

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF A notice of requirement for a designation by Wellington City Council (WCC), on behalf of Wellington City Council (WCC) in accordance with section 168A of the Act, for the construction, operation and maintenance of a Sludge Minimisation Facility at 127 & 141 Stewart Duff Drive.

Wellington City Council Reference
SR519248

**RECOMMENDATION OF THE INDEPENDENT HEARING
COMMISSIONER**

24 February 2023

SUMMARY OF THE PROPOSAL

A notice of requirement (NOR) for a designation is sought by Wellington City Council (WCC), as Requiring Authority in accordance with section 168A of the Act. This provides for the construction, operation and maintenance of a sludge minimization facility (SMF) in conjunction with the existing Moa Point Sewage Treatment Plan at 127 & 141 Stewart Duff Drive, Miramar

The notice of requirement was publicly notified drawing 11 submissions from individuals and organisations.

SUMMARY OF THE HEARING

I have delegated authority from Wellington City Council as independent commissioner to hear the Notice of Requirement, the submissions and to make the Council's recommendation on the above proposal under its regulatory authority function.

The hearing took place on the 5th of December 2022. After opening legal submissions, evidence was presented by the Requiring Authority, and their site selection, engineering, noise, odour, landscape, transportation and planning advisers. A written response to questions was provided for ecology.

Five individuals and organisations then appeared at the hearing in support of their submissions.

Wellington City in their S42A reporting role, then presented evidence in respect to Urban Design, Ecology, Transport, Contamination, Air Quality, Noise and Planning.

A right of reply from the Requiring Authority was made at the conclusion.

The Requiring Authority and the S42A Reporting officer provided a written agreed set of conditions through a Joint Witness Statement (JWS) which included recommended conditions.

A list of persons who attended the hearing is detailed in Appendix 1 of this report.

**SUMMARY OF THE
RECOMMENDATION**

I recommend that pursuant to s168A of the Resource Management Act 1991 that the Council **confirm the Notice of Requirement** subject to conditions attached as Appendix 2, for the reasons summarised in Sections 4 to 9 of this decision. In particular:

Reasonable necessity

- The Requiring Authority has demonstrated that there is a reasonable necessity for the establishment of the SMF.
- Overall the positive effects of the proposal of the SMF have been well outlined and the proposal is reasonably necessary to achieve the objectives of the Requiring Authority.

Alternatives

- I accept the Requiring Authority's evidence that it has gone through an appropriate site selection process and that there are benefits in terms of reduction in waste for the city
- I accept that the analysis of alternative sites has been robust and that the location is appropriate.

Effects

- I note that cultural values have been considered and were not the subject of evidence or submissions.
- All other effects of the proposal on the local and wider environment from the proposed SMF are considered to be acceptable and can be mitigated to a reasonable level.

Consultation and Liaison

- The requiring authority has outlined their consultation process and has appropriately engaged with the local and wider community.

Policy Statements and Plans and any other matters

- There is nothing in any of the applicable policy statements and plans under the Act that is contrary to the proposal proceeding. In my view the key matters relate to the necessity for the Project and management of adverse effects on the environment.

Conditions

- Conditions have been agreed by the Requiring Authority and the s42A writer and advisers.
- During the hearing I heard evidence that other consents and approvals are required. Conditions agreed between the Requiring Authority and the s42A officer cover matters which are subject to other approvals under other legislation. The Requiring Authority will therefore have to apply for those consents under those other statutory processes. This includes approvals under the Greater Wellington Regional Council which have been obtained

by the Requiring Authority.

Part 2.

- I am satisfied that In terms of s5 of the Act we consider that the proposed SMF will enable the wider Wellington community to provide for its social, economic, and cultural well-being and for their health and safety while avoiding, remedying and mitigating adverse effects to the extent that is possible.
- I am satisfied that in respect to the relevant s6 and S7 matters, that I have had particular regard to them in the decision and that no matters contrary to s8 have arisen.

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Appendix 1 – Persons who attended and presented evidence or submissions at the hearing

Appendix 2 – Recommended conditions

1. Introduction

This is the recommendation on a Notice of Requirement (NOR) from the Wellington City Council (WCC) as a requiring authority to Wellington City Council, (as a regulatory authority) to extend and change the designation at Moa Point (127 & 141 Stewart Drive) to accommodate the construction, operation and maintenance of Sludge Minimisation Facility (SMF).

My role as an independent commissioner on behalf of Wellington City Council as a regulatory authority. I have been delegated authority to hear and make a recommendation on this NOR.

This recommendation will therefore be considered by The Council, who will make a decision whether to confirm the requirement, modify the requirement, impose conditions or withdraw the requirement.

In making this recommendation, I firstly record that I have read and considered the notice of requirement and further information supplied to WCC in its regulatory role, all submissions and the Section 42A (s42A) report.

I have also considered the submissions received, legal submissions from the Requiring Authority (or Requestor of the Designation), all evidence and representations presented at the hearing. I have received a copy of a consent granted by the Greater Wellington Regional Council (GWRC) and a Joint Witness Statement (JWS) from planning witnesses which shows agreed conditions.

I also record that I have visited the site and the surrounding area before and after the hearing.

2. Site Description and the Proposal

The following is based on the site descriptions and the proposal as described in the Assessment of Environmental Effects (AEE) and more particularly in the reporting officer's s42A report. It is provided here for context and as background to the consideration of the key resource management issues.

2.1 Site Description and Surroundings

The Sludge Minimisation Facility (SMF) is proposed to be constructed immediately west of the Moa Point Wastewater Treatment Plant (WWTP) at the southern end of Stewart Duff Drive. The SMF site is largely within the existing Designation 58 / WCC6 boundary and located at the base of the disused quarry currently containing the existing inlet pump station (IPS) associated with the Moa Point WWTP and the Aviation Ground Services (AGS) building used for repair/maintenance of airport service vehicles.

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

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

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



Figure 1: Site and surrounds

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

The existing Designation for the site, is subject to a number of existing conditions that relate to the function of the existing Moa Point.

2.2 The Proposal

The proposal as generally described in the s42A report and is provided here for context and as background to my consideration of NOR. I also received a detailed description of AEE¹.

The Wellington City Council as a territorial authority has given notice to alter the existing Moa Point Drainage and Sewage Treatment Designation (58 / WCC6) within 127 and 141 Stewart Duff Drive, Moa Point, to facilitate the construction for public works of a Sludge Minimisation Facility (SMF), and include two adjoining areas of land described above in the altered designation. The proposed alteration to the designation boundaries is shown in Figure 2 below.

¹ The proposed alteration is described in section 5.2 of the AEE lodged by the Wellington City Council, dated 3 August 2022, and prepared by Beca.



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

The proposed amendments to the Designation include a temporary area for construction and an area that is currently occupied by Miramar Golf Course. The application describes the process where this land is effectively surrendered from the designation, once the SMF is constructed and in operation.

The proposal included a number of conditions which will be imposed on the designation amendment.

The application included numerous plans and information regarding the processes involved in the SMF. In respect to the buildings, structures, earthworks and future access points, the plans shown must be considered a concept and not a final design.

It was explained in the evidence of Mr McGimpsey for WCC that:

The design set out in the NOR is broadly at a 'concept design' level. This design will continue to be developed prior to construction, which could include changes to the building design and site layout (while remaining of the 'envelope' established by the proposed conditions included with the AEE on lodgement). The final details of the design will be confirmed through the outline process.²

In the following consideration of the matter, I have been aware that the AEE and subsequent conditions are based on a concept plan and that a developed concept plan is yet to be prepared. That will later be developed to a detailed design.

² Statement of Evidence Paul McGimpsey, page 12, paragraph 7.2

2.3 Preliminary Matters

There are several preliminary matters which I will discuss on the NOR which have some bearing on the discussion of effects later in this recommendation report.

2.3.1 Regional Consents

I was advised that, prior to the hearing separate resource consents were lodged with Greater Wellington Regional Council (GWRC) and that the applicant has received a copy of the draft conditions which were provided during the hearing process.

The regional resource consents primarily deal with discharges associated with construction and management of earthworks. WCC in its regulatory role, also has rules relating to earthworks and imposes conditions on resource consents. Typically, the monitoring of earthworks discharges by GWRC, is to a higher level than undertaken by WCC officers. For example monitoring is specifically triggered by rainfall events.

I received the full GWRC decision on conditions before the closing of the hearing and I have reviewed the Decision of the GWRC consents and note that standard conditions on monitoring of earthworks discharges have been imposed.

Discharges to air and air quality are also matters primarily covered by GWRC plans. There are some 'cross-over' effects in respect to dust during construction.

There is nothing within GWRC consents that is contrary to the consideration of the NOR and designation.

2.3.2 The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

During the hearing, there was some discussion of the requirements for the NESCS. I was satisfied after the responses from the relevant experts including Dave Bull, that a consent will be required against the NESCS.

I asked for clarification as to whether the NESCS was covered by the Designation and unsurprisingly, the view from legal Counsel for the Requiring Authority was that it would require a separate consent and this was not covered by the Designation process.

2.3.3 Wildlife Act 1953

I was advised that a permit was required under the Wildlife Act for the removal or accidental killing of lizards and other wildlife within the site. The permit is issued by the Department of Conservation. The Designation and approval of an outline plan would not dispense with the requirement to obtain this separate permit.

2.3.4 Heritage New Zealand Pouhere Taonga Act 2014 (NZPTA)

The site is not listed as a heritage site under the Wellington City District Plan and no heritage effects have been considered in the application or evidence at the hearing. The application did include an Archaeological Assessment by Subsurface Limited and concluded that :

...an archaeological authority is not a legal requirement for the proposed works outlined in this report.³

The Designation and outline plan process would not have covered the NZPTA requirements in any case, but it is noted that it is not triggered in any case.

2.3.5 Outline Plan

Under s176A of the Act an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the Requiring Authority to the territorial authority to allow the territorial authority to request changes before construction is commenced⁴.

The Requiring Authority did not request that this process be waived as there were several matters that would be subject to further design and may be subject to change in relation to, for example and most importantly, the building design. There is a considerable amount of detail to be provided as part of the conditions of the Designation to be prepared by the Requiring Authority which will be required in the outline plan process.

3. Relevant RMA Provisions

The relevant matters to consider are reflected in s168A of the Resource Management Act 1991.

Before I consider my role in this s168A process, it is important to note that my recommendation to confirm, modify, to include conditions, or to withdraw the requirement, is subject to Part 2 of the Act. I will make the Part 2 assessment later in the decision.

3.1 Section 168A

Section 168A provides the statutory framework for a Notice of Requirement issued by a territorial authority. Of particular relevance to our recommendation are clauses 168A(3) and (3A):

s168A Notice of requirement by territorial authority

3) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*

(a) any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

³ See Moa Point Sludge Minimisation Facility Archaeological Assessment - Subsurface Ltd – Page 3 paragraph 4.

⁴ s176A(1)

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

I consider the provisions of S168A in detail below.

