

RM number: RM240340
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Our reference: RM240340

APPROVAL OF RESOURCE CONSENT FOR UPGRADES TO THE EXISTING HUTT CITY WHARFLINE, AT 97 MARINE DRIVE, POINT HOWARD (SECTION 1 SURVEY OFFICE PLAN 31984; PART LOT 1 DEPOSITED PLAN 10694 AND SECTION 70-72 BLOCK XIV BELMONT SURVEY)

Council granted consent for the following reasons:

- The proposed works are required to upgrade the wharf to align it with relevant modern industry standards, and to improve the structure's resilience from natural hazard events.
- Earthworks will be undertaken in accordance with best practice erosion and sediment control methods and will not lead to any exposed areas or excavation which notably alters existing site topography.
- Adequate mitigation measures regarding the proposed noise emissions from the proposed works is proffered and will be implemented to manage any actual or potential noise effects.
- Proposed buildings onsite are of an appropriate design and location so as to not detract from the anticipated amenity levels from the site.
- Conditions imposed on the consent under section 108 of the Resource Management Act 1991 will control, mitigate, and remedy any environment effects caused by the proposal.
- The proposal is consistent with the policies and objectives of the city's District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.

- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

1. PROPOSAL

With reference to the application and proposed plans prepared by SLR Consulting New Zealand, Atteris, and Aurecon, a land use consent is sought to upgrade the existing Hutt City Wharfline, at 97 Marine Drive, Point Howard.

The proposed upgrades include earthworks to install a network utility structure (fuel pipeline) and establish a temporary construction office building at Seaview Wharf, Point Howard.

The current application is part of the Seaview Energy Resilience Project, which is a combination of the project of CentrePort Limited (CentrePort) to upgrade the Seaview Wharf and repair earthquake damage, together with the pipeline owners' project to improve the resilience of the Wharfline by undertaking replacement and future proofing work along the entire length of the existing Wharfline.

This application is specific to Stage 2 of the of the Seaview Energy Resilience project. This stage involves the installation of an approximately 600m long pipeline under the seabed, approximately 20m to the east of Seaview Wharf. The submarine pipeline will extend between the Seaview Wharf head and the Point Howard headland and replace the existing section of Wharfline currently attached to Seaview Wharf.

Section 4.0 of the Applicant's 'Resource Consent Application' (p. 13 – 23) provides a detailed overview of the proposal, which is further detailed in the following subsections of the application:

- 4.2 – Proposed Wharfline layout
- 4.3 – Construction Methodology
- 4.4 – Cut and Cover
- 4.5 – Horizontal Directional Drilling (HDD)
- 4.6 – Existing pipeline removal
- 4.7 – Temporary construction yard and construction office
- 4.8 – Earthworks Management
- 4.9 – Removal of existing pipeline

The decision of this resource consent is limited to those activities which occur landside, and includes:

Submarine Pipeline Works

The establishment of a new submarine pipeline as part of Stage 2 of the Seaview Energy Resilience project, between the Seaview Wharfhead and the Point Howard Headland (depicted below):

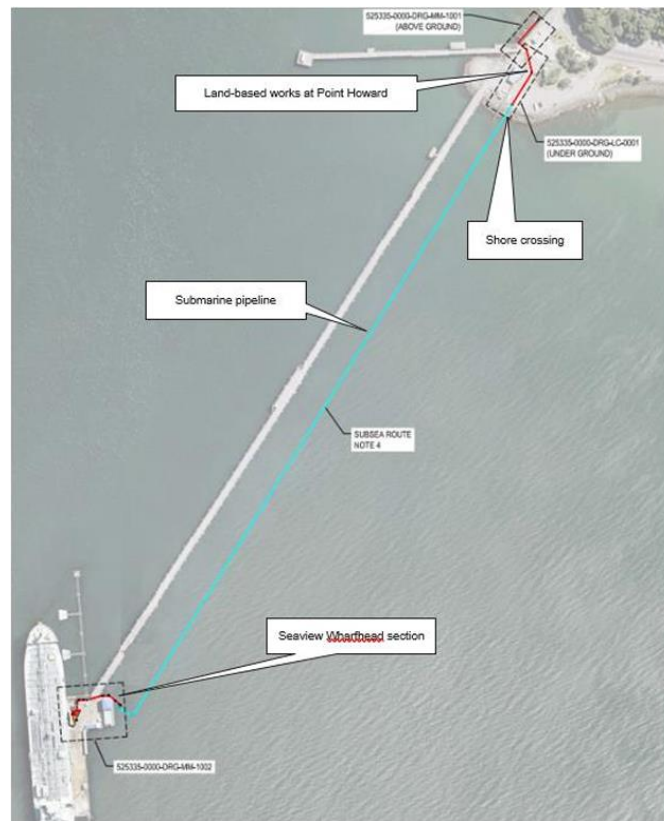


Figure 1: A new submarine pipeline as part of Stage 2 of the Seaview Energy Resilience project

Once the new pipeline is installed and operational, the existing pipeline attached to the wharf approach structure will be removed.

Earthworks

Required earthworks for either construction methodology (Cut and Cover or HDD) shall be undertaken in accordance with the Applicant's Environmental Management Plan (EMP) for Site Works (Appendix G). Sediment and erosion control measures are likely to include:

- Stabilisation of earthworked areas.
- Vehicle washdowns and sweeping up tracked soils.
- Perimeter controls around excavations (as required) to prevent sediment transport outside the works area and to prevent excessive flows onto/from the works area. This may include the placement of sandbags, silt fences, access protection to divert stormwater around the entry/exit location.
- Stockpile management, including dampening and covering them with impermeable material to prevent dust nuisance, various perimeter controls and ensuring that they are kept tidy.

Temporary Buildings and Structures

Construction and establishment of a temporary yard and office for both construction methodologies. This includes welding, abrasive blasting and application of abrasion resistant coating to pipeline prior to pipeline installation. Space for equipment and storage (e.g., pipe joints and excavated materials), and other associated construction machinery / equipment is also provided. Both construction methodologies will use three shipping containers (6.06m (L) x 2.44m (W) x 2.59m (H)); two for the cut and cover option and three for the HDD option. Both methodology options propose a site lunchroom & drying room (4.8m (L) x 3.0m (W) x 2.6m

(H)), two portaloos, and site offices (12.2m (L) x 2.44m (W) x 2.6m (L). Figures 2 and 3 depict the proposed temporary construction buildings for both methodologies:



Figure 2: Temporary Construction Buildings for Cut and Cover Methodology



Figure 3: Temporary Construction Buildings for HDD Methodology

Rock Breaking and Abrasive Blasting

The proposal, specifically rock breaking and abrasive blasting, will exceed Council's noise provisions, as outlined in the Marshall Day Construction Noise Assessment submitted as part of the application. Figure 4 below demonstrates the indicative noise levels at 1m from a building façade, in accordance with the requirements of NZS 6803:1999 (Section 3.0), inclusive of 3 decibels façade reflection:

Equipment	Sound power level, dB L _{WA}	Predicted noise Level, dB L _{Aeq}			Compliance setback, m
		20 m	50 m	100 m	70 dB L _{Aeq}
Large rock breaker (20 – 30 T)	121	90	81	73	132
Large rock breaker with shroud (20 – 30 T)	114	83	74	66	69
Small rock breaker with shroud (1 – 5 T)	104	73	64	56	28
Horizontal directional drilling (HDD)	108	77	68	60	40
Excavator (20 – 30 T) on land or barge	103	62	53	45	8
Abrasive blasting (sandblasting)	130	99	90	80	302
Welding (generator)	101	70	61	53	20

Figure 4: Indicative Noise Levels at 1m from a Building Façade

The applicant has proffered conditions to reflect all recommended noise management and mitigation measures to be imposed as conditions of consent. Noisy works will be carried out during daytime hours only (7:30 am – 6 pm). Workdays would be Monday to Saturdays and up to three Sundays in a row over the course of the project. The Sunday works are required because of the need to complete the pipeline construction/shore pull during a good weather window. The pipeline construction/shore pull duration is estimated at 15 – 16 days. The proposal involves a 10-month construction period.

Access and Onsite Parking

For both construction methodologies, onsite staff parking will be provided next to the eastern vehicle crossing. The eastern vehicle crossing will be an entrance and exit point. The western vehicle crossing will be exit only and be controlled with automated gates. A security fence will be in place to control access to the construction yard. For a temporary period, during the delivery of pipe sections, the western vehicle crossing will be used for trucks delivering 24m length sections of pipeline to the site. When this occurs, traffic management measures will be in place to manage vehicles using the western crossing. Details regarding all of these matters will be provided in a construction traffic management plan (CTMP), prepared by the works contractor for the approval of HCC prior to commencing works. Figures 5 and 6 below demonstrate the access and parking arrangements for both methodologies and access arrangement for delivery of the pipeline sections:

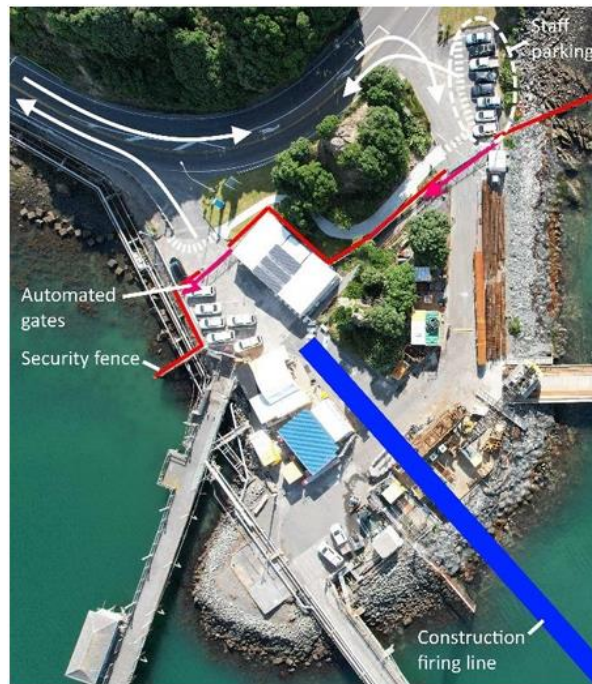


Figure 5: Proposed Access and Parking Arrangement (both methodologies)

