the total volume of water in the ocean. However, there can be local *relative* rises or drops in sea level due to tectonic uplift or subduction. Measurements from the GNS Science continuous GPS (cGPS) network show that the whole region is subsiding. The rate for Wellington City is *ca.* -1.7 mm/yr. The cGPS has been collecting data since the early 2000s, and it is thought the subsidence has been occurring since the mid-1990s and is related to slow slip earthquakes occurring on the plate boundary subduction interface (Fig. 3). This is a significant contribution to the local rate of sea level change; effectively doubling the long term rate. This is also evidenced in the rate of sea level rise on the Wellington Harbour gauge from 1993 to 2011, which is 4.3 mm/yr.

Consequently, the ground level of the building is not 2.5 m above mean sea level as defined by WVD-53/NCD, because this datum was set in 1953, and is based on tide gauge measurements taken from between 1909 to 1946. There has been a considerable rise in local sea level and a subsidence in regional landmass since 1953, such that local mean sea level no longer aligns with WVD-53/NCD. Any assessment of impacts from coastal inundation from storm tide, must make the measure from the current mean sea level.

The change in sea level since the Wellington Vertical Datum/New City Datum was set was an issue for the Environment Court in the proposed Marine Education Centre development at Te Raekaihau Point. In that case, expert witnesses agreed that any storm surge calculations and floor levels needed to take account of sea level rise that has occurred since 1953 ie, since the Wellington Vertical Datum was set.

Effectively, sea level rise will increase the probability of coastal flooding by reducing the ARI of particular water level exceedances.

5. Storm surge and wave height and tide levels

The assessment looks at the water levels that could be reached by storm surge, extreme tides and waves and considers the likelihood of these effects combining to create an extreme water level elevation. The assessment makes reference to previous studies, to allow for these effects, but in the end there is no clear link between the extreme water levels discussed in the report and the final proposed ground floor level.

The proposed elevation provides enough clearance for the highest predicated tides, known as the mean high water perigeon springs (MHWPS) and the highest astronomical tide (HAT). It is good

practice to account for this and the levels that could be exceeded in future on the basis of sea level rise, because it is guaranteed to occur.

In addition to tides there are inter-annual and inter-decadal variations in the sea surface that fluctuate by as much as -0.16 to +0.20 m. The Bell and Hannah 2012 report recommends that +0.2 m be incorporated into assessments of coastal hazard to account for this variation [1].

Consideration must be given to the potential for storm surge events to occur in the part of the tidal cycle when the tides and water levels are at their highest. Storm surge is a temporary elevation in sea level due to a combination of low air pressure (inverse barometer effect) and strong wind blowing water against the shore (wind setup). Large storms and associated surges can persist for 48-72 hours, so there is a high likelihood of storm surge coinciding with a high tide. This is known as a storm tide. Storms also generate large, short period waves and when these break against a shore they produce an additional effect known as wave setup. Wave setup adds to the storm surge water elevation and can allow wave runup to reach high up the shore and inundate low lying coastal areas.

The assessment makes reference to the NIWA 2002 report, which looked at a large ex-tropical cyclone that impacted Wellington in 1936. This storm is widely acknowledged as the largest storm in the past century. It was similar to, but even larger than the 1968 Wahine storm (ex-tropical cyclone Giselle). The 1936 storm is a good analogue to use, because it is based on a known event. Furthermore, because of the uncertainties associated with climate change, there is the potential for an increase in the frequency of ex-tropical cyclones affecting New Zealand, in addition to a potential increase in the intensity of storms that already occur.

The NIWA 2002 report estimated that the storm tide elevation for this event was 1.7 m above WVD excluding wave effects, however it is not clear how the hazards assessment has taken this into account in setting the ground floor level because when this is added to sea level rise of 1.0 m with associated wave effects the level is higher than the ground floor level.

Lambton Harbour is sheltered from ocean swells and receives only locally generated wind waves. The assessment uses a figure of 0.3 m to account for wave height effects on top of storm surge, but doesn't account for wave setup and breaking (runup elevation). These effects are likely to be quite small in the sheltered basin of Lambton Harbour. But again, it is not clear how this has been taken into account in setting the ground floor level elevation.

More recent work by NIWA undertaken for Greater Wellington Regional Council has refined the understanding of storm tide within the Wellington Harbour [4]. Based on combined probability analysis, the 1% AEP storm tide was calculated to be 1.32 m above WVD-53/NCD, excluding any wave effects. Taking into account sea level rise of 1.0 m and potential increased intensity of storm events, a 1% AEP event in 100 years could reach elevations above WVD-53/NCD of 2.42 m, in the absence of any wave activity. When this is measured from the present day sea level it comes to 2.62 m. Wave activity is inevitable in a storm event, and needs to be taken into account, although the report indicates its effects are likely to be quite small in this location, ie, less than 0.1 m [4]. When these effects are accounted for, the design ground floor level needs to be at 2.7 m.