4. Notification and Submissions Received

Prior to our assessment of effects and consideration of the NOR under the relevant planning instruments, it is important that I record the content of the submissions received.

4.1 Submissions

The S42A reporting officer has at 6.0 of the report, provided a description of the submissions. I have read those submissions and have adopted the officer's report.

A total of 10 submissions were received in the appropriate form by the close of submissions, and an additional submission was received in the appropriate form at 10am on Monday 26 September 2022.

The one late submission, had been preceded by an email dated 23 September 2022, indicating its late arrival. The submission in opposition was received from Fiona Hoang. The acceptance of the submission is not a matter for me to consider as Commissioner, that is a decision was made prior to the hearing. I therefore consider the submission in my decision.

In regard to the total submissions, five were in support, five were neutral and one was opposed to the proposal.

Submissions were received from the following parties:

#	Submitter	Address	Support/ Oppose
1	Andrew Page	2/50 Devonshire Road, Miramar	Support
2	Martyn Howells	35 Moa Point Road, Moa Point	Support
3	Elise Webster	40 Moa Point Road, Moa Point	Neutral
4	Wellington International Airport Limited C/- Jo Lester	PO Box 14175	Support
5	Carl Savage	PO Box 10777	Support
6	Greater Brooklyn Residents Association Inc C/- Carl Savage	Brooklyn Community Centre, 18 Harrison Street, Brooklyn	Support
7	Guardians of the Bays C/- Yvonne Weeber	143 Queens Drive, Lyall Bay	Neutral
8	Strathmore Park Residents Association Inc	C/- 108 Strathmore Avenue, Strathmore	Neutral
9	Cyclotek Pharmaceuticals Ltd C/- Teresa Muller	PO Box 14115	Neutral
10	Te Whatu Ora National Public Health Service, Hutt Valley and Wairarapa C/- Jess Cooper	Private Bag 31907, Lower Hutt 5040	Neutral
11	Fiona Hoang	6 Kemp Street, Kilbirnie	Oppose

The following matters were raised in relation to the NOR:

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

particle transfer from exterior to interior via clothes and footwear, vibration, background noise, access to secure parking, ease of courier access, air intake location, electrical supply, radiation safety, gas plant compliance and fire safety rating.

I was advised that following the close of submissions and the commencement of the hearing, the Requiring Authority met with several submitters and it is my understanding from the process, that areas of agreement were reached with some of those submitters, reducing the level of concern. This was recorded in my Minute #2 issued on the 8th November 2022.

Prior to the hearing, I received a written statement from Wellington International Airport Ltd (WIAL) in relation to their submission. I note that their submission was in support of the Notice of Requirement and suggested conditions. The written statement requested consideration of specific conditions requiring that WIAL be consulted on aspects of the implementation of the SMF.

5. Consideration of S168A

I now consider all the relevant parts of S168A.

5.1. Relevant planning documents

Pursuant to Section 168A(3)(a) it is necessary to have particular regard to the provisions of:

- Relevant national policy statements - National Policy Statement on urban development (NPSUD)
- The New Zealand coastal policy statement (NZCPS)
- The Wellington regional Policy Statement (WRPS) and the Proposed Wellington regional Policy Statement (PWRPS)
- The Proposed Wellington District plan (PDP) and the Wellington Operative District Plan. (ODP)

The planning witness (Mr McGimpsey for the Requiring Authority and Ms Zorn for the WCC, as S42A reporting officer) have presented planning evidence addressing S168A(3). No other planning witnesses have provided evidence to the hearing. I note a reasonable degree of conformity between the two planning witnesses.

NPSUD

Both planning experts have raised the National Policy Statement Urban Development Ms Zorn has concluded:

It is further noted that “The SMF will make a significant contribution to reducing greenhouse gas emissions from sludge disposal and is consistent with objective 8”. Based on the NOR and technical reports I consider the proposal consistent with the objectives sought by the NPS-UD⁵.

Mr McGimpsey has made a similar conclusion in paragraph 12.3 of his evidence.

Based on the expert planning evidence, I find that the proposed SMF is consistent with the NPSUD.

No party has raised any other relevant National Policy Statement.

⁵ See S42A Report page 21 paragraph 3.

NZCPS

During evidence I was told that the Designation site is within the coastal environment and therefore subject to the NZCPS. I was advised that the site is not within an identified landscape protection area.

Mr McGimpsey has considered the NZCPS⁶ and the consistency of the NOR against that high order planning document. He concludes that it is consistent with all the relevant objectives and policies.

Ms Zorn does not consider the NZCPS directly in her S42A report but does consider the lower order documents relating to the coastal environment and does not find any inconsistencies with the NOR in that regard.

Based primarily on the evidence of Mr McGimpsey, I find that the NOR is not inconsistent with the NZCPS.

WRPS/PWRPS

In respect to the WRPS, Mr McGimpsey has concluded:

In my opinion, the SMF is entirely consistent with these provisions.⁷

In respect to the PRPS, he further concludes:

In my opinion, the SMF is consistent with the proposed objectives as it will directly contribute to reducing emissions associated with the treatment and disposal of sludge by 63%. It will also enable a reduction in the volume of solid waste being disposed of at landfill which will have further emission reduction benefits.⁸

Ms Zorn considers the WRPS statement in the s42A report and concludes:

Overall, I agree with the assessment provided in the NOR and consider the proposed designation accords with the relevant RPS objectives and associated policies.⁹

Ms Zorn does not consider the PWRPS.

Based on the evidence of Mr McGimpsey and Ms Zorn, I find that the NOR is consistent with the WRPS and on the uncontested evidence of Mr McGimpsey that the NOR is consistent with the PWRPS.

ODP/PDP

Mr McGimpsey has concluded in his evidence that:

The AEE provided a full assessment of all relevant objectives and policies of both the operative and proposed district plans. I agree with the conclusions in the AEE that the SMF is entirely consistent with the relevant objectives and policies of both the operative and proposed district plans.¹⁰

With respect to the ODP, Ms Zorn has stated in the S42A report that:

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

⁶ Evidence of Mr McGimpsey at paragraph 12.2

⁷ Ibid at paragraph 12.4

⁸ Ibid at paragraph 12.5

⁹ See S42A Report Page 22, paragraph 3

¹⁰ Evidence of Mr McGimpsey at paragraph 12.2

Ms Zorn has stated that the Proposed District Plan was notified on the 18th July 2022 and in her view has “legal effect”.¹² Ms Zorn has assessed objectives and policies of the PDP and generally concluded that the NOR generally is consistent or accords with the strategic direction¹³.

Conclusions with Respect to S168A(3)(a)

Having regard to all the relevant matters of S168A(3), I have concluded that the NOR is consistent with the wider planning framework, including the relevant higher order planning documents and the Operative and Proposed District Plan.

5.2 Alternative sites, routes and methods

Section 168A(3)(b) requires that when assessing the NOR, that consideration be given to alternative sites, routes or methods of undertaking the work, if:

- The requiring authority does not have an interest in the land sufficient for undertaking the work.
- There are significant adverse effects on the environment.

The ownership of the land is described in the evidence of Mr Christopher French¹⁴. In respect to the ownership of the land, legal submissions for the Requestor has advised that in respect to the ownership that WCC does not currently have a ‘sufficient interest’ in the land under S168A(3)(b)¹⁵.

I was advised that WCC are currently finalized a sale and purchase agreement. Based on this advise, it is therefore necessary to consider alternative sites, routes or methods.

The other arm of S168A(3)(b) also ‘triggers’ the requirement for alternatives when the adverse effects are significant. I discuss the effects below. I have found, based on the expert evidence provided, that the adverse effects are not significant.

Turning again to the alternative sites, routes and methods, I note that Mr McGimpsey¹⁶ and in particular, Mr French¹⁷ provided a detailed description of the alternative processes.

Submitter Ms Fiona Hoang’s submission centered on the cost of the proposed SMF in comparison to other options of sewer treatment that were available. For example, a deep ocean outfall. This submission was not supported by expert evidence, though Ms Hoang provided a range of articles and information relating to the alternative including information from the Moa Point consent process.

I also heard in the right of reply of the Requestor that the method of discharge of sewer via deep ocean outfall was not ‘consentable’ in today’s planning context.

¹¹ See S42A Report Page 26, paragraph 8

¹² See S42A Report Page 26, paragraph 1.

¹³ See S42A Report Page 35, paragraph 2

¹⁴ Evidence of Chris French at page 18, paragraph 7.14

¹⁵ See Outline of Legal Submissions for Wellington City Council, page 18, paragraph 8.3.

¹⁶ Evidence of Mr McGimpsey at page 13 paragraph 8.3

¹⁷ Evidence of Mr Chris French at pages 19 to 26 Section 9.

I found that the financial cost comparisons of the methods raised by the submitter, was a matter for WCC's long term planning processes (under the Local Government Act), rather than the NOR process which is subject to other tests that are discussed in the recommendation decision.

I also heard from Mr Dan Ormond in respect to the consultation process and the community response. Mr Ormond that consultation was carried out under the Long term planning process.

I also heard evidence on the consultation with the relevant mana whenua. I have noted no submissions have been received following consultation.

Overall, I am satisfied that alternative sites, routes and methods have been considered.

5.3 Reasonable Necessity.

Section 168A(3)(c) requires consideration of whether the designation is reasonably necessary for the Requiring Authority to achieve its objectives.

During the hearing I questioned several witnesses in respect to the reasons for the Designation process. In particular Mr McGimpsey and I was advised that the project team considered a number of pathways for obtaining approval for the SMF including the resource consent process.

I was advised that the existing designation for the Moa Point sewer treatment plant needed to be extended and its conditions related to different processes and effects than are proposed under the SMF. Furthermore, the Designation needed to be extended to cover additional areas, than those provided under the existing Designation.

The key drivers for the SMF have been provided in the evidence of Mr French¹⁸. He states:

There are three key drivers for the Project, being that:

- a Owing to the amount and untreated nature of the sludge, there is currently only one method for sludge management and disposal in Wellington City;
- b Existing sludge management infrastructure has a low level of resilience; and
- c WCC cannot pursue its waste reduction commitments at the Southern Landfill until the volume of sludge is reduced.

Mr French provided full details of the proposal and its process and benefits in his evidence. The original NOR application included a significant amount of information that was summarized by Mr French in his evidence.

Overall, I am satisfied that the Requestor has demonstrated a 'reasonable necessity' for the Designation to facilitate the construction, operation and maintenance of the SMF.

Whilst clearly there are other pathways to provide an RMA approval for the SMF, I conclude that the designation is a 'reasonable necessity' to achieve the objectives of the Requestor.

6. Actual and Potential Adverse Effects

The following is my assessment of the evidence and my findings on what are considered to be the actual and potential adverse environmental effects of the Designation and SMF.

I firstly discuss the positive effects and then I focus on the potentially adverse effects

¹⁸ Evidence of Chris French, page 7, paragraph 6.5

and available methods of avoiding, remedying or mitigating any adverse effects.