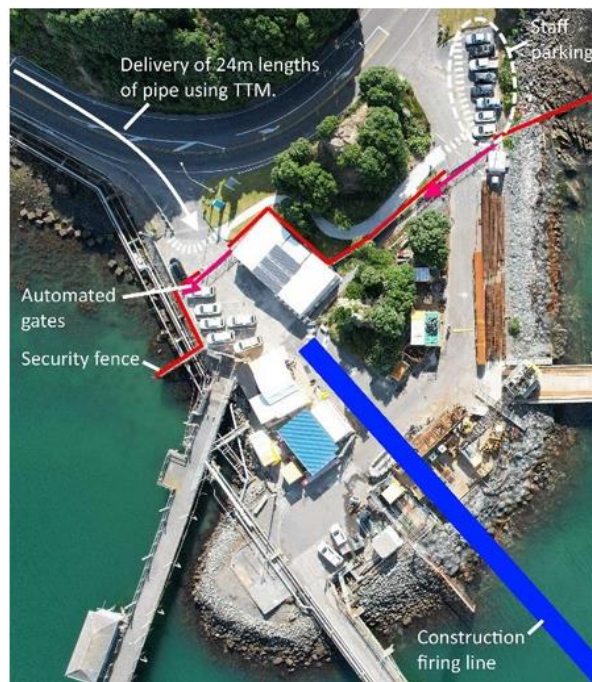


Figure 6: Proposed Access Arrangement for Delivery of the Pipeline Sections

For brevity, Section 4.0 of the application is adopted as part this report.

2. TECHINICAL MEMORANDUM

As part of processing this application, the Applicant provided a memorandum on 30 June 2025, confirming the construction methodology through the early contractor engagement process and to ensure the scope of the consent clearly provides for all elements of the confirmed construction methodology.

As previously discussed in Section 1 of this report, the proposed earthworks would be achieved through either Cut and Cover or HDD methodology.

The memorandum provided confirms that the Applicant has now appointed a contractor, Brian Perry Civil (BPC), to the project and has confirmed that installation of the submarine section of pipeline will be by way of cut and cover rather than horizontal directional drilling (HDD).

Further details of the memorandum also confirm the following:

- To undertake rock removal as close as 6m to a previously recorded burrow located on the opposite side of the CentrePort security fence.
- The timing of rock removal to occur approximately 6 months prior to the scheduled commencement of the broader site preparation and pipeline installation works.
- The use of a cofferdam is an additional measure proposed by BPC to assist in management of works including for the purpose of excavation stability, health and safety and containment of sediment discharge.
- Piles may also be installed on land at Point Howard for the purpose of clamping the pipe in place as each new length of pipe is welded on during the pipe pull process.
- The wharfline will be delivered to the Point Howard construction compound in 36 metre lengths. Five pipeline deliveries are planned over four weeks, scheduled to occur in the early morning to minimise disruption to traffic.

The details of this memorandum shall be read as an addendum to this planning report, dated 30 June 2025, project no. 810.030808.00001.

3. SITE DESCRIPTION

The application site is located at 97 Marine Drive, Point Howard, legally described as Section 1 Survey Office Plan 31984; Part Lot 1 Deposited Plan 10694 and Section 70-72 Block XIV Belmont Survey. The total site area measures 4,044m² in area and is located on the southern side of Marine Drive.

In accordance with Council's Transport Network Hierarchy, this portion of Marine Drive is identified as an Arterial Road and Primary Collector Road. The subject site is legally described as Section 1 Survey Office Plan 31984; Part Lot 1 Deposited Plan 10694 and Section 70-72 Block XIV Belmont Survey and are held within the Record of Titles WN37D/408 and WN479/105. No interests are registered on the Titles that would affect the proposed development.

Section 3.0 of the Applicant's 'Resource Consent Application' (p. 7 – 12) provides a detailed description of the application site and surrounding environment, which is adopted as part of this report:

“Seaview Wharf is located in the north-eastern part of the Wellington Harbour / Te Whanganui-a-Tara on the Point Howard / Ngau Matau headland. The Wharf consists of two main parts:

- *the main wharf (wharf head), the structure where the ships berth; and*

- the approach wharf, the narrow access bridge between the main wharf and landside compound.

At the Point Howard headland, the wharf connects into a secured landside compound, which forms part of CentrePort's operational port area.

The main wharf is located south-west of the Point Howard (Ngau Matau) headland and connected to the headland by the approximately 600m long approach wharf. The main wharf is where tanker ships moor to off-load cargo (liquid fuels) and comprises the main platform as well as mooring and berthing dolphins (groups of pilings) extending to the north and south, used to assist in securing vessels.

The surface of the main platform is occupied by wharf ancillary buildings, vehicle parking and manoeuvring areas and infrastructure, including the pipeline manifold used for offloading of vessels. The total length of the main wharf from north to south, including the dolphins, is approximately 250 m. The existing Wharfline is attached to the approach wharf, extending from the main wharf to the landside compound at Point Howard.

CentrePort owns approximately 0.4 ha of land on the Point Howard headland (Part Lot 1 Deposited Plan 10694 and Section 1 Survey Office Plan 31984, refer to Record of Title in Appendix A). Its landside compound is situated here, and it is occupied by wharf ancillary buildings, infrastructure and security fencing, as well as temporary construction areas and a temporary wharf as part of the wharf upgrade project. The temporary construction buildings / equipment associated with the wharf upgrade project will be removed upon completion of those works. There is the possibility that some of these buildings will continue to be used for the Stage 2 Wharfline project and would be removed thereafter.

There is a small parking and landscaped area in the road reserve, between the landside compound and the Marine Drive carriageway. This is typically accessible to the public but is currently being used as a construction compound for CentrePorts' Seaview wharf upgrade project. A walkway / cycleway runs to the immediate north of the Point Howard landside compound.

The landside compound is separated from the water by an existing rock revetment (referred to as 'the revetment' or 'the seawall' in the remainder of the report), which extends along the coastal margin of much of Marine Drive and the eastern bays.

The Seaview Marina and the Seaview industrial area is approximately 350m north of the Point Howard headland. The closest residential neighbourhood is on the hilly area of Point Howard; with residences elevated above the landside compound by approximately 20m to 100m and separated by a thick buffer of trees and other vegetation. The closest dwelling is located some 70m from the works site at Point Howard headland, Vehicle access to this residential area is off Marine Drive via Howard Road, which is approximately 260m southeast of the landside compound. Approximately 700m to the south-east is Lowry Bay and its residential neighbourhood. Surrounding Seaview Wharf is the Wellington Harbour".

Figures 7 and 8 below is an aerial of the subject property at 97 Marine Drive, Point Howard, the approach wharf and location of the Main Wharf (known as the ‘application site’).



Figure 7: Aerial of 97 Marine Drive, Point Howard

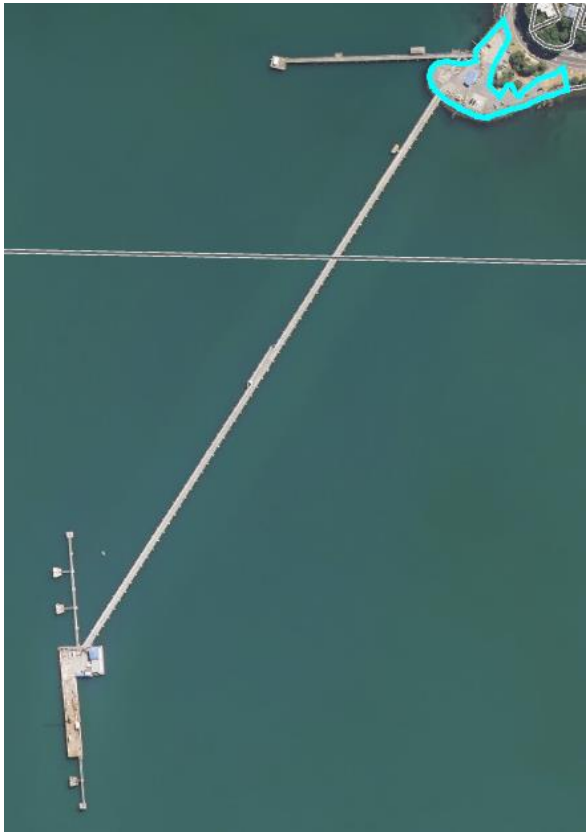


Figure 8: Aerial of 97 Marine Drive, Point Howard, the approach wharf, and location of the Main Wharf

97 Marine Drive, Point Howard, is located within the General Business Activity Area and is also sited within the Significant Natural Resource Site Overlay (SNR: 44). There are no other site-specific overlays or restrictions that apply to the site within the District Plan. The approach wharf and the Main Wharf are located within the zoned as ‘Wharf’. Figures 9 and 10 below

demonstrates the application site's zoning and the extent of the Significant Natural Resource Site Overlay (SNR: 44).