6. Conclusions and recommendations

There are a number of times in the assessment where the risk from flooding and inundation, from sea level rise or tsunami, to the development would be no greater or worse than other waterfront properties in the CBD. However, this is no justification to allow a structure to be built to the same specifications as others in an area at risk from natural hazards. Each site and development needs to be assessed on its own merits, regardless of what development decisions have been made in the past. It is contrary to all known best practice hazards and risk management guidelines and resilience building. As new information comes to light, risk assessments need to take account of the changing risk profile and adapt accordingly.

The assessment takes into account the major hazards and risks, both present and future, to the proposed development, but there needs to be a more thorough assessment of the potential for inundation and flood from sea level rise and storm surge in order to more accurately define the design ground floor elevation.

It would be good to see further information on the seismic hazards and risks from liquefaction and how this will be taken into account in the foundation design.

I support and recommend the idea of tsunami impact mitigation features being incorporated into the design of the building.

The proposed building level for the first floor is high enough to take account of extreme tides and storm surge at present, but the probability of inundation will increase over time due to sea level rise.

It is important the underground carpark is designed to withstand the impacts from increased water levels.

I strongly support a hundred year planning horizon and the allowance for 1.0 m of sea level rise into the ground floor level because sea level is currently trending to 1.0 m by 2115.

I strongly support the design of a building foundation that could technically be raised because sea level will continue to rise beyond 2115.

Importantly, sea level is already rising and this needs to be taken into account when setting design floor levels on the basis of Wellington Vertical Datum 1953/New City Datum. Currently mean sea level in Wellington is 0.2 m above this datum.

Any assessment of impacts from coastal inundation and storm tide, must account for the extreme water level elevations measured from the current mean sea level.

Therefore, I recommend that a more thorough assessment by a suitably qualified coastal expert be made to advise on the minimum ground floor level of the development.

Alternately, on the basis of information presented in this assessment, the proposed ground floor level be set at a minimum of 2.70 m. This takes into account the 1% AEP extreme water level as

measured from present mean sea level and based on a combined probability analysis out to 100 years.

Dr Iain Dawe
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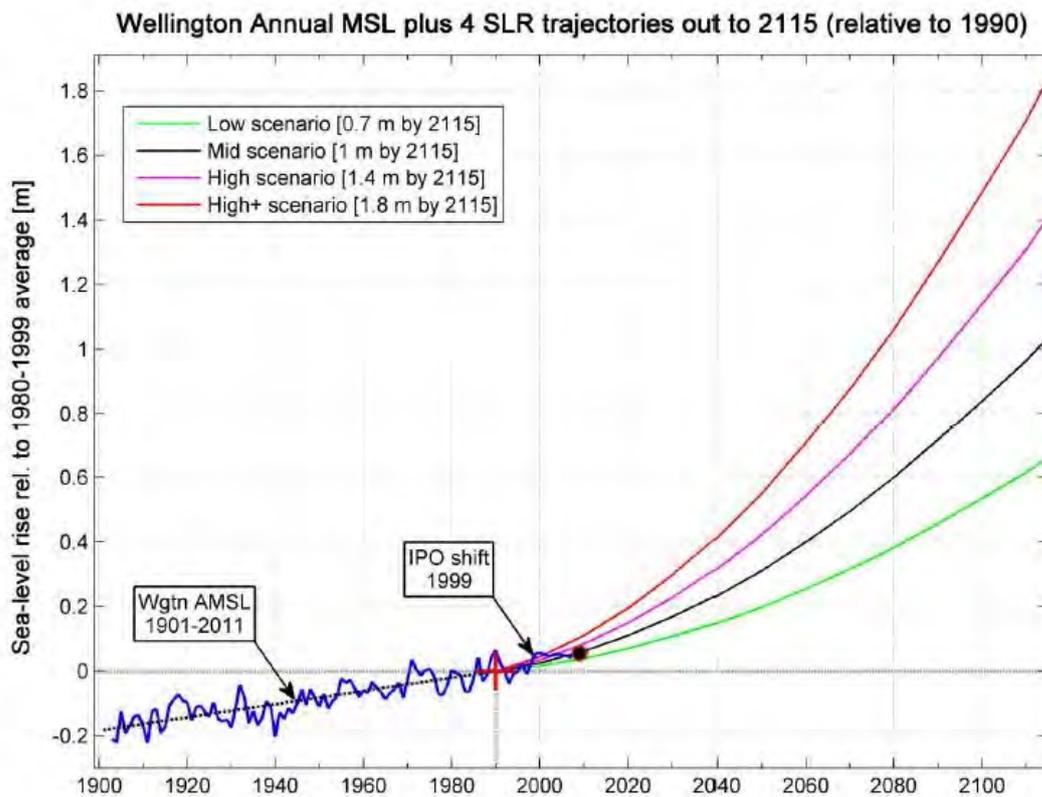


Figure 1: Sea level projection for Wellington. Currently on trend for a 1.0 m rise by 2115 [1].