No submissions on cultural values have been received nor was it raised at the hearing. I have not considered this matter further except to acknowledge cultural values as part of the consideration of Part 2 matters.

In my view, after considering the evidence presented in the hearing, the principal issues that were in contention and subject to submissions and evidence were in respect of the following matters:

- Air Quality
- Landscape and Visual
- Ecology
- Noise and Vibration Effects
- Transport and Traffic
- Construction Effects
- Flooding and Stormwater
- Effects on the Airport Operation

I will also briefly consider other effects such as geotechnical and site contamination.

6.1 Positive Effects

Both the planning experts have provided an assessment of the positive effects of the proposal. Positive effects are a consideration in the overall balancing exercise undertaken in the S168A(3A) and Part 2 assessment later in this recommendation decision.

The proposal has a number of positive effects including those listed in the NOR under the executive summary and listed here below:

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

Ms Zorn in her S42A report has noted the submission with respect to positive effects and has stated:

Submitters also identified positives in their submissions. Andrew Page noted the reduction in risk associated with no longer needing to pump sludge, Carl Savage and the Greater Brooklyn Residents Association said the closing of the Sludge Dewatering Plant at Cary's at the Southern Landfill will reduce the smell [of sewage].

Based on the planning evidence of Mr McGimpsey and Ms Zorn, together with matters raised by submitters, I accept that the proposal will have potentially significant positive effects on the environment.

6.2 Air Quality Effects

The matter under consideration is an inclusion of designation in the District Plan. I note that air

quality is largely controlled by the GWRC and I further note that the consents issued by GWRC include discharges to air, together with a range of conditions.

The effects of the proposal in respect to Air Quality will therefore largely be addressed by the GWRC consents and the Designation in the District Plan will in effect, have no additional control on the future effects from the SMF.

I noted the view of Mr McGimpsey in questioning that he considered Air Quality to be an amenity issue to be considered by the WCC. I primarily consider it to be a GWRC primary responsibility.

The current consent conditions on the GWRC consent states:

30. There shall be no noxious, dangerous, offensive or objectionable odour or particulate matter discharged to air to the extent that it causes an adverse effect at or beyond the boundary of the site during commissioning or operation of the SMF.

I heard from two environmental scientists. For the Requester, Mr Mathew Noonan advised that during construction, dust will be the main contaminant however he has stated:

The activities above are unlikely to be significant sources of dust, provided standard dust control procedures are implemented. Therefore, I consider it is unlikely that dust emissions from these construction activities would have any adverse impact on the Cyclotek's operation and the closest residential and commercial receptors.¹⁹

Mr Noonan also advised that dust effects could occur during operation of the SMF. With respect to the effects of this he has stated:

In my opinion, the proposed dust mitigation procedures are appropriate. I would expect little dust to be emitted during sludge loadout provided these operations are diligently carried out. I would not expect any fugitive dust which is emitted to be considered offensive or objectionable.²⁰

Mr Noonan has supported the imposition of two conditions proposed by the requester and recommended by the S42A reporting officer, to address dust effects. One to cover construction and one to cover the operation.

“The proposed construction shall be carried out in such a manner that the generation of dust is kept to a practicable minimum. In any case there must be no particulate matter beyond the boundary of the site that has an objectionable or offensive effect as a result of the activities authorised by this designation”²¹

The Requiring Authority must operate the SMF in such a manner that the generation of dust is kept to a practicable minimum. In any case there must be no particulate matter beyond the boundary of The Site that has an objectionable or offensive effect as a result of the activities authorised by this designation²²

In respect to odours, Mr Noonan advised that there is the potential for odour effects during commissioning and a reduced likelihood of odour effects once the facility has been running (approximately a month).

Mr Noonan discusses the existing Moa Point treatment plant has stricter conditions which refer to no discernable odours past the boundary and the fact that the proposal does not alter the existing designation conditions.

¹⁹ Evidence of Mathew Noonan, page 5, paragraph 5.3

²⁰ Ibid page 5, paragraph 5.8.

²¹ Ibid page 31, paragraph 9.11.

²² Ibid Page 35, paragraph 11.9

The existing GWRC conditions for the SMF refer to *noxious, dangerous, offensive or objectionable odour or particulate matter*. This is a different test and less stringent. I note this has already been accepted by the GWRC.

Overall Mr Noonan notes that the current proposed conditions by the requestor and recommended by GWRC. He states:

I consider the above proposed WCC condition to be appropriate and consistent with the PNRP. The SMF Odour Control Unit ('OCU') stack is expected to be the main source of odour emissions. I would expect little fugitive odour to be emitted from the site.²³

He has advised that this can be minimized through the WCC submitting a Commissioning Plan to GWRC. Nonetheless the existing GWRC consents will ensure the effects are mitigated or controlled.

I also heard from Ms Deborah Ryan. Ms Ryan was largely in agreement with the recommendations of Mr Noonan and also acknowledges that the GWRC are the appropriate authority and control in respect to Discharges to Air and odour control.

I also heard from several submitters, such as the Greater Brooklyn Residents Association who discussed the odour effects from the Southern Landfill and how this SMF would be a step towards improving the odour issues at this site.

My finding is that the Air Quality Effects are adequately mitigated and monitored by the requirements under the GWRC consent. Conditions volunteered by the Requester under the Designation are the same as those imposed on the GWRC consent.

The JWS on conditions provided by the planning witnesses has largely deferred the Air Quality matters to the GWRC and their consents. I agree that this is appropriate way to manage effects.

6.3 Landscape, Visual Effects and Urban Design

In respect to the landscape and visual effects, I am aware that the assessment is based on a concept for the SMF that will be facilitated by the Designation.

I heard from Mr Jeremy Everett Head on behalf of the Requester and Ms Sarah Duffell as part of the S42A report.

I have made particular note of the description provided by Mr Everett Head of the existing site in terms of the surrounding environment and the high degree of modification that has occurred.

Mr Everett Head has stated in evidence that:

Adverse landscape effects arising from the Project are assessed to be 'Moderate Low', due to earthworks and the change in character at the site brought about by the collection of large buildings. The 'Moderate-Low' finding takes into account the site's current high levels of modification, degraded landscape character, and that the proposed buildings are consistent with other buildings nearby including those constructed under Designation 58 and other large buildings located opposite the site on WIAL's land.²⁴

Ms Sarah Duffell has also assessed the overall proposal from an urban designer perspective. Her conclusions include:

²³ Evidence of Mathew Noonan, page 6, paragraph 5.11.

²⁴ Evidence of Jeremy Everitt Head, page 5 paragraph 5.5/

The use is an agreeable outcome for the location by virtue of location next to both the WWTP (in terms of functional proximity) and the airport (in terms of size, building type and reduction in sensitivity).²⁵

I also heard from the Guardians of the Bay who made a submission which stated:

As the SMF is designed on a public budget it should be designed to the highest possible design standards. It is impossible to 'disguise' the size and random nature of the buildings and structures, but placement and overall design should include the materials, pattern and full colour palette.

Limiting the palette of colours in the conditions is not appropriate to a landscape that turns parched yellow during summer months to bright green in spring conditions and where Strathmore Park and Miramar residents will see the SMF with a background of the sky. (see power point photos). The design of the buildings and structure need greater design creativity rather than a 'painting it recessive colours and leaving it there'.

I am highly persuaded by this submitter's opinion. The location is not sensitive, it is not natural and is in a highly modified location, with large buildings in the vicinity. Whilst the budget is not within my relevant matters to consider, I agree that any conditions proposed should not limit the colours and mitigations to those that are recessive and it should allow a designer to use a range of methods to achieve a satisfactory urban design result.

The conditions of consent recommended in the JWS have also included appropriate wording which accommodates the submission. I support this amendment,

Overall, based on the evidence of the landscape and urban design experts, I find that the adverse effects of the future building within the designation, will be controlled by the proposed conditions and will be minor.

6.4 Ecology Effects

I have received evidence from Mr Trent Bell for the Requester and Daniela Biaggio for the S42A Report. I was able to pre-ask questions of Mr Bell and received detailed response to those questions.

I was able to ask questions of Ms Biaggio at the hearing.

In respect to the overall ecology effects, Mr Bell has concluded:

Impact assessment for the two confirmed lizard species without mitigation was described as 'Moderate' for magnitude of effect and level of effect (and effects on copper skink, if present, would be 'High' in magnitude and 'Very High' in level). However, with the measures in the draft LMP in place, the overall level of effect for all three species (including copper skinks, if present) is reduced to 'Low'.²⁶

Mr Bell's responses to written questions were found to be particularly helpful in explaining the statutory 'context' of the Wildlife Act 1953 as well as further explanation as to the outcomes of the process in mitigating the effects of the vegetation, habitat and potential wildlife deaths.

I note that Ms Biaggio has also reached similar conclusions in her s42A Report.

I note that the Lizard Management Plan (LMP) will be processed by the Department of Conservation under other legislation.

I note that the JWS recommends a condition which requires a Wildlife Permit approval be

²⁵ See S42 Urban Design Report – Page 15, paragraph 7.2

²⁶ Evidence of Mr Trent Bell, page 6, paragraph 5.2

submitted prior to under taking works that trigger the requirement.

Based on the evidence of both Mr Bell and Ms Baggio, I am satisfied that the ecological effects will be minor when a LMP is submitted and approved under the Wildlife Act. The condition ensures that work within the designation will not occur until the permit is submitted.

6.5 Noise and Vibration Effects

I heard evidence from Acoustic Consultant Miklin Halstead on behalf of the Requester in respect to the noise and vibration effects. In terms of operational noise from the future SMF facility, Mr Halstead has advised:

At the loudest calculated locations the noise from the SMF will be similar to or less than the ambient noise at most times. It is likely that at the times when the ambient environment is at its quietest, the SMF noise would be clearly audible from those locations, but at a reasonable level. At other times the SMF noise would be largely masked by ambient noise, and the increase in noise level resulting from SMF would be negligible.²⁷

In terms of the construction noise Mr Halstead has stated;

I recommend that the contractor is required to prepare a noise and vibration management plan which considers the final construction methodology, and sets out appropriate mitigation measures as required.

With these steps taken, and with general adherence to the guidance of NZS6803:1999, it is my opinion that noise and vibration emissions from construction of the SMF will be reasonable and can be appropriately managed.

I am advised that having a noise management plan and adherence to NZS6803:1999 is commonly applied to construction noise on projects.

I also heard from Acoustic Engineer for the S42A report Mr Lindsay Hannah. He has concluded that:

In summary, based on the information and analysis provided within the Marshall Day Acoustics Operational Noise Report and the Construction Noise and Vibration Assessment we are of the opinion the assessment methods are reasonable and in line with best practice. Both reports adopt the correct technical noise and vibration rules, and where applicable adopt suitable New Zealand or international acoustic standards for noise and vibration. The Operational noise report notes the deficiencies with the current wording of the noise conditions in the Designation which we agree with regarding historic L¹⁰ and L⁹⁰ noise metrics. We agree with the noise reporting that underlying noise limits inline with those currently in the District Plan to protect health and amenity values at the adjacent residentially zoned sites should be adopted.