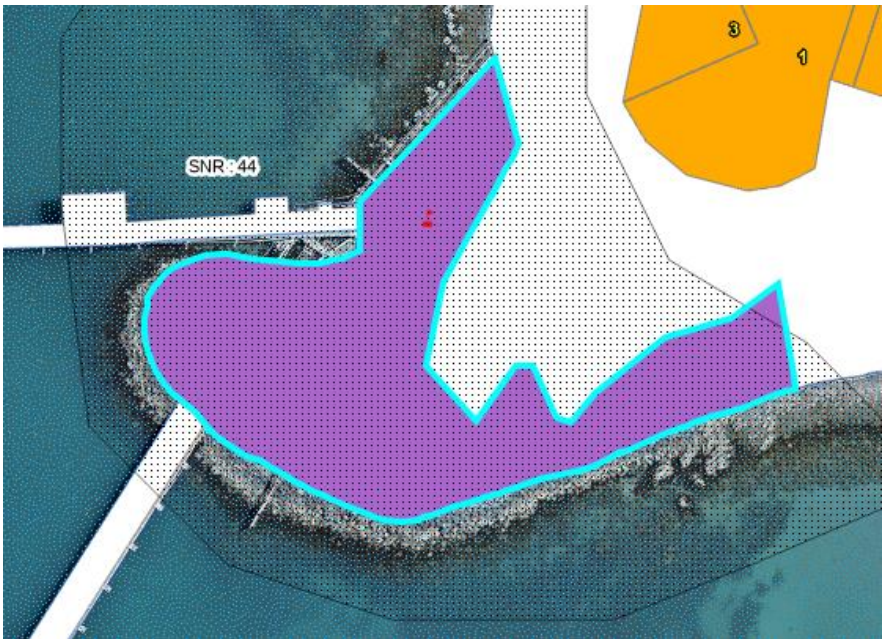


Figure 9: General Business Activity Area and the extent of Significant Natural Resource Site Overlay (SNR: 44) – 97 Marine Drive, Point Howard

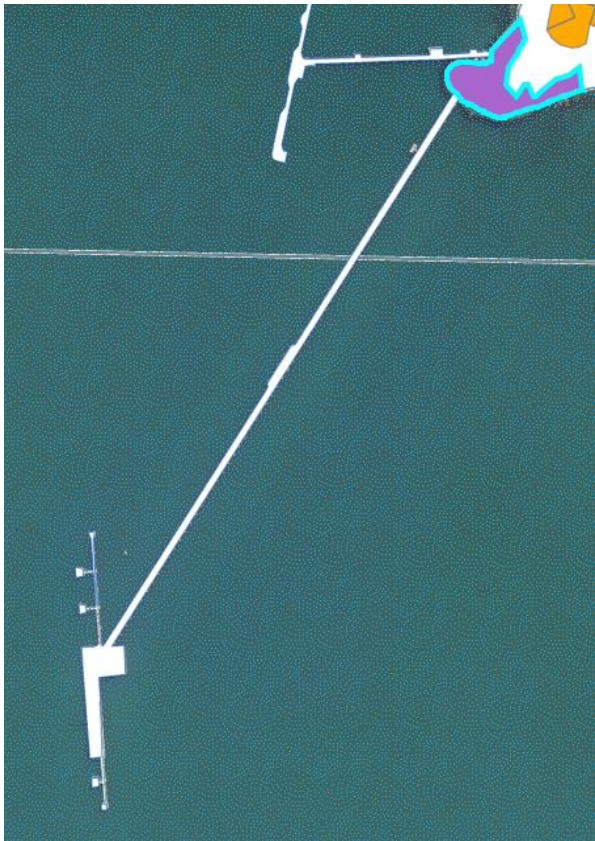


Figure 10: Wharf Zone of the approach wharf and the Main Wharf

A site visit was undertaken on 07 January 2025. Photos shall be read as an addendum to this report. Figures 11 – 14 are photos of the existing development at the application sites and the road frontage of neighbouring properties.



Figure 11: Existing development at the application site



Figure 12: Existing development at the application site



Figure 13: Neighbouring sites – 1, 3, and 5 Church Lane, Point Howard



Figure 14: 2, 3, 3A, and 4 Church Lane, Point Howard

Hutt City Council ('HCC') notified the proposed district plan ('PDP') on 6th February 2025. Under the PDP the application site will be located within the General Industrial Zone, as well as being situated within the Medium and High Coastal Inundation Hazard Overlay; Low, Medium, and High Hazard Overlay; and the Medium and High Tsunami Overlay. It is also noted that application site is located within the Sites and Areas of Significance to Māori (SASM) Category 2 overlay. There are no notable trees on or adjacent to the application site within the PDP. Figure 15 below demonstrates the extent of the zoning and overlays of the PDP:



Figure 15: Application site with PDP notions

4. CONSENTS HISTORY

Approved Resource Consent – RM210127

This consent was approved to undertake renewal works of the Seaview Wharf at 97 Marine Drive, Point Howard. This consent was limited to the following:

- The establishment of the site compound including the erection of security fencing (2m maximum height), and 6 small relocatable buildings.
- Repair the abutment which was damaged in the Kaikoura earthquake. This includes removing and replacing 2 piles.
- Installing temporary wharf to act as a staging platform and a floating pontoon.
- Upgrades to the compound to make Port of First Arrival (“PoFA”) 2 compliant.
- Rock breaker (to remove the face of the abutment).
- Fabrication works (grinders/power tools).
- Generator.
- Truck movements.
- Crane.

Approved Resource Consent – RM210640

This consent was approved to change Condition 1 of Resource Consent RM210127. The s127 application approved the proposed amendments, specifically related to the following:

- Moving the security fencing (2.3m height) back from the boundary to provide for a safe pedestrian access path.
- Moving the office buildings from the south of the site to towards the road.
- An additional five temporary buildings surrounding the permanent building (toilets and a shower, smoko room and two drying rooms).

5. RELEVANT PLANNING RULES AND REGULATIONS

District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the General Business Activity Area, which this proposal falls within, are contained in chapters 6A (General Business), 13 (Network Utilities) and 14 (General).

The proposal's activity classification is determined under the District Plan by assessing its compliance with the relevant standards, rules, and conditions.

The following tables below summarise the rules and conditions considered to be relevant to this application and whether the proposal complies with each of these criteria:

Chapter 6A – General Business Activity Area

As the proposed temporary buildings is located on land adjacent to Seaview Tanker Terminal (being land legally described as Pt 1 DP 10694, Sec 1 SO 31984 and Sec's 70, 71 and 72 Block XIV Belmont Survey District), this aspect of the proposal is a restricted discretionary activity, pursuant to Rule 6A 2.3(f). No further assessment against the provisions in this section of the District Plan is required.

Chapter 13 – Network Utilities

Rule/Condition		Compliance
13.3.1.1	The removal of existing network utilities, including any existing associated structures shall comply with: ▪ Earthworks: 13.3.2.5.1 ▪ Vegetation: 13.3.2.6 ▪ Noise: 13.3.2.7	Does Not Comply – as assessed below, the proposal does not comply with Rule 13.3.2.7 and shall be assessed as a Restricted Discretionary Activity.
13.3.1.4	The upgrading of existing network utilities, excluding: ▪ Electricity and telecommunication lines; ▪ Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals. shall comply with: ▪ Health and Safety: 13.3.2.1 ▪ Earthworks: 13.3.2.5 ▪ Vegetation: 13.3.2.6 ▪ Noise: 13.3.2.7	Does Not Comply – as assessed below, the proposal does not comply with Rules 13.3.2.5 and 13.3.2.7 and shall be assessed as a Restricted Discretionary Activity.
13.3.1.6	The upgrading of network utilities, excluding: ▪ Electricity transmission lines above 110KV; and	Complies – as assessed below, Rule 13.3.2.1 is not applicable, and the proposal shall be assessed as a Restricted Discretionary Activity.

	- Gas distribution and transmission pipelines at a pressure exceeding 2000 kilopascals. that does not meet permitted activity standards. shall comply with: - Health and Safety: 13.3.2.1	
13.3.2.1	Health and Safety: Where specified as relevant, network utilities shall comply with the following standards: - The maximum exposure levels shall not exceed the levels specified in NZS 2772:1999 'Radiofrequency Fields– Maximum exposure levels – 3kHz to 300 GHz'. - Network utilities that emit electric and magnetic fields shall comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz – 100 Hz), Health Physics 99(6):818-836; 2010, and the recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, 2007).	Not Applicable – the provisions listed in this requirement is not relevant to the proposed activity.
13.3.2.5.1	Sediment and Erosion Control: Erosion and sediment control measures shall be installed and maintained for all network utility activities, in accordance with the "Erosion and Sediment Control Guidelines for the Wellington Region – September 2002" – reprinted 2006.	Complies – appropriate erosion and sediment controls will be implemented, in accordance with these requirements.
13.3.2.5.2	Slope, Height, Depth and Area of Earthworks: The following shall apply to all network utility activities, except to earthworks within 2.0 metres of the exterior walls of any network utility structure or the outer edge of a	Does Not Comply – the proposed earthworks and trenching for installing the new pipeline through the rock revetment will be greater than 2m of the pipeline's outer edge.

	network utility structure without walls measured in plain view, trenching in the road reserve or rail corridor, and to piling associated with the installation of a network utility. i. Slope - No earthworks shall be carried out on a slope greater than 45 degrees. ii. Height, Depth - Earthworks shall not exceed 1.5 metres in height or depth. iii. Recession Plane - Any earthworks that involve the raising of the height of land above existing ground level shall not exceed a height recession plane measured at an angle of 45 degrees from any neighbouring boundary. iv. Area: Riparian Areas - 25m² All Recreation and Residential Activity Areas - 100m² All Rural Activity Areas – 1,000m² All Other Activity Areas - 500m² Rail corridor and state highway – 1,000m²	These earthworks are assessed as follows: i. Does not comply – The earthworks on the rock revetment will be on a slope greater than 45 degrees. ii. Does not comply – The earthworks on the rock revetment will be up to 3m deep. Within the landside compound, earthworks for trenching will be up to 1.7m deep. iii. N/A. iv. The earthworks on the rock revetment are within the Passive Recreation Activity Area and will not exceed 25m².
13.3.2.6	Native Vegetation Clearance – Rural Residential and General Rural Activity Areas: Within the Rural Residential and General Rural Activity Areas there shall be no destruction of any native vegetation where: a. the area of native vegetation in one site exceeds 1 hectare with an average height of 3 metres or more, or b. the area of native vegetation is part of an area in one or more sites, which exceeds 1 hectare	Not Applicable – the application site is not located within the Rural Residential and General Rural Activity Areas.

	with an average height of 3 metres or more.	
13.3.2.7	Noise: Noise associated with the activity shall not exceed the permitted activity noise standard(s) within the zone in which the activity is located.	Does Not Comply – as assessed below, the proposal does not comply with the relevant noise standards, as required by Rule 14C 2.1.5.