Wellington Annual MSL trend

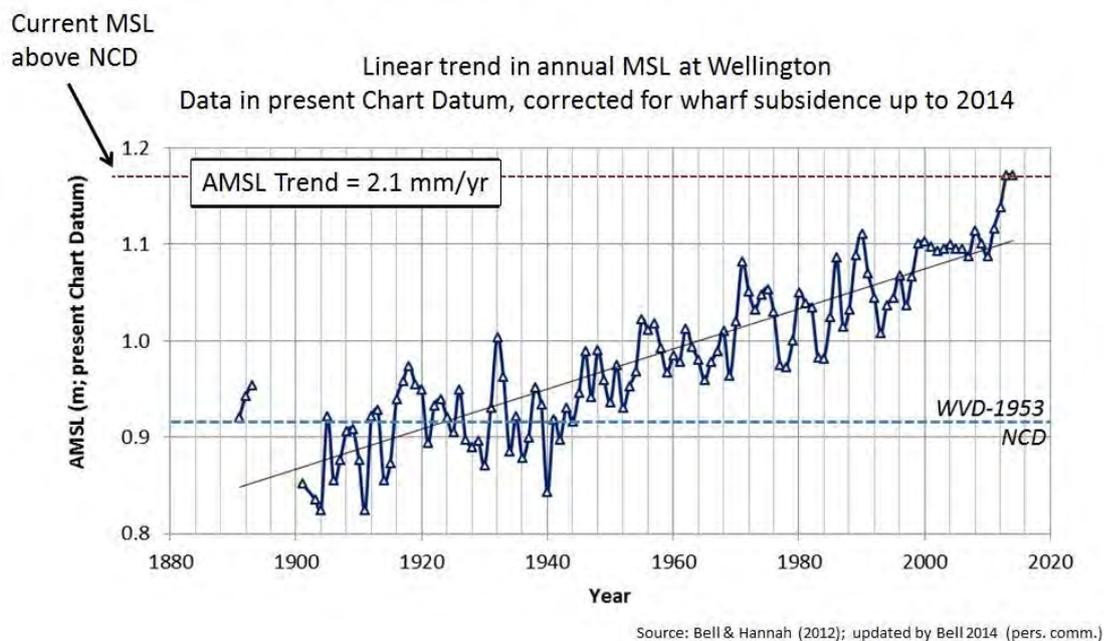


Figure 2: Sea level trend for Wellington [1].

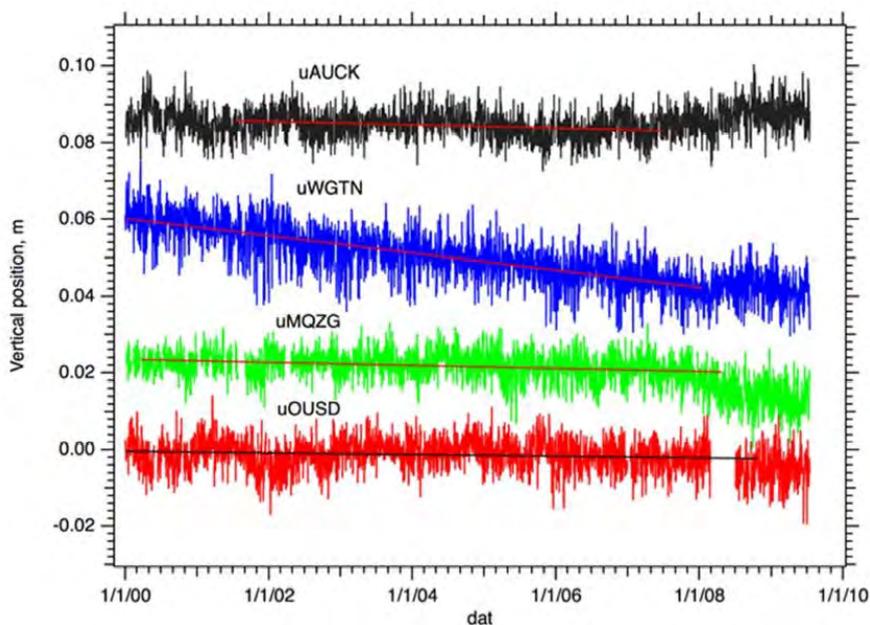


Figure 3: Vertical landmass movements at from the ports at Auckland, Wellington, Christchurch and Dunedin [1].

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