There was some discussion regarding the potential for construction traffic, particularly during concrete pours, which would require traffic movements at night.

Both Mr Halstead and Mr Hannah have recommended conditions be imposed which have been included in the agreed conditions in the JWS provided by the planning

²⁷ Evidence of Miklan Halstead, Page 4 paragraph 5.5

witnesses.

Overall I am satisfied that the imposition of conditions as proposed on the designation will ensure the noise and vibration effects of the future SMF are minor and at an acceptable level for potentially affected parties.

6.6 Transport and Traffic

The potential transport and traffic effects (including construction effects) of the proposal were a matter raised in a number of submissions and covered a reasonable period of time during the hearing. I will discuss the construction effects of traffic in this section.

Following the information provided in the application AEE and reviewing the evidence, I am satisfied that the operational traffic from the SMF will have negligible effects on the local traffic network from a safety and efficiency perspective.

The main point of discussion has been the conditions of consent relating to the traffic construction effects.

During the hearing I heard from Traffic Engineer Michael Town for the Requester. I also heard from Soon Tek Kong who provided the traffic and transportation contribution for the S42A report. In terms of the construction effects, I heard from Richard Galloway on aspects of the construction and the traffic effects that might result from the proposal.

I noted that there was a reasonable degree of agreement between the traffic experts in respect to the effects. The main point of contention at the hearing was the limitation on the movement of construction traffic during school terms.

Mr Galloway expressed concern during the hearing that the delay in the project to limit construction traffic during the school day (to avoid start and end times) could be an additional cost of potentially \$10 million.

I also questioned Mr Kong in respect to the effects and he remained of the view that an additional truck movement in this time on particular routes had a perceptible effect and that WCC would want to avoid construction vehicle movements at those particular times.

I would not have great concerns that the level of construction traffic during the school pickup and dropoff times, causes more than a very minor increase in safety risk, I however note that the JWS now includes an amendment to condition 25.1 which states:

Traffic management measures at key school pedestrian crossings along Route 1 between the hours of 8:15am to 9:15am and 2:30pm to 3:30pm, Monday to Friday, during school term times only. These measures must be approved by the CMO, in consultation with the RCA, prior to the commencement of any

works involving concrete pour truck movements.

For all intents and purpose, the Requester has therefore accepted the limitation on movement during the school times.

Based on the evidence of the traffic engineers, I am of the view that the traffic and transportation effects, including construction effects are less than minor given the condition to be imposed on the designation in relation to construction traffic.

6.7 Construction Effects

Construction effects will include traffic disruption and safety, sediment, dust, noise and vibration. These have been discussed above in the individual effects considerations.

In respect to the future SMF construction methodology, I heard from Mr Galloway on the wider construction effects. Mr Galloway has specifically considered the effects on the closest potentially affected party Cyclotek Industries and also WIAL.

Mr Galloway comments on a number of conditions that have been included on the JWS to deal with Construction effects.

Mr Galloway's conclusions are that:

Overall, having had the opportunity to contribute to this Project in Early Contractor Involvement role, I have had the opportunity to develop the construction methodology and contribute to the design development to reduce the construction related effects of the project.

With the controls described in my evidence and as set out in the proposed conditions, I expect the construction effects will be no more than minor.²⁸

Based on the evidence of Mr Galloway and other experts on noise, air quality, traffic and transport, that the construction effects will be acceptable subject to compliance with the conditions which include a number of management plans to be prepared and complied with.

6.8 Flooding, Stormwater and Services Effects

The S42A officers have raised the issue of Flooding, stormwater and other public services.

The WCC S42 advisor is Wellington Water's Mohammed Hassan. Disappointingly, I was unable to question a representative from WWL as Mr Hassan was on leave for personal reasons at the time of the hearing.

²⁸ Evidence of Richard Galloway page 16 paragraphs 13.1 and 13.2.

I have consequently relied on the written reports provided in the s42A report. I am able to make a recommendation based on the information available.

The WCC/GWRC flood model shows that there will be some flooding effects during a 100 year flood return. Mr Hassan has recommended conditions with respect to floor levels of future structures and conditions on the control of overland flow during these events.

The JWS proposes condition 22 which is:

The plant equipment, buildings and contouring of the site are to be designed in such a way as to ensure that any overflows, including the accidental or emergency breaches of any tanks, are directed away from the Airport and Cyclotek Pharmaceuticals Ltd. In particular, the stormwater (reticulated network) drainage system is to be designed for a 20 year return period and the layout of the plant is to incorporate such bunding and curbing as is necessary to direct stormwater / overland flows from a 100 year return period (with climate change) direct to Moa Point Road away from the Airport and avoiding the boundary of Cyclotek Pharmaceuticals Ltd.

I reviewed the flooding model for the area and noted that in a 100 year event, that Stewart Duff Drive was not inundated and therefore I must presume that the outcome of directing overland flow in that direction without affecting the airport and the Cyclotek property can be achieved. Nonetheless the designers will have to demonstrate this in accordance with the recommended condition 22.

In respect to Floor levels Mr Hassan had recommended:

Building floor levels

Building floor levels shall be set based on building code requirements at the time of building consent approvals.²⁹

I note that the JWS does not recommend imposing this condition. I understand that the SMF will require a building consent and also engineering approval (under the LGA) for works proposed.

It is my understanding that the Building Act does not actually control the floor levels of non-residential buildings, or that its provisions are open to interpretation. The level of protection provided under the Building Act, is typically not as high as required under currently Proposed District Plan and regular practice in the administration of Resource Consents in the Wellington Area.

I am aware that detailed design of the buildings and structures has not been completed, including the layout of the structure. It was explained in other questions relating to the design standard required under the Building Act, that the SMF was not considered critical infrastructure. Nonetheless the District Plan is unquestionably moving towards a

higher level of resilience for buildings than has previously been required under previous plans and the Building Act.

Therefore, I will recommend a further condition to be included on the Designation:

The designers shall demonstrate that the buildings and structures of the Sludge Management Facility are designed to be resilient to at least a 100 year return period of flooding event. This will include demonstrating that floor levels where required, exceed the 100 year flood level and are not subject to overland flowpaths.

In relation to the quality of stormwater discharge, condition 26 of the existing GWRC consent already requires that adequate treatment is provided at the time of construction. The recommended conditions in the JWS have implemented this approach. I accept this is practical and efficient.

Based on the advice of Mr Hassan contained in the S42A report, I accept that the flooding risks within the site and onto other property are acceptable, subject to the conditions discussed above.

WWL have proposed a number of conditions on the Designation relating to the SMF and its construction. I note that an engineering approval is required and that furthermore, the assets being protected are WCC's own assets.

I also note that the conditions of consent have been agreed between the parties. I have therefore had to strongly resist the wholesale rewriting of the Three Waters conditions on this basis. The only condition which I have recommended a change is Condition 22.A.7. The references to a PS4 or a design statement for completed works, which is confusing and needs clarification. A PS4 is required in the instance of an engineering specific design in the building consent process, to confirm the works are done in accordance with a Producer Statement for Design (PS1). Issuing a PS4 without reference to an original PS1 is non-sensical. The PS1 is not relevant to an engineering approval with WWL.

The condition is subsequently amended as follows:

The development of this site will require the public wastewater network to be amended to facilitate the building of structures and buildings over those services. The public wastewater network modifications shall be inspected on site prior to the works commencing and their condition certified by a suitably qualified Civil/Structural Engineer. At the conclusion of the engineering works the Requiring Authority is to provide a further certification from a suitably qualified chartered engineer that the public wastewater assets are in accordance with the design (pipes and pumpstation) and are assets are in good condition.

Otherwise, I am satisfied the conditions will mitigate the effects on existing and future services.

5.9 Effects on Wellington Airport (WIAL)

WIAL did not appear at the hearing, but did provide a written statement before the hearing.

In respect to WIAL, I note that it is a designating authority itself and has a number of designations which effectively cover large areas of the city. WIAL also has an ownership interest in land over which this proposed Designation for the SMF will cover.

WIAL will have some S176 'protection' and will also be able negotiate under its Sale and Purchase agreements. It will therefore have statutory and practical authority to require outcomes to protect its own interests.

As the airport is an important strategic asset for the city, it will be vital to ensure that the construction, operation and maintenance of the SMF does not disrupt WIAL's activities.

The conditions of the consent recommended in the JWS address the matters raised by WIAL and ensure that ongoing discussion between the parties occurs. Further to this, there have been several conditions recommended in the JWS. These include condition 24.7:

Where there is potential for a project or work to adversely affect the operation of Wellington Airport, including but not limited to visual navigation aids or air traffic facilities or activities, the Requiring Authority shall coordinate with Wellington International Airport Limited (WIAL) to ensure that the project or work will not affect WIAL's ability to meet its obligations under the Civil Aviation Authority New Zealand Rules.

Under condition 25.1, there is a recommendation that:-

A requirement to consult with WIAL and seek their agreement to impose a reduced speed limit of 30km/h along Stewart Duff Drive during construction, between the main construction yard and the junction with Moa Point Road.

It is slightly unusual that a condition should require the agreement of a third party, but I note in this case that Stewart Duff Drive is owned by WIAL. I note that the following condition imposes a requirement on contractors to limit speed.

I have accepted this recommendation on the condition based on there being a related second condition limiting contractors actions, as being practical and addresses the situation where WIAL does not agree to the restriction in speed.

Overall, I find that the potential effects on WIAL can be avoided.

5.10 Geotechnical and Contamination Effects

I record that the S42A advisor on geotechnical matters, Mr John Davies was not available in the hearing. I again have had to rely solely on the written information provided. The Requestor did not provide a geotechnical advisor at the hearing, though Mr Galloway was able to answer several related questions during the hearing.

In respect to the potential geotechnical effects, the Requester has provided a preliminary report and I note Mr Davies commented in his S42A information as follows:

It is noted that the geotechnical reports provided did not comment on the earthworks design for cut batters around the north of the site, as such a requirement for further geotechnical report has been included the recommended conditions

below as well as construction monitoring by a suitably qualified geotechnical professional. It is understood that the applicant has accepted the requirement for a further geotechnical report.

The combination of the controls required as part of these conditions and the suggested stabilisation works above, is considered to reduce the geotechnical risk for both the construction phase and final earthworks design to an acceptable level.

I accept that advice. I am also conscious that the detail of the geotechnical matters will be addressed in the Building Consent process.

The recommended conditions in the JWS are accepted with the exception that a wording change is proposed to condition 25A.3. The condition reflects the fact that producer statements relate to the building consent process, but are otherwise an inappropriate certification where they are not associated with structures requiring a building consent, such as some siteworks.

An earthworks completion report for land development prepared under Schedule 1C of the NZS 4404:2010 including its accompanying documents, shall be provided for all earthworks, within one month of the completion of the works and any necessary monitoring undertaken. In relation to any earthworks associated with structures/buildings works, a PS4 for the structures must be provided in conjunction with the earthworks completion report, where a PS1 (Design) has been previously issued.