Chapter 14 – General Rules

Rule/Condition		Compliance
14C 2.1	Noise: In All Activity Areas f. All construction, demolition, and maintenance work shall comply with NZS 6803P "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".	Does Not Comply – abrasive blasting undertaken on up to three consecutive Sundays during the pipe pull will not comply with the construction noise standard under NZS 6803P standards.
14C 2.1.5	Noise: Within the General Business Activity Area, all activities must not exceed 65dBA, measured at the boundary of the site on which the activity takes place. All activities must not exceed the conditions as specified measured anywhere within a recreation or residential activity area. Appendix Noise 2 identifies the locations – Point Howard: ▪ Maximum 60dBA 7.00am – 11.00pm ▪ Maximum 45dBA 11.00pm – 7.00am	Does Not Comply – as assessed in the Marshall Day Construction Noise Effects Assessment (Appendix E), the proposed works shall exceed the maximum 65dBA and 60dBA requirements.
14E 2.2(b)	Significant Natural, Cultural and Archaeological Resources: Any activity or site development works identified on or within the boundaries of a significant natural resource, listed under the heading 'Significant Natural Resources' in Appendix Significant Natural, Cultural and Archaeological Resources 1 and shown on the Map	Cease To Apply – Seaview Wharf is within SNR:44. Pursuant to Rule 14E 2.2(b)(iii), this rule ceases to apply on 31 December 2005 to activities and development on private properties.

	Appendices Significant Natural, Cultural and Archaeological Resources 1A, 1B, 1C and 1D and Significant Natural Resource 9 – Coastal Environment 2A, 2B and 2C.	
14I 2.1.1 Earthworks	Earthworks (a) Ground level not altered by more than 1.2m (b) Maximum volume 50m ³	Does Not Comply – the proposed earthworks, including stockpiling, will alter the ground level by more than 1.2m and exceed the 50m ³ maximum volume, being 2.5m and 150m ³ .

The proposal requires resource consent for the following District Plan non-compliances:

Chapter 6A – General Business Activity Area:

- Rule 6A 2.3(f) provides for any building or structure on Pt 1 DP 10694, Sec 1 SO 31984 and Sec's 70, 71 and 72 Block XIV Belmont Survey District, as a restricted discretionary activity.

Chapter 13 – Network Utilities:

- The proposal does not comply with the relevant provisions for Rules 13.3.2.5 and 13.3.2.7. Rule 13.3.1.5 provides for the removal, operation and maintenance of network utilities and the minor upgrading of electricity and telecommunication lines that do not meet the permitted activity standards, as a controlled activity.
- The proposal complies with Rule 13.3.2.1. Rule 13.3.1.6 provides for the upgrade of network utilities as a restricted discretionary activity.

Chapter 14 – General Rules:

- The proposal does not comply with Rule 14C 2.1.5, related to noise, as the proposed activities within the General Business Activity Area will exceed the permitted 65dBA and 60dBA. Rule 14C 2.2 provides for any activity not complying with the Permitted Activity – Conditions, as a discretionary activity.
- The proposal does not comply with Rule 14I 2.1.1(a) and (b), related to earthworks ground level alteration and maximum volume, as the proposed earthworks within the General Business Activity Area will exceed the permitted 1.2m ground level alteration and 50m³ maximum volume. Rule 14I 2.2(a) provides for any activity not complying with the Permitted Activity – Conditions, as a restricted discretionary activity.

Overall Application Status

The proposal is a restricted discretionary activity pursuant to Rules 6A 2.3(f), 13.3.1.6, and Rule 14I 2.2(a). The proposal is discretionary under Rule 6A 2.4(a) and 14C 2.2.

When bundled, the overall activity status of the proposal is a discretionary activity.

Proposed District Plan

The performance standards in the SASM chapter of the PDP have immediate legal effect and are required to be assessed. As previously assessed, the application site is located within Category 2 of the SASM overlay.

In accordance with SASM-R2, land disturbance within an SASM (Category 2) Overlay is a permitted activity, providing compliance is achieved with SASM-S1: Accidental discovery protocol, which requires the following:

Where kōiwi or other artefacts are unearthed during works, those undertaking the works must:

- 1. Immediately cease works,*
- 2. Inform the relevant iwi authority,*
- 3. In the case of kōiwi, inform the New Zealand Police, and*
- 4. Inform Heritage New Zealand Pouhere Taonga, apply for an appropriate archaeological authority, and once granted commence works in compliance with the archaeological authority.*

The applicant has proffered a condition of consent to undertake the following steps above, in the event kōiwi or other artefacts are discovered during the proposed works. Therefore, the land disturbance aspect of the proposal is a permitted activity.

Assessment Matters

The table below outlines Council's Matters of Discretion in accordance with the non-compliances listed above:

Rule	Council's Matters of Discretion:
6A 2.4.1	a. The matters contained in sections 104 and 105, and in Part II of the Act shall apply. b. The degree of compliance or non-compliance with any relevant Permitted Activity Conditions. c. In addition to the above the following matters will be taken into account: For activities involved with radiation processes the assessment shall consider the level of protection for workers, the general public and adjacent premises from exposure above certain acceptable criteria, under the Radiation Protection Act 1965.
14C 2.2.1	a. The matters contained in sections 104 and 105, and in Part II of the Act shall apply. b. The degree of compliance or non-compliance with any relevant Permitted Activity Condition.

National Environmental Standards

As outlined in Section 7.1 of the application, only the land-based part of the operational port area located behind the security fence, and where port related activities have occurred, is considered to form a 'piece of land'. Therefore, only works in this area are subject to the

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

This 'piece of land' measures approximately 1,400m² in area and the only soil disturbance that will occur in this location is associated with footings for the new 10m section of above ground pipeline. The required earthworks are permitted in accordance with the requirements of Regulation 8(3)(c) and (d) respectively. The works shall not exceed the 2 month maximum time period in accordance with Regulation 8(3)(f). The proposal shall comply with all requirements of Regulation 8(3) and is thus a permitted activity.

6. PERMITTED BASELINE

The permitted baseline allows a consent authority to disregard adverse environmental effects that are the same as could arise from a permitted development on the subject site.

Regarding land use, there is no permitted baseline of relevance to this site as any permitted activity would require consent as a controlled activity or restricted discretionary activity on the basis that the application site is located within the General Business Activity Area, located within the SNR overlay, and the site is situated across the road from a site zoned for residential activity.

7. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four step process that must be followed and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under section 95A) and limited notification (under section 95E).

7.1 – PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the 4 step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy properties at 1, 2, & 3 Church Lane, Point Howard, and 2/100 & 5/100 Port Road, Seaview, in making an assessment under s95D.

The potential adverse effects are amenity effects, construction noise effects, and earthworks effects. The adverse effects on the environment are less than minor for the following reasons:

Building Bulk and Amenity Effects

As previously discussed, the proposal involves the construction of a temporary yard and office. As discussed in Section 1 above, the two construction methodologies will use three shipping containers (6.06m (L) x 2.44m (W) x 2.59m (H)); two for the cut and cover option and three for the HDD option. It also includes a site lunchroom & drying room (4.8m (L) x 3.0m (W) x 2.6m (H)), two portaloos, and site offices (12.2m (L) x 2.44m (W) x 2.6m (L)).

Any proposed buildings to be sited within the application site is a restricted discretionary activity, pursuant to Rule 6A 2.3(f).

The buildings are associated with a temporary construction project and are proposed in a heavily modified port environment, which has been subject to construction activities over the duration of CentrePort's Seaview Wharf upgrade project. The design, appearance and location of the proposed buildings will be similar to the construction buildings already established and currently occupying the site. The proposed buildings will remain consistent

with the current amenity of the area, which is influenced by an active construction project as well as operational port activities. Buildings are one-storey high and will be partially screened from pedestrians and road users on Marine Drive by the existing landform and vegetation at Point Howard. The buildings will be viewed in the site's industrial port environment context with no residential receivers in the immediate surrounds.

Maximum site coverage will be less than 60%. Given the short-term nature of the buildings and their function for construction purposes, landscaping of the site would not be practicable. Overall, adverse character and amenity effects associated with construction buildings being temporarily positioned at the site will be less than minor.

Construction Noise Effects

As detailed in the Construction Noise Effects Assessment prepared by Marshall Day (Appendix D), the loudest construction activities will be rock breaking for the trenching works and abrasive blasting, both of which would be expected to exceed the relevant construction noise standards for the nearest sensitive receivers, being the residential sites overlooking the project area (70m setback), and the kororā burrows in the seawall (20m setback), without appropriate noise mitigation measures in place. A range of mitigation measures are recommended and will be implemented to ensure noise effects are appropriately managed.

Recommended mitigation measures include the use of noise barriers and enclosures around rock breakers, directional drilling equipment and abrasive blasting stations with a full noise enclosure recommended for abrasive blasting stations as well as use of a shroud for large rock breakers. Implementation of such measures is predicted to reduce noise effects to acceptable levels and where compliance with the 70dB LAeq noise limit for the closest residential receivers would be achieved.

The exception to this is during the pipe pull where works are expected to occur on up to three consecutive Sundays to enable this phase of work to be completed as quickly as possible to minimise the risk of adverse weather conditions during the pipeline pull, and the associated potential for damage to the pipeline.

Construction noise standards for Sunday work are set at 55dB LAeq meaning abrasive blasting during the pipe pull would exceed the daytime limit by up to 15 decibels at the closest receivers.

Internal noise levels are predicted to be up to 45 dB LAeq inside with windows closed, which is assessed by Marshall Day as noticeable but unlikely to interfere with daily activities.

In relation to outdoor noise effects, Marshall Day notes that noise levels would be controlled by the abrasive blasting enclosure to meet the weekday construction noise standard of 70 dB LAeq, but that residents may seek respite in quieter areas or indoors. The applicant proposes to undertake advanced communication to residents. This includes the following:

- Written communication prior to the works (e.g. newsletter, website, emails etc.) shall:
 - Be provided to occupiers of buildings within 200 metres of works (or 800 metres where nightworks are proposed)
 - Be provided at least 2 weeks prior to the Project commencing

- Acknowledge that some activities are predicted to generate high noise levels that may result in disturbance for short periods.
- Include details of the overall works, its timing, duration and contact details where enquiries and complaints should be directed.
- Written communication during the works:
 - Public site signage shall include contact details of the project manager
 - Regular project updates shall be provided via communication channels. This shall include details of impending activities that may result in disturbance, including concrete cutting, rock breaking and piling.
 - It shall include scheduled timing and duration of noisy activities and contact details where complaints and enquiries should be directed.
 - Any night works, outside of low noise activities, shall be advised (separately) at least 5 days prior to the works commencing.

This would also manage potential effects to a reasonable level on the basis that the works that occur on the three consecutive Sundays, being the abrasive blasting, will be limited to a maximum of twice a day between 7:30am and 6pm.

With regards to effects on kororā, Marshall Day predicts that even with the recommended mitigation measures, noise levels would be slightly over the 70dB LAeq threshold at the closest kororā burrow, but below the threshold at burrows further afield. It is noted that there will be a further 5 decibel reduction from the entrance to inside the burrows.

The recommendations and conclusions of the Marshall Day Construction Noise Assessment are addressed in the Kororā Assessment, which concludes that taking the recommended mitigation measures into consideration, the potential effects of construction disturbance associated with airborne noise on the regional kororā population will be of a temporary (construction phase) nature, and result in a low level of effect, of negligible magnitude.

The Applicant has submitted a draft Construction Noise Management Plan (CNMP) which an updated version will be provided to HCC prior to the commencement of any works. All works will be undertaken in accordance with the final CNMP to ensure appropriate management of noise effects to sensitive receivers, including nearby residents and kororā. The recommendations of the Marshall Day report are incorporated in the proffered consent conditions. Overall, having regard to the Marshall Day advice and on the basis that all works will be undertaken in accordance with an appropriate construction noise management plan, it is considered that adverse effects related to construction noise and vibration are less than minor. In terms of operational noise, the operation of the line is expected to fall within the relevant noise thresholds.

Council's Environmental Health Manager, Mr. Dean Bentley, reviewed this aspect of the proposal on 13th January 2025, and has provided the following feedback:

- *I have reviewed the documentation and concur with the findings and recommendations.*
- *While there is some concern about the exceedance of construction noise limits, it is noted that the works require a window of good weather, and no works will occur at night.*

- *Noise barriers/shrouds and enclosures must be in place (as recommend in the acoustic report), in addition to submitting a CNVMP.*
- *I trust that this is satisfactory.*

In accordance with the CNMP, vibration levels would be imperceptible at the closest receivers, and low at the closest kororā burrows. We have therefore not carried out a detailed vibration assessment. As proffered by the Applicant, a final CNMP shall be submitted to Council for approval, prior to the commencement of works.

Traffic Effects

As discussed in Section 1, the applicant proposes onsite carparking for both construction methodologies. Although the proposal will result in an increase of vehicles to and from the application site, prior to the commencement of the proposed earthworks, a construction traffic management plan (CTMP) will be prepared for the approval of HCC. The CTMP will provide for all works to be managed to minimise the potential adverse effects on other road users including vehicles, pedestrians and cyclists and ensure appropriate management of works in relation to other development projects in the vicinity of Point Howard. Adverse traffic effects will therefore be less than minor.

Earthworks Effects

Rules 13.3.3(e) and 13.3.4(s):

- Earthworks and sediment and erosion control.

Rule 14I 2.2(a):

- i. Amenity Values:

The extent to which any earthworks proposal will affect adversely the visual amenity values of the area, and the extent to which the earthworks will result in unnecessary scarring and be visually prominent. The extent to which replanting or rehabilitation works are included as part of the proposal to mitigate adverse effects. Earthworks should not result in the permanent exposure of excavated areas.

- ii. Existing Natural Features and Topography:

The extent to which the proposed earthworks reflect natural landforms, and be sympathetic to the natural topography.

Resource consent is required as the proposed earthworks and required trenching for the new pipeline does not comply with Rules 13.3.2.5, 13.3.2.7, 14I 2.1.1(a) and 14I 2.1.1(b). Temporary rock breaking during construction and abrasive blasting during the pipeline pull will also require careful management to ensure compliance with construction noise standards. The adverse effects will be less than minor as:

- The exceedances of the permitted standards for earthworks associated with network utility upgrade and installation are small in scale and unavoidable given the need to traverse the sloping rock revetment and the necessary depth requirements for the pipeline. Appropriate measures will be implemented to ensure the stability of excavations, in terms of worker safety and the stability of surrounding land, and to ensure potential adverse effects of earthworks are appropriately managed.

- The exact nature and scale of earthworks for both construction methodologies (open trenching or HDD) is the alteration of the ground level up to 2.5m and 150m³ of volume. However, required earthworks will be appropriate to the nature and scale of the pipeline project. The selected pipeline alignment is the best practicable option, and the earthworks are limited to that necessary for pipeline installation, whether by way of open trenching or HDD. Additional earthworks effects over and above those associated with a permitted network utility upgrade or installation will not be readily discernible to residents on the opposite side of Marine Drive or members of the public travelling along Marine Drive.
- The proposed earthworks will be undertaken in accordance with a project specific Construction Management Plan, Sediment and Erosion Management Plan and Z Energy's EMP for Site Works. The controls are likely to include, but are not limited to, stabilisation of earthworks areas, vehicle washdown and sweeping tracked soils, perimeter controls around trenches, and stockpile management.
- No notable risks to public health or safety are considered to arise given the controls and location of the proposed earthworks within the managed construction compound at Point Howard, away from Marine Drive and public spaces.
- Prior to the commencement of the proposed earthworks, a construction traffic management plan (CTMP) will be prepared for the approval of HCC. The CTMP will provide for all works to be managed to minimise the potential adverse effects on other road users including vehicles, pedestrians and cyclists and ensure appropriate management of works in relation to other development projects in the vicinity of Point Howard. Adverse traffic effects will therefore be less than minor.
- The temporary nature of the works means that adverse amenity effects (e.g., visual, noise, vibration, dust and traffic) will also be temporary.

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. This proposal relates to the upgrades to the existing Hutt City Wharfline which includes the construction of a temporary office building, earthworks, installing a new submarine pipeline and the removal of the existing pipeline. Despite the number of District Plan breaches, the District Plan is considered to provide clear policy direction and assessment matters relevant to the proposal, and it is considered that public notification will not reveal any new information relevant to determination.

On this basis, it is not considered necessary to publicly notify the application due to special circumstances.

Conclusion

Public notification is not required.

7.2 – LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4 step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	Yes

There are two statutory acknowledgements that apply to the Wellington Harbour / Te Whanganui-a-Tara, being those of Te Atiawa-Taranaki Whanui (Port Nicholson Block Settlement Trust) and Ngati Toa (Te Runanga o Toarangatira Inc). The applicant has provided the following assessment in this regard:

“Z Energy has actively engaged with these parties in relation to the project. Feedback to date has been supportive of the approach taken by Z Energy to both engagement and the implementation of strong environmental safeguards to ensure appropriate management of adverse environmental effects. Confidence is expressed that continued engagement between the parties will ensure the best possible outcomes are achieved for Te Taiao. On this basis, neither Te Atiawa-Taranaki Whanui (Port Nicholson Block Settlement Trust) nor Ngati Toa (Te Runanga o Toarangatira Inc) are considered to be affected parties requiring limited notification for the purposes of section 95E. That is, subject to implementation of the proposed management and mitigation measures and ongoing engagement, they are not considered to be affected to a minor or more than minor degree, Irrespective, the Applicant will continue to engage with Hikoikoi Management and Te Rūnanga throughout the consent application and construction process and any further feedback received will be provided to GWRC”.

In accordance with the feedback from Te Atiawa-Taranaki Whanui (Port Nicholson Block Settlement Trust) and Ngati Toa (Te Runanga o Toarangatira Inc), the following details have been provided and adopted as part of this section of the report:

Te Runanga o Toarangatira Inc – 22 October 2024:

“Te Rūnanga acknowledges that the consent process has commenced due to an existing Department of Conservation permit that has reached its limit for kororā relocations, with the designated relocation site at Lowry Bay Kororā sanctuary currently at capacity.

The current consents encompass the repair of Seaview Wharf to improve its seismic resilience and operational safety, the demolition of Point Howard Wharf, and the enhancement of the fuel supply pipeline that facilitates the transfer of fuels from tanker ships at the wharf. In 2022, prior discussions were held with Te Rūnanga regarding the consent granted by CentrePort Ltd (WGN210305), during which we conveyed our support for the repair initiatives.

Te Rūnanga considers the protective measures for kororā to be sufficient and finds the proposed relocation site appropriate. Additionally, Te Rūnanga expresses a desire to receive monitoring reports throughout the construction activities to gain insights into the management of the surrounding environment and the response of the kororā”.

Richard Te One (on behalf of Te Atiawa-Taranaki Whanui) – 22 October 2024:

“Despite our concerns we are happy with the applicant’s commitment to ensuring the protection of the environment during construction and when the pipeline is operational. Z Energy and Mettleworks have been proactive in their engagement with Mana Whenua, and we will continue to work with them during the consenting and construction process.

We understand the pipeline is a key part of the infrastructure of the wider Wellington Region. We appreciate the level of engagement and consultation with Mana Whenua and have no objection to the application for a Resource Consent for the project”.

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: ▪ A controlled activity (other than a subdivision) under the District Plan	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons ‘affected’ under s95E? ▪ For ‘boundary activities’ an owner of an allotment with an ‘infringed boundary’	No (see below assessment)
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected person/s. No persons have given written approval.

In accordance with section 95E, I have considered whether the proposal could adversely affect any other persons. I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

1, 2 & 3 Church Lane, Point Howard

These properties are located north-east of the application site and contain one residential dwelling per site. The sites are positioned approximately 10 vertical metres above the application works area and are fronted by a dense vegetation perimeter (as depicted in Figures 8 and 9 above).