I am otherwise satisfied that the geotechnical risks are managed.

In respect to the site contamination risks, I have already discussed above, that this will be managed in another consent process under the NESCS.

5.11 Overall Conclusions on the Adverse Effects

The range of relevant effects have been considered above. The potential adverse effects fall within a range of categories from significant to less than minor. All potentially significant adverse effects and risks are managed and reduced/mitigated to an acceptable level through the overall consent process (which includes other consents outside the designation process) or by the conditions of the proposed Designation to such a degree that they can be considered no more than minor.

7. Positive Effects to offset under S168A(3A)

Section 168A(3A) enables the consideration of the potential adverse effects and how the designation may offset this or compensated by the activity.

In section 5 of this recommendation, I have considered both the positive and adverse effects. I am satisfied that the positive effects of the proposal are such that they at least offset the adverse effects on the wider environment and that there is an overall net benefit. The positive effects discussed in 6.1 are potentially significant, whilst the range of adverse effects are mitigated to a degree they can be considered minor.

8. Consultation and Community Liaison

The consultation and community liaison has been discussed above and is included in detail in both the information submitted in the Notice of Requirement and outlined in

the evidence of Mr Daniel Ormand.

I am satisfied that a reasonable level of consultation has occurred. The relatively low number of submissions, is likely to reflect an effective consultation process.

9. Part 2

In respect to the Part 2 assessment, I note that Mr McGimpsey has stated:

With respect to the purpose of the RMA as set out section 5 of the Act, in my opinion, the proposal meets the purpose of the RMA. The proposal is critical to reducing the total volume of sludge disposed to land from Wellington's WWTPs and reducing the carbon emissions from treatment and disposal. It will provide a sustainable and resilient long-term solution for sludge management and will provide the ability for current and future generations to meet their social, economic, and cultural needs. The SMF also provides for future anticipated population growth in the city and the proposed works have been designed and will be undertaken in a manner which avoids or mitigates adverse effects on the environment.³⁰

In respect to s6, Mr McGimpsey identifies S6(a), (c), (e) and (h) relevant.

In respect to S7 matters, he identifies that S7(b), (c), (d) , (f) and (i) are relevant and further states:

I agree with the assessment contained in the AEE and consider that section 6 and sections 7 matters identified above have been adequately provided for by the SMF proposal.³¹

In respect to Section 8, Ms Zorn has stated:

Section 9.12.4 addresses Section 8 comprehensively and I note that mana whenua have been involved in the process from the outset. Ongoing engagement will take place as WCC is seeking to engage with both Taranaki Whānui and Ngati Toa to work collaboratively on developing a 'Biosolids Reuse and Management Plan' as part of the Takai Here Partnership Agreement which will "detail how all parties will engage on wider long term waste management and minimisation initiatives for the City". I therefore consider the proposed designation to meet the intent of section 8.³²

I further note that Ms Zorn concludes that:

Overall, the proposed designation is considered to meet the stated intention of Part 2 of the Act in that it represents the sustainable management of a physical resource, and is acceptable when considered against section 6, 7 and 8 of the Act.³³

Based on the evidence of the expert planners and the discussion above, I am satisfied that the proposed designation for the SMF, is consistent with the relevant parts of Part 2.

³⁰ Evidence of Paul McGimpsey, Page 26, paragraph 13.2.

³¹ Ibid, page 27, paragraph13.5

³² S42A report, Page 39, Section 9, paragraph 3

³³ Ibid, Page 39, Section 9, paragraph 4.

10. Other Matters

Pursuant to S168(3)(d) I have to considered whether there are any other matters that were significant to the recommendation.

Mr McGimpsey considers the NOR against the Aotearoa New Zealand's First Emissions Reduction Plan, the Wellington Region Management and Minimisation Plan, Te Atakura – First to Zero and WCC Long Term Plan 2021 – 2031³⁴ and considers it consistent with the strategic intent of these planning documents.

Ms Zorn agrees with the list provided in the AEE, but lists the GWRC consents. I would not consider the GWRC consents other matters as they are part of higher order planning documents discussed above.

Otherwise, I agree with the planning witnesses and have had regard to these other matters in the recommendation decision.

11. Conditions

The conditions are a fundamental part of avoiding, remedying or mitigating adverse effects on the environment and as such have been given due consideration.

I have discussed above, the other approvals that are necessary under other Acts. The Requiring Authority and the S42A officer have agreed on conditions to the Designation which cover matters that are technically not covered by the RMA process (or require other approvals under the RMA which are not covered by the Designation).

I largely agree with the planning witnesses and the conditions in the JWS where they have relied on those other process and have recommended conditions which are practical and based on the evidence presented, will satisfactorily mitigate the conditions.

I have discussed the conditions throughout the recommendation decision report above. I recommend the conditions contained with the JWS except the following amendments:

Condition 22.2 shall be inserted as follows:

The designers shall demonstrate that the buildings and structures of the Sludge Management Facility are designed to be resilient to at least a 100 year return period of flooding event.

Condition 22A.7 be amended as follows:

The development of this site will require the public wastewater network to be amended to facilitate the building of structures and buildings over those services. The public wastewater network modifications shall be inspected on site prior to the works commencing and their condition certified by a suitably qualified

³⁴ Evidence of Mr McGimpsey at paragraph 12.10

Civil/Structural Engineer. At the conclusion of the engineering works the Requiring Authority is to provide a further certification from a suitably qualified chartered engineer that the public wastewater assets are in accordance with the design (pipes and pumpstation) and are assets are in good condition.

Condition 25A.3 is amended as follows:

An earthworks completion report for land development prepared under Schedule 1C of the NZS 4404:2010 including its accompanying documents, shall be provided for all earthworks, within one month of the completion of the works and any necessary monitoring undertaken. In relation to any earthworks associated with structures/buildings works, a PS4 for the structures must be provided in conjunction with the earthworks completion report.

12. Recommendation

In accordance with the authority delegated to me by the Wellington City Council and pursuant to section 168A of the Resource Management Act 1991, I recommend to Wellington City Council that it **confirms the requirement** for a designation for the construction and operation of a sludge management facility (Council reference SR No. 519248) subject to the conditions set out in Appendix 2.



Ian Leary
Independent Commissioner
Date: 24 February 2023

Appendix 1

**Persons who attended and presented evidence or
submissions at the hearing**

Requiring Authority Advisors

- Ezekiel Hudspith and Liam Bullen, Dentons Kensington Swan - Legal Counsel;
- Mr Chris French (Project need and overview)
- Dan Ormond (Community Engagement)
- Richard Galloway (Construction methodology)
- Miklin Halstead (Noise and vibration)
- Mathew Noonan (Air Quality)
- Jeremy Head (Landscape and visual effects)
- Michael Town (Transport)
- Paul MCGimpsey (Planning)
- Trent Bell provided a written response to questions which were received after the hearing (before the close).

Submitters

- Carl Savage on behalf of himself and the Greater Brooklyn residents
- Karl Frost
- Yvonne Weeber on behalf of the Guardians of the Bays
- Karl Frost on behalf of Strathmore Park Residents Association
- Martyn Howells
- Fiona Hoang

WCC Advisors

- Sarah Duffell (urban design)
 - Daniela Biaggio (ecology)
 - Soon Tek Kong (transport)
 - Dave Bull (contamination)
 - Lindsay Hannah (Noise)
 - Monique Zorn (planning)
 - Krystle Leen, WCC – Organisational and Administrative support.
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Appendix 2

Conditions

DEFINITIONS, ABBREVIATIONS, ACROMYNS AND TERMS

TERM	DEFINITION
AEE	Assessment of Environmental Effects for the Wellington Sludge Minimisation Facility Project
Airport Curfew	The period within which WIAL will not allow aircraft operations (take-off and landing) to occur on each day.
CMO	Wellington City Council's Compliance Monitoring Officer
Commissioning Phase	The final phase of construction involving a staged approach whereby individual systems are tested and then integrated with other systems prior to being made operational.
COMP	Commissioning Odour Management Plan
Council	Wellington City Council
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
Dust	Means all non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including rock, sand, cement, fertiliser, coal, soil, paint, animal products and wood.
Dust Nuisance	means the generation of dust resulting in visible evidence of suspended solid: <ul style="list-style-type: none"> a) in the air beyond the site the dust is generated from; or b) traceable from a dust source settling on the ground, building or structure on a neighbouring site, or water.
ESCP	Erosion and Sediment Control Plan
GWRC	Greater Wellington Regional Council, including any officer of Greater Wellington Regional Council
LRV	Light reflectance value which applies to colours applied to products (paint, powdercoating)
LVMP	Landscape and Vegetation Management Plan
Moa Point WWTP	Moa Point Wastewater Treatment Plant and includes the activities listed at 3.1 of this Designation.
MPTMP	Maintenance Period Traffic Management Plan
OOMP	Operational Odour Management Plan
OMP	Operation and Maintenance Plan
OTMP	Operational Traffic Management Plan
Outline Plan	An outline plan prepared in accordance with section 176A of the Resource Management Act 1991
RCA	Road Controlling Authority
Requiring Authority	Wellington City Council
SMF	Sludge Minimisation Facility for the purpose of stabilising and reducing the volume of processed sludge produced by the Moa Point WWTP and Western (Karori) WWTP
SMF Early Enabling Works	These are works which can be authorised either through the existing designation without the requirement for an Outline Plan, or as permitted activities which do not require a resource consent. The early enabling works to be undertaken in association with the SMF works, include: <ul style="list-style-type: none"> • Below ground services relocation or upgrades • Demolition of on-site buildings • Slope stabilisation works
SMF Works	The design, construction, maintenance and operation of the SMF as referenced in the AEE and the related SMF designation conditions. SMF Works excludes early enabling works, as per the 'SMF Early Enabling Works' definition, which can be undertaken without the submission of an Outline Plan.
SMF Construction Works	All aspects of the SMF Works which relate to construction activities.
Summer Break	20 December to 31 January of any calendar year
WCC	Wellington City Council
WIAL	Wellington International Airport Limited
Working Days	Has the same meaning under section 2 of the Resource Management Act 1991
WWTP Access Road	Access road serving Moa Point WWTP, off Stewart Duff Drive