Regarding noise, it is acknowledged that the works will lead to noise levels that are higher than what is existing for owners and occupiers of 1 – 3 Church Lane. This will likely cause a nuisance, acknowledging that works are proposed for approximately 10 months (dependent on the earthworks methodology), and are to occur during the daytime hours (7:30am – 6pm). Workdays would be Monday to Saturdays and up to three Sundays in a row over the course of the project. The Sunday works are required because of the need to complete the pipeline construction/shore pull during a good weather window.

The applicant has proffered a condition that a Construction Noise Management Plan be submitted to Council for certification, which outlines best practice noise mitigation measures, a complaints procedure, and provides further details regarding noise emissions and works programmes. A noise monitoring condition, to ensure compliance with “NZS 6803P Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work” has also been proffered. It is also highly relevant to stress that the scope whereby noise effects can be considered within this decision is restricted to noise emitted from land-side activities (which are limited in scope and anticipated noise impacts when compared with noise emissions from the CMA). The proposed works to be undertaken on up to three consecutive Sundays is limited to abrasive blasting during the pipe pull, which exceeds the 40dB LAeq limit by 15dB LAeq. However, the abrasive blasting will be limited to a maximum of twice a day between 7:30am and 6pm.

As recommended by the CNMP, the applicant proposes to install noise barriers and enclosures around rock breakers, directional drilling equipment and abrasive blasting stations with a full noise enclosure recommended for abrasive blasting stations as well as use of a shroud for large rock breakers. The implementation of such mitigation measures has been predicted to reduce the noise levels by approximately 10db LAeq. The distance of these sites from the application site and location of works must be considered in relation to any actual or potential noise effects. Given that these properties are approximately 80m, 95m, and 110m from the application and the proposed mitigation measures to be installed as part of the proposed works, noise effects, while likely to be discernible, will be less than minor.

Earthworks and temporary buildings effects were discussed in relation to effects on the environment under Section 6.1 above, and directly apply to the owners/occupiers of the properties at 1 – 3 Church Lane such that they are less than minor.

Overall, effects from the proposal on the owners and occupiers of 1, 2 & 3 Church Lane will be less than minor.

2/100 Port Road, Seaview

This property is owned by Hutt City Council, and comprises the Seaview Marine, Point Howard Wharf, and the CMA within the site boundaries, as shown below.



There are persons living within boats within the Seaview Marina to the north of the Seaview Wharf. These residents (occupants of the site) will be separated from the landside works area by at least 270m.

Regarding noise, it is acknowledged that the works will lead to a noise level that are higher than what is existing for owners and occupiers of 2/100 Port Road, Seaview. The applicant has proffered a condition that a Construction Noise Management Plan be submitted to Council for certification, which outlines best practice noise mitigation measures, a complaints procedure, and provides further details regarding noise emissions and works programmes. Collectively, these measures render noise effects less than minor.

As recommended by the CNMP, the applicant proposes to install noise barriers and enclosures around rock breakers, directional drilling equipment and abrasive blasting stations with a full noise enclosure recommended for abrasive blasting stations as well as use of a shroud for large rock breakers. The implementation of such mitigation measures has been predicted to reduce the noise levels by approximately 10db LAeq. The distance of this site from the application site and location of works must be considered in relation to any actual or potential noise effects. Given that this property is approximately 270m from the application and the proposed mitigation measures to be installed as part of the proposed works, noise effects, will be less than minor on these persons.

Earthworks and temporary buildings effects were discussed in relation to effects on the environment under Section 6.1 above, and directly apply to the owners/occupiers of the properties at 2/100 Port Road such that they are less than minor.

The proposal will not encroach on the ability of this site to function as it is currently. Effects on the owners and occupiers of 2/100 Port Road will be less than minor.

5/100 Port Road, Seaview

This property is owned by Hutt City Council and comprises an elongated rocky outcrop structure. There are no residents on this property, nor is there scope for this site to ever be residentially developed. The proposal will not encroach on the ability of this site to function as it is currently. Effects on the owners and occupiers of 5/100 Port Road will be less than minor.

General Effects on All Persons

- Effects in relation to earthworks, traffic, temporary buildings and structures have been discussed in relation to effects on the environment under Section 6.1 above. The findings of the assessment, being that effects on the environment will be less than minor, I refer to the matters discussed in this section of the report and consider that they directly translate to a less than minor effect on all persons as well.
- The applicant has proffered a condition that a CNMP be developed to explicitly address noise monitoring and complaints procedures. It is also highly relevant to stress that the scope whereby noise effects can be considered within this decision is restricted to noise emitted from land-side activities (which are limited in scope and anticipated noise impacts when compared with noise emissions from the CMA). Noise effects are less than minor on all persons.
- The majority of persons viewing the site will do as they move past the site, either in a vehicle, on foot, or on another transport mode via Marine Drive. This will limit the extent to which persons can experience building bulk or amenity effects from the site, such that they will be less than minor. There are additional residential sites above Marine Drive who will have a more permanent, direct view toward the application site, however these persons will be sufficiently setback (horizontally and vertically) and screened by onsite vegetation such that building bulk and amenity effects will be less than minor.
- All other persons are sufficiently setback or screened such that effects will be less than minor.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in section above, I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is not required.

7.3 - NOTIFICATION DECISION

In accordance with the notification steps identified in sections 6.1 and 6.2 above, the application shall proceed on a non-notified basis.

8. DETERMINING THE APPLICATION

Section 104 requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a National Environmental Standard; other regulations; a National Policy Statement; a New Zealand Coastal Policy Statement; a Regional Policy Statement or proposed Regional Policy Statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

8.1 – ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT UNDER S104(1)(A)

A comprehensive assessment of anticipated effects from the proposal on the environment has been undertaken in Section 6.1 above, with an assessment of effects from the proposal on all persons being undertaken under Section 6.2. Under both assessments, the effects from the proposal were deemed to be less than minor on the environment and all persons.

Conclusion

I consider the actual or potential effects on the environment to be acceptable for the reasons outlined above.

8.2 – ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)

Objectives and policies of the District Plan

I consider the proposal is consistent with the relevant District Plan objectives and policies identified below:

Objective / Policy	Details
Objective 6A 1.1.1	To accommodate those non-industrial activities which are suitable in the General Business Activity Area and which do not cause adverse effects on amenity values of the area and the receiving environment.
Policy 6A 1.1.1	e. That the accommodation of non-industrial activities avoids or mitigates adverse effects on the amenity values of the area and the environment.
Objective 6A 1.1.3	To avoid or mitigate adverse effects on the amenity values of the area and neighbouring areas, and the receiving environment.
Policy 6A 1.1.3	a. That effects likely to be generated by each activity, such as noise, dust, odour and traffic, are managed to avoid or mitigate adverse effects on the amenity values and character of both the General Business Activity Area and interface areas. b. That effects likely to be generated by each activity are managed to avoid or mitigate any adverse effects causing harm or damage to the receiving environment.

Objective 6A 1.2.1	To maintain and enhance the amenity values of the activity area and neighbouring areas.
Policy 6A 1.2.1	a. That each site, structure and building is designed and maintained to enhance the amenity values and character of both the General Business Activity Area and adjacent activity areas.

Assessment:

The proposal relates to Stage 2 of upgrade works for an industrial wharf operation, which is an activity directly compatible with the intended activity mix for the General Business activity area.

It is anticipated that the proposal will not compromise the amenity values for this zone, neighbouring areas, or the receiving environment, with building proposed onsite to be temporary and of a suitable scale and location for the site (yet to be determined). Environmental effects from the proposal have been considered and have been deemed to be less than minor on all persons and the receiving environment.

Objective / Policy	Details
Objective 13.1.1	To recognise and protect the benefits of regionally significant network utilities.
Policy 13.1.1	b. To recognise the national, regional and local benefits of regionally significant network utilities.
Objective 13.1.3	To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City.
Policy 13.1.3	a. To recognise and provide for the: i. need for new and the maintenance and upgrading of existing network utilities; ii. technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and iii. benefits that network utilities provide to the economic, social and cultural functioning of the City. b. To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.
Objective 13.1.4	To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.
Policy 13.1.4 (a) and (b)	a. To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment. b. To manage effects on health and safety by ensuring network utilities are designed, located, upgraded,

	operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines. d. To require the underground placement of new network utilities unless i. there are natural or physical features or structures, or technological and operational constraints that makes underground placement impractical or unreasonable; ii. they are of a temporary nature and required for emergency purposes or critical events; and iii. they are of a nature that they can only operate aboveground.
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Assessment:

The proposed works will enable upgrades to the Hutt City Wharfline, a network utility which is identified as regionally significant infrastructure and provides a significant economic benefit to the Wellington region and New Zealand.

The proposed works required to facilitate the upgrades to the Wharfline will be undertaken in accordance with a range of controls (submitted as part of this application) to ensure that potentially adverse effects on the environment are less than minor.

Furthermore, a range of measures will be adopted to mitigate potential adverse effects including sediment and erosion controls to protect the mauri and wellbeing of the Wellington Harbour. Upon completion, the excavated areas will be backfilled, and the surfaces reinstated.

The Applicant has consulted with a wide range of stakeholders (including iwi, HCC and GWRC). The subject works will be contained within the Point Howard construction compound to minimise disruption to pedestrians, cyclists, and drivers along Marine Drive and in accordance with a construction traffic management plan to be prepared prior to works commencing and provided to the HCC for certification that actual and potential traffic effects will be appropriately managed.

Overall, the proposal is consistent with the relevant objectives and policies.