CON No.		
19.General		
19.1		<p>While providing for further development of the design and layout, the SMF Works shall be undertaken in general accordance with:</p> <ul style="list-style-type: none"> • 'Description of the proposal' in the AEE Report, dated August 2022 • General Arrangement Plan – ref. 3258521-DA-000-K0121 Rev A • Street Elevation – ref. 3258521-DA-000-K1202 Rev A <p>However, changes to the SMF Works from that set out in these documents shall be allowed, provided that:</p> <ul style="list-style-type: none"> • The Requiring Authority demonstrates that any material changes from the plans referenced above results in no more than a minor change to the adverse effects on the environment; and • All other conditions are still able to be complied with. <p>Where there may be inconsistencies between information within the documents listed above and conditions of the designation, these conditions shall prevail.</p>
19.2		<p>An outline plan/s shall be submitted to Council (as the Territorial Authority) in accordance with section 176A of the RMA, unless a waiver for this requirement is provided in writing by Council.</p> <p>As well as the matters set out in section 176A(3), the outline plan(s) shall include the following items in accordance with conditions on this designation:</p> <ul style="list-style-type: none"> • Design Statement • Landscape and Vegetation Management Plan • Construction Noise and Vibration Management Plan • Operational Traffic Management Plan
19.3		<p>As soon as reasonably practicable following the completion of construction of the SMF, the Requiring Authority shall give notice in accordance with section 182 of the RMA, seeking the revision of the designation boundary to that shown in Plan 3258521-DA-K0112 Rev A.</p>
19.4		<p>The Requiring Authority shall arrange and conduct a pre-construction site meeting with the contractor prior to any work authorised by this designation commencing on site and invite, with a minimum of 10 days' notice, Council's Compliance Monitoring Officer (CMO) and any other key Council representatives determined by the CMO.</p> <p><i>Note: In the case that any of the invited parties, other than the representative of the Requiring Authority and the contractor, do not attend this meeting, the Requiring Authority will have complied with this condition, provided the invitation requirement is met.</i></p>
19.5		<p>The Requiring Authority may request amendments to any of the management plans required by these conditions by submitting the amendments in writing to the CMO at least 10 Working Days prior to any changes taking effect. Any changes to management plans shall remain consistent with the overall intent of the management plan and relevant conditions and achieve the outcomes required by these conditions. The changes sought shall not be implemented until the Requiring Authority has received the CMO's written approval for the amendments.</p>
19.6		<p>The designation does not authorise the removal of the landform to the west of Stewart Duff Drive and within the north-west area of the designation, known as the 'hillock', either in whole or in part.</p>

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CON No.

20. Layout and Heights

20.1 Each structure is depicted on the general arrangement plan attached to this designation (plan 3258521-DA-000-K0121 Rev A). Variations to the siting and footprints of these buildings/structures may occur to accommodate layout and design evolution, but only to the extent that all other SMF designation conditions are complied with.

All key structures, identified in the table below, shall not exceed the following heights, based on NZ Vertical Datum 2016, as set out in the Table below:

Main Sludge Processing Building 1	35.5m
Main Sludge Processing Building 2	32.0m
Digesters	30.0m

These maximum heights are measured relative to New Zealand Vertical Datum and are not the absolute heights of each structure.

Note: Maximum heights excludes roof mounted equipment and building facades.

21. Design and Appearance

21.1 The Requiring Authority shall prepare a Design Statement. The Design Statement shall set out how the following has been considered in the design:

- That site levels and building form, colour and texture reduce the apparent height and bulk of large buildings, and minimise reflectivity and glare when viewed from adjoining public, residential areas or the air.
- That variations in building mass, height and architectural form have been considered to provide visual cohesiveness and interest, reduce any potentially adverse effects of building bulk and scale and promote visual permeability.
- That landscape treatment has been incorporated where practicable to assist in the screening of parking, loading and storage areas.
- That opportunities for low-level amenity planting within the Stewart Duff Drive frontage have been explored to benefit those passing by close to the site.
- That the use of sustainable materials/techniques have been considered as part of the design.

The Design Statement shall also demonstrate how the development is consistent with the following requirements for the purpose of mitigating landscape and visual effects:

- All colours and materials applied to the SMF shall have a light reflectance value (LRV) or equivalent no greater than 42%, excluding the gas bag(s).
- All colours and materials applied to the SMF shall be selected from a colour palette that relates to the natural environment, of either the hillside and its vegetation or the sky and seascape that surrounds it.
- The proposed gas bag(s) shall not be white unless it can be demonstrated that the gas bag(s) colour selection has been considered as part of the visual cohesiveness of the overall SMF design and colour palette. Where practicable, the gas bag(s) shall have a light reflectance value (LRV) no greater than 42%.
- Details of the concrete compound and surface finish or mixture to be used externally on the buildings demonstrating that it achieves an equivalent light reflective value (LRV) of 42% maximum.
- The SMF buildings shall not be clad in materials including stainless steel or unpainted galvanised steel, copper or polycarbonate translucent cladding.
- Any glazed areas shall use low-reflectivity glass.
- Any external lighting shall be shielded to prevent light spill. Any external lighting shall be for wayfinding and security reasons only.
- The SMF buildings shall not include any sign-writing or advertising. Any signage shall be low level, for health and safety and way-finding purposes only, for the benefit of site users.
- Details of fences, gates and walls will be provided. Such structures will be as inconspicuous as practicable.

CON No.	
	<ul style="list-style-type: none"> • Details of the vegetated wire mattress system for stabilisation of cut slopes and the exact locations for any proposed shotcrete will be provided. <p>In preparing the Design Statement, the Requiring Authority shall consult with Council and a final draft shall be submitted to Council for comment. In finalising the Design Statement, the Requiring Authority shall take into account any feedback received from Council.</p> <p><i>Note – This would not preclude the use of pattern or artwork(s) (excluding text) on the exterior of the building, and the applicant is encouraged to consider this as an option.</i></p> <p><i>Note - To achieve an equivalent LRV of 42%, the concrete will need to be coated or include an oxide in the mix, or both. Any texture applied to the concrete will also assist in reducing the material's reflectivity. The concrete's reflectivity will need to be approximately midway between Gull Grey (50% LRV) and Sandstone Grey (27% LRV).</i></p>
21.2	<p>The Requiring Authority shall prepare a Landscape and Vegetation Management Plan (LVMP) which shall achieve the following:</p> <ul style="list-style-type: none"> • The creation of improved quality lizard habitat on the unaffected or modified slopes which surround the main construction site and identified Council reserves, in accordance with the Lizard Management Plan certified by the Department of Conservation (as required under Condition 27.1). • Where consistent with the aims and outcomes of the Lizard Management Plan (LMP), unaffected or modified slopes shall be revegetated in a manner that restores indigenous biodiversity values, whilst also being informed by Council's plant list for coastal headlands, cliffs, escarpments and gullies. • Where practicable, vegetation cover shall be established on disturbed surfaces as soon as possible for the purposes of reducing erosion, sedimentation and the visual impact of earthworks. • Planting areas shall be maintained for a minimum of five years including pest plant management. • Engagement with Predator Free Wellington to manage the potential for the SMF to adversely impact ongoing animal pest control measures in the surrounding area. • Any vertical cut faces are to be supported by retaining walls or similar engineering features. Retaining structures (excluding shotcrete) shall not be publicly visible (either forming part of building envelope or screened by proposed buildings). • Any gabion baskets shall be at the toe of the slope only and shall not be publicly visible. • All proposed planting shall be low-level only to ensure that the ongoing safety of airport operations is not adversely affected. • Where practicable, provide opportunities to work with the local community as part of vegetation restoration and/or ongoing management. <p><i>In preparing the LVMP, the Requiring Authority shall consult with the Council and a final draft shall be submitted to both parties for comment. In finalising the LVMP, the Requiring Authority shall take into account any feedback received from the Council.</i></p> <p><i>Note: Following the completion of the habitat enhancement programme (both on site and on identified Council reserves), an assessment of actual outcomes of relocation and habitat enhancement work shall be undertaken through a five-year monitoring programme, in accordance with the certified Lizard Management Plan and conditions of the Wildlife Act Authority.</i></p> <p><i>Note: Specifically for this condition, 'publicly visible' means visible from a member of the public at ground level on Stewart Duff Drive.</i></p>
22. Flooding	
22.1	<p>The plant equipment, buildings and contouring of the site are to be designed in such a way as to ensure that any overflows, including the accidental or emergency breaches of any tanks, are directed away from the Airport and Cyclotek Pharmaceuticals Ltd. In particular, the stormwater (reticulated network) drainage system is to be designed for a 20 year return period and the layout of the plant is to incorporate such bunding and curbing as is necessary to direct stormwater / overland flows from a 100 year return period (with climate change) direct to Moa Point Road away from the Airport and avoiding the boundary of Cyclotek Pharmaceuticals Ltd.</p>

22.2		The designers shall demonstrate that the buildings and structures of the Sludge Management Facility are designed to be resilient to at least a 100 year return period of flooding event.
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CON No.		
22A. Three Waters		
22A.1		The Requiring Authority must comply with the requirements of the WCC Code of Practice for Land Development (either its current version or replacement document), unless otherwise modified by condition(s) of the designation or agreed in writing by the Wellington Water Land Development Team. These are the engineering standards for mitigating adverse effects on the environment from earthworks, traffic (roading and vehicle access), wastewater and stormwater drainage, water supply and utility structures.
22A.2		No construction activities deemed to impact the existing water supply, stormwater or wastewater drainage assets shall start prior to sufficient documentation being submitted to the Wellington Water Land Development Team for their acceptance. Such documentation may include some or all of the following: <ul style="list-style-type: none"> i. engineering plans and design certificate, ii. specifications, iii. Design documentation (assessment, detailed drawings, and calculations) to support build over/near the Wellington Water. <ul style="list-style-type: none"> o wastewater pipes and pumpstation o Stormwater pipes o Water supply pipes ii. Construction management plans, including risk assessment, risk mitigations, contingency plans in response to potential damage to existing assets and consideration of ongoing operation and maintenance activities.
22A.3		Where existing buildings have been, or are to be, demolished or replaced, the end of the existing private water, stormwater and wastewater lateral(s) must be abandoned/decommissioned including disconnecting from the public main (water) and capping at the shared private drain (stormwater and wastewater). It is required that Council be advised of the final treatment by way of including the location of capping on the final as-built plan. <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Where drainage works are required, permits in addition to the works authorised by this designation are required: namely <ul style="list-style-type: none"> • Public Drainage Permit Some of the engineering plans and specifications in the designation condition above are to be submitted during the application stage for these permit(s). 2. Scheme and other indicative layout plans submitted as part of the application will be used by Council for information purposes only. These plans will not be used for granting approval under the condition above. Approvals will only be given on detailed engineering plans. 3. Prior to connection, an application for water supply and wastewater / stormwater (if required) is required to be made to Wellington City Council. All works must be inspected and tested by the Wellington Water, Water and Drainage Inspector.
22A.4		The Requiring Authority shall provide the buildings with an appropriately sized metered water service pipe connected to a water supply main for domestic supply. An engraved plastic tag reading “WATER SUPPLY MANIFOLD FOR (Street No)” is to be secured to the manifold clearly showing which property is served by the manifold. An RPZ-type backflow preventer is required if the connection is greater than 20mm DI.
22A.5		The Requiring Authority shall manage fire safety in the facility through either option 1 or 2: <ol style="list-style-type: none"> 1. Install a sprinkler protection system in accordance with Automatic Fire Sprinkler Systems NZS4541 (excluding spaces where gas suppression systems are employed and electrical rooms which are fire rated in lieu of sprinklers). The Requiring Authority shall

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		demonstrate that flow rates are adequate to service the sprinkler system. If upgrade of public water supply infrastructure is required specifically to provide adequate flows, this shall be at the cost of the Requiring Authority.
		2. Provide a firefighting water supply complying with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008
22A.6		The Requiring Authority may build over the existing public wastewater and stormwater network. No construction deemed to impact the existing water supply, stormwater or wastewater drainage assets shall start prior to sufficient documentation being submitted to the Wellington Water Land Development Team for their acceptance, including but not limited to; <ul style="list-style-type: none"> i. Engineering plans and design certificate, ii. Specifications, iii. Seismic and Structural Design Assessment and Calculations, including assessment of: <ul style="list-style-type: none"> o The potential for any interaction effects between the proposed building's foundations and piles near the wastewater assets (pipes and pumpstation) in a seismic event, and o The factors of safety and implications on the existing pipes and wastewater pumpstation as a result of any new buildings and structures, iv. Safety in Design Assessment, including <ul style="list-style-type: none"> o 24 / 7 access to the wastewater pumpstation for operation / maintenance purposes, o Methodology for maintenance / eventual replacement.
22A.7		The development of this site will require the public wastewater network to be amended to facilitate the building of structures and buildings over those services. The public wastewater network modifications shall be inspected on site prior to the works commencing and their condition certified by a suitably qualified Civil/Structural Engineer. At the conclusion of the engineering works the Requiring Authority is to provide a further certification from a suitably qualified chartered engineer that the public wastewater assets are in accordance with the design (pipes and pumpstation) and are assets are in good condition.
22A.9		The development of this site may require the public stormwater and wastewater main to be altered to serve the development. All newly constructed stormwater and wastewater mains to be vested in Council shall be approved by Wellington Water Land Development Team based on a [video or] closed circuit television (CCTV) inspection carried out by the Requiring Authority in accordance with the New Zealand Pipe Inspection Manual. A pan tilt camera shall be used and lateral connections shall be inspected from inside the main.
22A.10		As the proposed construction may not comply with the Regional Standard for Water Services requirement for building/working near public wastewater and stormwater mains and pumpstation, the Requiring Authority must provide pre- and post- inspection footage and reports of the existing public infrastructure to the Wellington Water Land Development Team for approval.
22A.11		Any new defects identified post-development and deemed to be caused by the construction activities on the site must be repaired by the Requiring Authority prior to acceptance. Costs incurred for such repairs will be at the expense of the Requiring Authority.
22A.12		Piles and concrete foundations within the proposed public stormwater and wastewater assets must be kept a minimum of 1.0m from all public infrastructure, and pile foundations are required to be founded on solid ground below the main invert level within 1.0m of the main in accordance with Standards and Guidelines for buildings over or near Public Drains.
22A.13		The development must be provided with a suitably sized, separate and direct stormwater and wastewater lateral connections to a public stormwater and wastewater network at a location accepted in writing by the Wellington Water Land Development Team.

22A.19		At the conclusion of the engineering works, the Requiring Authority is to submit as-built drawings that meet the requirements of Wellington Water Regional As-built Specification for Water Services for water supply, wastewater and stormwater drainage.
22A.20		Once an as-built plan has been submitted and before vesting of assets or application, the Requiring Authority is required to arrange for a final inspection with the Wellington Water Drainage Inspector.
23. Construction Work Hours		
23.1		<p>Normal working hours for onsite construction activities will be as follows:</p> <ul style="list-style-type: none"> a. 7:00am to 6.00pm Monday to Saturday (excluding public holidays). b. All heavy construction vehicle access to the site shall be via Moa Point Road. There shall be no access to the site from the north using the airport perimeter road for such vehicles. c. Any construction work which cannot be reasonably undertaken during normal working hours shall be identified in the Construction Traffic Management Plan and/or the Construction Noise and Vibration Plan required by Condition 25.

CON No.	
	<p>g. Notwithstanding Condition 25.1(f) above, a requirement that all construction vehicles are limited to speeds of 30km/h during construction along Stewart Duff Drive between the main construction yard and the junction with Moa Point Road.</p> <p>h. Safety control measures such as fencing, barriers, hoarding, signage and a temporary crossing point.</p> <p>i. A staff travel management plan including a car pool policy and consideration of off-site, off-road parking opportunities.</p> <p>j. A requirement that all construction vehicle drivers are trained and inducted to make them aware of: reduced speed limit along Stewart Duff Drive, as identified at Condition 25.1(f); and the potential for school children crossing the road in certain locations on the identified heavy vehicle construction routes.</p> <p>k. A temporary traffic management plan to avoid potential conflicts between pedestrians and construction traffic on Stewart Duff Drive, either in the form of protected pedestrian routes or via closure of footpaths with alternative routes/diversions provided.</p> <p>l. Measures to maintain vehicle and pedestrian access for staff and visitors to Moa Point WWTP.</p> <p>m. Contact details for appropriate person(s) implementing the CTMP, including after-hours contact details.</p> <p>n. The identification of any construction work which cannot be reasonably undertaken during normal working hours, as per Condition 23.1.</p> <p>o. A plan for the management of pedestrian and vehicular traffic along Stewart Duff Drive where the road is temporarily closed to the public, with alternative routes/diversions provided and associated signage, if appropriate. This plan shall be prepared in consultation with WIAL.</p> <p><i>The following further specific measures are required in relation to concrete truck activities exceeding 100m³ in any one day:</i></p> <p>p. A requirement that heavy vehicles associated with concrete pour activities to use Route 1 only.</p> <p>q. A requirement to co-ordinate with Council regarding any planned construction works on the road corridor along the proposed construction vehicle routes.</p> <p>r. Unless otherwise permitted through Condition 25.1(n), all concrete pour activities and associated heavy vehicle construction traffic to be undertaken within the following time restrictions:</p> <p>i. Outside of the summer break, all work to be undertaken on weekdays only, other than on a Saturday where work shall finish prior to 10:00am.</p> <p>ii. During the summer break, all work shall finish prior to 10:00am on any day, other than Sundays.</p> <p><i>Note: it is anticipated that concrete pour activities will take place outside of normal Construction Work Hours under Condition 23.1 and accordingly, such details shall be set out in the CTMP in accordance with Condition 25.1(n).</i></p> <p>s. Detailed management plan for the management of pedestrian and vehicular traffic along Stewart Duff Drive during this period, which would either require the presence of traffic controllers or a relevant portion of the road is closed to the public, with alternative routes/diversions provided and associated signage.</p> <p>t. Traffic management measures at key school pedestrian crossings along Route 1 between the hours of 8:15am to 9:15am and 2:30pm to 3:30pm, Monday to Friday, during school term times only. These measures must be approved by the CMO, in consultation with the RCA, prior to the commencement of any works involving concrete pour truck movements.</p> <p>All construction works shall be undertaken in accordance with the certified CTMP.</p> <p>Once certified, amendments to the CTMP can be made by agreement in writing between the CMO and the Requiring Authority.</p>
25.2	<p>The Requiring Authority shall submit a Construction Noise and Vibration Management Plan (CNVMP) which shall be prepared by an appropriately qualified acoustic and vibration specialist. The purpose of the CNVMP is to provide a framework for the development and implementation of measures to avoid, remedy or mitigate adverse construction noise and vibration effects, and to minimise any exceedance of the criteria set out in Conditions 25.3 and 25.4.</p> <p>As required by Condition 23.1, the CNVMP shall also identify any construction work which cannot be reasonably undertaken during normal working hours. The CNVMP shall include details of advance communication to be undertaken with residents prior to commencing activities that are predicted to exceed noise performance standards.</p> <p>The CNVMP shall also identify measures to avoid, remedy or mitigate adverse construction noise and vibration effects on Cyclotek.</p>

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25.3		<p>Construction noise shall be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise’. The construction noise shall, where practicable, comply with the following criteria, except as provided for in the CNVMP:</p> <table border="1"> <thead> <tr> <th>Time of week</th> <th>Time period</th> <th>dB LAeq (15min)</th> <th>dB LAF (max)</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Weekdays</td> <td>0630-0730</td> <td>55</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-2000</td> <td>65</td> <td>80</td> </tr> <tr> <td>2000-0630</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="3">Saturdays</td> <td>0630-0730</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>70</td> <td>85</td> </tr> <tr> <td>1800-0630</td> <td>45</td> <td>75</td> </tr> <tr> <td rowspan="3">Sundays and public holidays</td> <td>0630-0730</td> <td>45</td> <td>75</td> </tr> <tr> <td>0730-1800</td> <td>55</td> <td>85</td> </tr> <tr> <td>1800-0630</td> <td>45</td> <td>75</td> </tr> </tbody> </table>	Time of week	Time period	dB LAeq (15min)	dB LAF (max)	Weekdays	0630-0730	55	75	0730-1800	70	85	1800-2000	65	80	2000-0630	45	75	Saturdays	0630-0730	45	75	0730-1800	70	85	1800-0630	45	75	Sundays and public holidays	0630-0730	45	75	0730-1800	55	85	1800-0630	45	75
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25.4		A suitably qualified acoustic expert shall be engaged to assess and manage construction vibration. The vibration criteria set out in Table 4 of DIN 4150-3 2016 shall be met, where practicable. Where it is not practicable to achieve those criteria, the CNVMP shall set out how those activities will be undertaken to minimise, monitor and manage potential vibration effects.																																					
25.5		All earthworks, including the extraction of the below ground fuel tank, to be undertaken in accordance with the Contaminated Soils Management Plan (July 2022), prepared by Beca Limited.																																					
25A. Geotechnical																																							
25A.1		<p>Prior to the commencement of the northern section of the former quarry headwall, the Requiring Authority shall commission a Geotechnical Assessment Report (GAR) of any land that is to be disturbed. The GAR shall be provided to Council for certification at least 20 working days prior to any earthworks occurring. The GAR must be undertaken by an experienced “Geotechnical Professional” and as a minimum contain, but not be limited to, the following:</p> <ul style="list-style-type: none"> • A review of all available geotechnical reports for the site including the Geotechnical Interpretive Report by Connect Water (dated November 2020, reference 6511521/1916). • A summary of the ground conditions interpreted from geotechnical investigations. • A geotechnical analysis of the design concept and resulting recommendations that will mitigate any potential adverse effects. <p>The purpose of the GAR shall be to demonstrate geotechnical soundness and resilience of the earthworks and surrounding slopes.</p> <p>A ‘Geotechnical Professional’ is defined as a Chartered Professional Engineer (CPEng) with specialist geotechnical skills and experience in the design, construction and monitoring of excavations in similar ground conditions as the proposed project or work.</p> <p>A Geotechnical Professional shall be engaged for the detailed design and construction phases of the project or work.</p> <p>The name and the contact details of the Geotechnical Professional shall be provided to Council as part of the GAR required by this condition.</p>																																					
25A.2		<p>Geotechnical Professional will monitor the earthworks. The Geotechnical Professional will advise on the best methods to ensure:</p> <ul style="list-style-type: none"> • The methods to ensure the stability of the site and surrounding land • The construction of cut faces, fill batters, staging, shoring, and benching as required for stability of the earthworks, • the design and construction of the temporary and permanent earthworks, retaining structures and drainage, are consistent with the recommendations from the geotechnical report as part of condition 1 above. 																																					