Objective / Policy	Details
Objective 14C 1.1	To maintain or enhance the amenity value of all activity areas by ensuring that the adverse effects of excessive noise on the environment are avoided or mitigated.
Policy 14C 1.1	b. To recognise that acceptable noise levels will vary according to the nature of the principal activities occurring within activity areas. c. To ensure that residential activity areas are protected by establishing appropriate noise levels at the interface between residential activity areas and non-residential activity areas.

	d. That maximum noise levels are established within each activity area to ensure that amenity values are protected. e. To make provision for those situations where there has already been considerable history to the establishment of specified noise conditions. f. To recognise that noise levels may be different through a construction phase. g. To recognise that Noise Management Plans may be appropriate to manage matters beyond those addressed in this District Plan.
Objective 14E 1.1	To identify and protect significant natural, cultural and archaeological resources in the City from inappropriate subdivision, use and development.
Policy 14E 1.1	c. That any activity or site development shall not modify, damage or destroy a significant natural, cultural or archaeological resource. d. That any activity or site development shall not compromise the natural character or visual amenity values of a significant natural, cultural or archaeological resource. e. All buildings, structures and activities shall preserve the natural character, visual amenity values and landscape values of the significant natural, cultural or archaeological resources including the identified coastal environment. f. The scale, height, location and design of all buildings and structures shall protect the amenity values, especially landscape values, of the identified coastal environment. h. That the cultural significance of these natural resources be recognised and protected. i. That any activity or site development shall not modify, damage or destroy the intrinsic values of the ecosystems of a significant natural, cultural or archaeological resource.
Objective 14I 1.1	To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape.
Policy 14I 1.1	a. To ensure that earthworks are designed to be sympathetic to the natural topography. b. To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain the existing topography, protect natural features, and prevent erosion and slips.
Objective 14I 1.2	To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.

Policy 14I 1.2	a. To protect the visual amenity values of land which provides a visual backdrop to the City. b. That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values. c. To protect any sites with historical significance from inappropriate earthworks. d. To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks.
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Assessment:

The Applicant has provided an acoustic report undertaken by Marshall Day Acoustics which outlines the noise requirements (in accordance with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”), an assessment of these against the proposal, as well as recommended mitigation and management measures to control any adverse effects on the environment or other persons. The Applicant has proffered to impose a condition requiring compliance with the recommendations outlined in this document. This includes the provision of a CNMP and noise barriers.

The proposed earthworks and construction will be of limited visibility to residents on the opposite side of Marine Drive or members of the public travelling along Marine Drive. It will also be undertaken in accordance with a project specific Construction Management Plan, Construction Traffic Management Plan, Sediment and Erosion Management Plan, and Z Energy’s EMP for Site Works. The temporary nature of the proposed works will result in any actual or potential adverse amenity effects, such as visual, noise, vibration, dust and traffic, will be temporary. The proposed earthworks will not impact natural features and topography and will not adversely affect visual amenity or cultural or historical values.

On the basis that there are no recent evidence of the presence of *Melicytus orarius* at Point Howard, as part of site inspection for this project, the Stage 1 wharfline works, the Seaview Wharf upgrade or the Tupua Horo Nuku Eastern Bays Shared Path, it is considered no adverse effects on SNR 44 will arise from the works and the proposal is consistent with these provisions.

Objectives and policies of the Proposed District Plan

As previously identified, HCC publicly notified the Proposed District Plan (‘PDP’) on the 6th of February 2025 under Clause 5 of Schedule of the Act. As such, the proposed plan is in the early stages of the Schedule 1 process with submissions closing on the 4th of April 2025. Given that the provisions of the PDP have scope to be altered and amended as part of the Schedule 1 process, it is considered that little weight should be given to the objectives and policies within. Irrespective of the above, as the proposed plan has been notified it is necessary to identify the relevant objectives and policies under this proposed plan as they relate to this application. Section 104(1)(b)(vi) of the Resource Management Act 1991 specifies that the consent authority must have regard to any relevant provisions of “a plan or

proposed plan". Therefore, an assessment against any relevant provisions of the PDP is required and can be found below:

Objective / Policy	Details
GIZ – General Industrial Zone	
GIZ-O1	The General Industrial Zone is used primarily to meet the needs of industrial and research activities and their supporting activities, particularly those activities that due to their adverse effects should be separated from residential activities and other activities sensitive to industry. The Zone also provides for other compatible activities that support this role or do not interfere with the primary purpose, including commercial activities that are not appropriately located outside industrial areas because of their effects on amenity values or co-location benefits with industrial and research activities.
GIZ-O6	Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.
GIZ-P5	Encourage the redevelopment of existing activities that are incompatible with the purpose of the zone.
GIZ-P10	Built development for activities other than industrial activities and research activities, over an identified threshold of scale, is managed to achieve the outcomes in this policy through an approach demonstrated in a resource consent. Where specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical. The outcomes are: 1. Create a safe and legible urban environment by: a. Providing easily visible, accessible, and sheltered main entrances to buildings (other than accessory buildings), b. Appropriately designing, demarcating, and lighting public, communal, and private spaces, c. Avoiding wasted space or space of unclear function, and d. Integrating other CPTED measures at a scale

	appropriate for the site. 2. Vehicle parking and loading areas, accessways, and garages are designed to provide for pedestrian safety, comfort, dignity, and amenity. 3. There is quality, legible, safe, and efficient circulation for pedestrians accessing the site and people within the site. 4. Ensure that on-site landscaping, if any is proposed, or required by GIZ-S5: Landscaping: a. Retains healthy and mature vegetation, b. Uses planting that is appropriate for the climate and environment within the site, and c. Provides one or more of functional, aesthetic, stormwater management, ecological, or urban heat mitigation benefits. 5. Public and communal outdoor spaces are designed and landscaped to be comfortable for users in different climatic conditions. 6. New developments display aesthetic value, by responding to existing buildings, providing interesting contrast to existing buildings, or establishing positive new or evolved architectural themes and traditions, and in doing so positively contribute to place and local identity and community pride, particularly on prominent sites such as corners or terminated vistas. 7. Ensure adequate privacy for activities sensitive to privacy intrusion, on the site and on adjacent sites. Note: The council will publish design guidance with examples of ways these outcomes can be achieved. This guidance does not form part of the District Plan and applicants can also demonstrate how these outcomes have been met in other ways.
GIZ-P12	Manage activities to mitigate adverse effects on other zones by: 1. Ensuring outdoor work, storage, loading, and parking areas are screened from level view from Residential Zones, Mixed Use Zones, Rural Zones, Special Purpose Zones, and Open Space and Recreation Zones, and 2. Restricting servicing hours near boundaries with Residential Zones, Mixed Use Zones, Marae Zones, and notional boundaries of activities sensitive to noise in Rural Zones.

Objective / Policy	Details
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EW – Earthworks	
EW-O1	Earthworks are undertaken in a manner that: 1. Is consistent with the anticipated scale and form of development in the underlying zone, 2. Minimises adverse effects on the natural environment, including changes to natural landforms, 3. Minimises adverse effects on visual amenity values, 4. Minimises adverse effects on cultural and historic heritage values, 5. Minimises erosion, dust, and sediment effects beyond the site boundary, 6. Does not cause or exacerbate risks from natural hazards, 7. Minimises risks associated with slope instability, and 8. Protects the safety of people and property.
EW-P1	Enable minor earthworks where: 1. The stability and structural integrity of land, infrastructure, and buildings are not compromised, 2. Erosion, dust, and sedimentation effects on land and water bodies are minimised, and 3. Effects on visual amenity are insignificant.
EW-P2	Enable earthworks associated with subdivision, land use, and development where: 1. The earthworks are coordinated and integrated with the associated subdivision, land use, and development to ensure the finished landforms are fit for the future intended purpose, including ensuring future land use and development for development sites is feasible, 2. The scale of the earthworks is consistent with the scale and form of development anticipated within the underlying zone, 3. The stability of land is maintained, including the stability of land on adjoining sites, 4. The structural integrity of infrastructure, buildings, and structures on the site and on adjoining sites is not compromised, 5. The area, height or depth, location, and slope of the earthworks ensure that: 6. Adverse effects on visual amenity resulting from cut or fill faces, retaining structures, and alterations of natural landforms and features are minimised, and 7. Effective measures are adopted to manage the potential for erosion and the movement of dust, silt, and sediment beyond the site, 8. The transport of earth and cleanfill material to and from

	any site is undertaken in a way that: 9. Minimises adverse effects on amenity values, 10. Minimises the deposition of sediment on footpaths, roads, and into stormwater systems, and 11. Ensures the safe and efficient operation of the transport network, 12. The area where earthworks have occurred is reinstated to a condition which minimises adverse effects on land stability, erosion, and the visual amenity in a timely manner.
EW-P6	Provide for earthworks in Flood Hazard Overlays where any increase in flooding risk for neighbouring properties is minimised when compared to the existing situation by: 1. Managing the displacement of flood waters, and 2. Ensuring the earthworks do not impede floodwaters from being conveyed along Overland Flowpaths or Stream Corridors.