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		The Requiring Authority must follow all the advice of the Geotechnical Professional in a timely manner.
25A.3		An earthworks completion report for land development prepared under Schedule 1C of the NZS 4404:2010 including its accompanying documents, shall be provided for all earthworks, within one month of the completion of the works and any necessary monitoring undertaken. In relation to any earthworks associated with structures/buildings works, a PS4 for the structures must be provided in conjunction with the earthworks completion report.
26.Erosion & Sediment Control Plan		
26.1		<p>The Requiring Authority shall provide at least 10 days prior to the commencement of works on the site a copy of the ESCP certified by Greater Wellington Regional Council to the CMO for their records.</p> <p><i>Advice Note: The GWRC resource consent for earthworks requires the ESCP to be prepared in consultation with WIAL with regard to dust management controls.</i></p> <p>If during the construction period any changes are made to the certified plan that requires the recertification of GWRC, then a copy of the revised certified plan shall be provided to the CMO within 5 working days of receiving confirmation of the recertification.</p>
27.Ecology		
27.1		<p>At least 10 days prior to any works on land identified as lizard habitat, the Requiring Authority shall provide a copy of the Lizard Management Plan and a copy of the permit obtained under the Wildlife Act 1953, as certified by the Department of Conservation, to the CMO for their records.</p> <p>The Requiring Authority shall undertake the SMF works in accordance with the Lizard Management Plan and any conditions of the permit obtained under the Wildlife Act 1953.</p>
27.2		<p>Where practicable, the clearance of vegetation and loose rock along the toe of the embankment shall avoid avifauna breeding season (July to February). Where such works cannot be avoided within the avifauna breeding season, the following provisions apply:</p> <ol style="list-style-type: none"> Within one prior to such works occurring, a visual inspection shall be carried out by a suitably qualified ecologist to confirm the presence or absence of active penguin nests or the nests of other native birds; If an active penguin or other native bird nest (other than black backed gull) is discovered, the area must be cordoned off with a 100m buffer. No works shall occur within this buffer until the nesting birds have fledged, or the nest has been naturally abandoned.
28. Community Liaison and Complaints Register & Mana Whenua Engagement		
28.A1		<p>The Requiring Authority shall engage with Taranaki Whānui and Ngāti Toa Rangatira and undertake the following:</p> <ul style="list-style-type: none"> • invite Taranaki Whānui and Ngāti Toa Rangatira to confirm their desired level of involvement in the SMF and, if requested by either iwi: <ol style="list-style-type: none"> offer to meet regularly prior to and throughout the duration of the SMF construction and operation. Inform iwi about progress with management plans and to provide an opportunity for feedback on any draft management plan or outline plan prior to submission to the CMO or WCC. provide an opportunity for feedback on the draft Commissioning Odour Management Plan prior to submission to the GWRC. consider any issues raised by iwi relating to compliance with designation conditions, including management plans and outline plans. be responsible for working with iwi to identify opportunities for the proposal to create education opportunities for Māori associated with the project.
28.1		<p>The Requiring Authority shall work with Wellington Water Limited and the Community Liaison Committee (as originally established in association with the Moa Point WWTP) to review the frequency of CLC meetings, membership and current terms of reference to ensure it is able to adequately provide an effective forum for the construction phase and ongoing operations of the SMF. The Requiring Authority shall:</p> <ul style="list-style-type: none"> • Invite parties interested in the SMF to become members of the Community Liaison Committee (CLC). • offer to attend regular CLC meetings prior to and throughout the duration of the SMF construction and operation.

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		<ul style="list-style-type: none"> inform the CLC and its members about progress with management plans and to provide an opportunity for feedback on any draft management plan or outline plan prior to submission to the CMO or WCC. provide an opportunity for feedback on the draft Commissioning Odour Management Plan prior to submission to the GWRC. consider any issues raised by the Community Liaison Committee relating to compliance with designation conditions, including management plans and outline plans. be responsible for working with the Community Liaison Committee to identify opportunities for the proposal to create education opportunities associated with the project. 								
28.2		<p>At all times during the Works, the Requiring Authority shall maintain a permanent register of any complaints received alleging adverse effects from, or related to, the Works. The register shall include:</p> <p>a) The name and address (where this has been provided) of the complainant;</p> <p>b) The nature of the complaint;</p> <p>c) Location, date and time of the complaint and also of the alleged event;</p> <p>d) Weather conditions at the time of the event and including wind direction and approximate wind strength if the complaint relates to air quality or noise;</p> <p>e) The outcome of the Requiring Authority's investigation into the complaint;</p> <p>f) Measures taken to respond to the complaint; and</p> <p>g) Any other activities in the area, unrelated to the construction, which may have contributed to the complaint (such as non-Project construction, fires, traffic accidents or unusually dusty conditions generally).</p>								
28.3		<p>In response to any complaints received, the Requiring Authority shall:</p> <p>a) Acknowledge the complaint within 2 Working Days.</p> <p>b) Promptly investigate, identify the urgency associated with the complaint and communicate that to the complainant.</p> <p>c) Take reasonable steps to remedy or mitigate the matters giving rise to the complaint if there are reasonable grounds for the complaint within 10 Working Days of receiving the complaint or such sooner time as may be reasonably necessary in the circumstances.</p> <p>d) Maintain a record of its responses and any remedial actions undertaken.</p> <p>e) This record shall be maintained on site and shall be made available upon request.</p>								
29. Accidental discovery protocol										
29.1		<p>If koiwi, taonga, or other archaeological material is discovered in any area during the works, work shall immediately cease and the requiring authority shall contact Taranaki Whānui, Ngāti Toa Rangitira, Heritage New Zealand and Wellington City Council within 24 Hours. If human remains are found, the New Zealand Police shall also be contacted. The requiring authority shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.</p> <p><i>Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bones, old building foundations, artefacts and human burials.</i></p>								
30. Operational Noise										
30.1		<p>Sludge Minimisation Facility operational noise emission levels when measured at or within the boundary of any residentially zoned site, shall not exceed the following noise limits:</p> <table border="1"> <tr> <td>All days 7.00am to 7.00pm (day)</td> <td>55 dB LAeq(15 min)</td> </tr> <tr> <td>All days 7.00pm to 10.00pm (evening)</td> <td>50 dB LAeq(15 min)</td> </tr> <tr> <td>All days 10.00pm to 7.00am (night)</td> <td>45 dB LAeq(15 min)</td> </tr> <tr> <td>All days 10.00pm to 7.00am (night)</td> <td>75 dBA LAFmax</td> </tr> </table> <p>Noise measurements shall be measured in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound". Noise measurements shall be assessed in accordance with NZS 6802:2008 "Acoustics - Environmental Noise".</p>	All days 7.00am to 7.00pm (day)	55 dB LAeq(15 min)	All days 7.00pm to 10.00pm (evening)	50 dB LAeq(15 min)	All days 10.00pm to 7.00am (night)	45 dB LAeq(15 min)	All days 10.00pm to 7.00am (night)	75 dBA LAFmax
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All days 10.00pm to 7.00am (night)	45 dB LAeq(15 min)									
All days 10.00pm to 7.00am (night)	75 dBA LAFmax									

CON No.		
31. Air Quality		
31.1		<p>At least 10 days prior to the commencement of the Commissioning Phase of the SMF, the Requiring Authority shall provide a copy of the Commissioning Odour Management Plan (COMP) certified by Greater Wellington Regional Council to the CMO for their records.</p> <p>If, prior to the commissioning phase any changes are made to the certified plan that requires the recertification of GWRC, then a copy of the revised certified plan shall be provided to the CMO within 5 working days of receiving confirmation of the recertification.</p>
31.2		<p>At least 10 days prior to the commencement of the Operations Phase of the SMF, the Requiring Authority shall provide a copy of the Operational Odour Management Plan (OOMP) certified by Greater Wellington Regional Council to the CMO for their records.</p> <p>If, prior to the operation phase any changes are made to the certified plan that requires the recertification of GWRC, then a copy of the revised certified plan shall be provided to the CMO within 5 working days of receiving confirmation of the recertification.</p>
31.3		<p>At least 10 days prior to the commencement of the Operation Phase of the SMF, the Requiring Authority shall provide a copy of the Operation and Maintenance Plan (OMP) certified by Greater Wellington Regional Council to the CMO for their records.</p> <p>If, prior to the operation phase any changes are made to the certified plan that requires the recertification of GWRC, then a copy of the revised certified plan shall be provided to the CMO within 5 working days of receiving confirmation of the recertification.</p>
31.4		<p>There shall be no noxious, dangerous, offensive or objectionable odour or particulate matter discharged to air to the extent that it causes an adverse effect at or beyond the boundary of the site during commissioning or operation of the SMF.</p> <p>For the purposes of this condition, the boundary of the site is as defined in Plan 7 (ref. 3258521-DA-000-K0113) attached to this designation.</p>
31.5		<p>The Requiring Authority must operate the SMF in such a manner that the generation of dust is kept to a practicable minimum. In any case there must be no particulate matter beyond the boundary of the site that has an objectionable or offensive effect as a result of the activities authorised by this designation.</p> <p>For the purposes of this condition, the boundary of the site is as defined in Plan 7 (ref. 3258521-DA-000-K0113) attached to this designation.</p>
32. Operational and Maintenance Traffic		
32.1		<p>The Requiring Authority shall submit an Operational Traffic Management Plan (OTMP). The purpose of the OTMP is to manage transport safety effects of operational traffic. Matters to be considered by the OTMP shall include:</p> <ul style="list-style-type: none"> • alerting other road users and pedestrians along Stewart Duff Drive of truck movements occurring in association with the operation of the SMF • managing the potential for conflict between HGVs travelling in both directions along the Moa Point WWTP access road • managing the potential for conflict with other road users and pedestrians where HGVs need to reverse on to Stewart Duff Drive • managing the potential for conflict with other road users and pedestrians where site access/egress points along Stewart Duff Drive are extensively wide and/or have limited sightlines <p>The OTMP must also include details of how SMF HGV drivers will be inducted/trained to assist in mitigating the transport safety effects of the operation of the SMF.</p>
32.2		<p>A Maintenance Period Traffic Management Plan (MPTMP) for the scheduled 1 week annual shutdown / maintenance period of the SMF shall be submitted to the CMO for certification at least 20 working days prior to the first planned maintenance activity during operations. The purpose of the MPTMP is to manage transport and parking effects of service and staff vehicles during maintenance periods alongside normal operational truck movements. The MPTMP shall include the schedule of the maintenance activity and the normal truck operation, anticipated movements of the maintenance activities to the greatest practicable extent.</p>