Objective / Policy	Details
SASM – Sites and Areas of Significance to Māori	
SASM-O1	Sites and areas of significance to Māori and their associated values are recognised, protected and maintained.
SASM-O2	Tangata whenua can exercise kaitiakitanga in relation to sites and areas of significance to Māori.
SASM-P1	Identify sites and areas of significance to Māori with tangata whenua and in accordance with tikanga Māori.
SASM-P4	Avoid, remedy, or mitigate the adverse effects of subdivision, use, or development on sites and areas listed as Category 2 in SCHED6 – Sites and Areas of Significance to Māori.
SASM-P7	Encourage landowners to: 1. Engage with tangata whenua where subdivision, use, or development has the potential to adversely affect sites or areas of significance to Māori, and 2. Work with tangata whenua to manage, maintain, preserve and protect sites and areas of significance to Māori.
SASM-P8	Avoid degradation of the mauri of sites and areas listed as Ngā Awa o te Takiwā in SCHED6 – Sites and Areas of Significance to Māori as a result of the following activities: 1. Cemeteries and crematoria, 2. Landfills,

	3. Wastewater treatment plants, and 4. Earthworks and land disturbance.
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Objective / Policy	Details
CE – Coastal Environment	
CE-O1	The natural character within the landward extent of the coastal environment is maintained and, where appropriate, restored or enhanced.
CE-O2	The identified characteristics and values of High, Very High and Outstanding Coastal Natural Character Areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development.
CE-O3	Subdivision, use and development within the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay reduce or avoid increasing the existing risk from coastal hazards to people, buildings and infrastructure.
CE-O4	Subdivision, use and development within the Low Tsunami Hazard Overlay, Medium Tsunami Hazard Overlay, and Medium Coastal Inundation Hazard Overlay minimise the risk from natural hazards to people, buildings and infrastructure.
CE-P1	Identify and map the landward extent of the Coastal Environment.
CE-P4	Provide for: 1. The restoration or rehabilitation of natural character values within the landward extent of the coastal environment by: - Recognising the values present that could be enhanced, - Encouraging natural regeneration of indigenous species, including where practical the removal of pest species, - Rehabilitating dunes or other natural coastal features or processes, - Restoring or protecting riparian margins and coastal margins, - Removing redundant structures that do not have heritage or amenity value, and - Modifying structures that interfere with coastal or ecosystem processes. 2. Restoration or rehabilitation undertaken by Mana Whenua to exercise their responsibilities as kaitiaki to

	protect, restore and maintain the natural character of the coastal environment.
CE-P8	Identify coastal hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on: 1. The sensitivity of the activities to the impacts of natural hazards, 2. The hazard posed to people's lives and wellbeing, property and infrastructure, by considering the likelihood and consequences of natural hazard events, and 3. The operational need or functional need for some activities to locate in Coastal Hazard Overlays.
CE-P9	Ensure, subdivision, use and development manages the coastal hazard risk to people, buildings and infrastructure by: 1. Avoiding buildings and activities in the High Tsunami Hazard Overlay and High Coastal Inundation Hazard Overlay (with the exception of the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone) unless there is an operational need or functional need for the subdivision, use, or development to be located in this area and the subdivision, use, or development minimises the existing risk from coastal hazards to people, buildings and infrastructure. 2. Within the General Industrial Zone and Heavy Industrial Zone in Seaview, Metropolitan Centre Zone in Petone and Seaview Marina Zone, recognise the regional importance of these areas, while ensuring that subdivision, use, or development located in these area minimises the risk from coastal hazards in the Medium and High Coastal Hazard Overlays to people, buildings, and infrastructure. 3. Requiring subdivision, use, or development to minimise the risk to development from coastal hazards to people, buildings and infrastructure in the Low and Medium Coastal Hazard Overlays; and 4. Enabling use, or development that have either low occupancy or low replacement value within the Coastal Hazard Overlays.
CE-P11	Enable coastal hazard mitigation works undertaken by central government, local government, and their agents within Coastal Hazard Overlays where these will decrease the existing risk to people, buildings and infrastructure.
CE-P15	Subdivision, use and development in the Coastal Hazard Overlay are managed as follows: 1. Allow for new buildings and structures, building

	platforms and the conversion of existing buildings for activities least sensitive to natural hazards in all areas of the Coastal Hazard Overlays. 2. Allow for the conversion of existing buildings containing activities potentially sensitive to natural hazards in all areas of the Coastal Hazard Overlays. 3. Allow for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards in the Low Tsunami Hazard Overlay. 4. Provide for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards and activities most sensitive to natural hazards in the Medium and High Coastal Hazard Overlays when located in the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone where: a. The building or structure does not exceed an appropriate gross floor area, b. The building or structure incorporates measures that minimise the risk to people and buildings from coastal hazards, c. If the building is a Major Hazardous Facility, measures that minimise the risk from the release of hazardous goods from a coastal hazard are incorporated into the design of the building or the storage of the hazardous goods, d. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture, and e. The impact of any local government or central government planned climate change adaptation methods on the hazard susceptibility of the development has been considered. 5. Provide for new buildings and structures and building platforms containing activities potentially sensitive to natural hazards in the Medium Coastal Hazard Overlays in all other zones where: a. The new building incorporates measures that minimise the risk to people and buildings from the coastal hazard, and b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture. 6. Only allow for new buildings and structures and building
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	platforms containing activities potentially sensitive to natural hazards in the High Coastal Hazard Overlays in all other zones where: a. The new building incorporates measures that reduce or do not increase the existing risk to people and buildings from the coastal hazard, and b. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture. 7. Provide for new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the Low Tsunami Hazard Overlay where: a. The building will not be occupied by a sensitive activity with vulnerable residents or occupants; or more than three residential units on a site unless mitigation measures are incorporated into the development to minimise the risks to people and buildings from the coastal hazard. 8. Only allow for new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the Medium Coastal Hazard Overlays in all other zones where: a. The new building incorporates measures that minimise the risk to people and buildings from the coastal hazard, b. The new development does not involve or require the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard, and c. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture. 9. Avoid new buildings and structures, building platforms and the conversion of existing buildings containing activities most sensitive to natural hazards in the High Coastal Hazard Overlays in all zones (excluding the General Industrial Zone in Seaview, the Heavy Industrial Zone in Seaview, the Metropolitan Centre Zone in Petone and the Seaview Marina Zone) unless: a. For activities that have an operational need and functional need to locate or occur within the High Coastal Hazard Overlays and locating or
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	occurring outside these areas is not a practicable option: i. Mitigation measures are incorporated to minimise the risk of damage to buildings and loss of life to people associated with the activity, or b. For any other activities: i. The new building, building platform or conversion of the building does not increase the risk to life, or ii. The new building, building platform or conversion of the building incorporates measures that minimise the risk to people and buildings from the coastal hazard, iii. There is the ability to access safe pedestrian evacuation routes for occupants of the building from tsunami hazards, assuming the tsunami arrives within 30 minutes of fault rupture, iv. The new building, or building platform does not involve or require the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.
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Assessment:

Council's General Industrial Zone is the city's main zone for its large contiguous industrial areas. It also provides for a range of other activities that may not be appropriate in non-industrial zones due to their incompatibility with the amenity values of other zones, their less efficient use of land than expected in commercial centres, or co-location benefits with industrial and research activities.

Council's Coastal Environment provisions only apply to the inland extent of the coastal environment, which is identified on the planning maps. Any activities within the coastal marine area fall within the responsibility of Wellington Regional Council.

The proposal specifically relates to Stage 2 of upgrade works for an industrial wharf operation, with the previous stage (Stage 1) being approved by Council. This stage of works is a continuance of the previously approved works. Mitigation measures will be implemented to manage and minimise any actual or potential noise effects. The proposed buildings to be constructed are temporary in nature and will be removed upon the completion of this stage of works. The predicted increase in traffic and onsite car parking provided are also temporary.

The proposed earthworks and construction will be of limited visibility to residents on the opposite side of Marine Drive or members of the public travelling along Marine Drive. It will also be undertaken in accordance with a project specific Construction Management Plan, Construction Traffic Management Plan, Sediment and Erosion Management Plan, and Z Energy's EMP for Site Works. The temporary nature of the proposed works will result in any

actual or potential adverse amenity effects, such as visual, noise, vibration, dust and traffic, will be temporary. The proposed earthworks will not impact natural features and topography and will not adversely affect visual amenity or cultural or historical values.

In accordance with Figure 15 above, the application site is located within the Category 2 SASM overlay. The Applicant has consulted with a wide range of stakeholders (including iwi, HCC and GWRC). The subject works will be contained within the Point Howard construction compound to minimise disruption to pedestrians, cyclists, and drivers along Marine Drive and in accordance with a construction traffic management plan to be prepared prior to works commencing and provided to the HCC for certification that actual and potential traffic effects will be appropriately managed.

It is anticipated that the proposal will not compromise the amenity values for this zone, neighbouring areas, or the receiving environment, with building proposed onsite to be temporary and of a suitable scale and location for the site. Environmental effects from the proposal have been considered and have been deemed to be less than minor on all persons and the receiving environment. The proposal will be consistent with the objectives and policies listed above.

8.3 – ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)

New Zealand Coastal Policy Statement (NZCPS) 2010

The applicant has provided an assessment of the proposal against relevant provisions of the NZCPS within the AEE submitted to Council. I concur with this assessment and adopt this for the purposes of Section 7.3 to this report.

Regional Policy Statement for the Wellington Region (Operative 2013)

The applicant has also provided an assessment of the proposal against relevant provisions of the Regional Policy Statement for the Wellington Region within the AEE submitted to Council. I concur with this assessment and adopt this for the purposes of Section 7.3 to this report.

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, New Zealand Coastal Policy Statement or regional policy statement or proposed regional policy statement that regard must be had.

8.4 – PURSUANT TO S104(1)(C) ARE THERE ANY OTHER MATTERS RELEVANT AND REASONABLY NECESSARY TO DETERMINE THE APPLICATION?

Council's Eastern Bays Shared Path is a 4.4 km Shared Path (cycleway/walkway) along Marine Drive between Point Howard and the northern end of Days Bay, and the southern end of Days Bay (Windy Point) to Eastbourne (Muritai Road / Marine Parade intersection). The application site directly adjoins the shared path. Based on a site visit, the shared path remains operative, diverting foot traffic safely around the application site with security gates limiting access to staff personnel only. Given the proposal is temporary in nature, any construction or traffic effects shall be limited to the time for the proposed works to be completed. On this

basis, any adverse effects are considered to be less than minor on Council's Eastern Bays Shared Path.

I consider there are no other matters relevant and reasonably necessary to determine the application.

8.5 – PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991.

8.6 – SUBSTANTIVE DECISION

In accordance with s104B, I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s108.

9. CONDITIONS OF RESOURCE CONSENT

In accordance with s108 of the Resource Management Act, resource consent has been granted subject to the following conditions:

1. That the proposal is carried out substantially in accordance with the information and approved plans (RM240340) submitted with the application and held on file at Council, specifically:
 - Development Plan – Hutt City Joint Venture Wharfline Subsea Pipeline Replacement Riser & Support G.A., prepared by Atteris, Drawing Number: 22-088-DN-0002, Revision: B, Dated: 07.06.24.
 - Development Plan – Hutt City Joint Venture Hutt City Wharfline Riser Piping Isometric, prepared by Atteris, Drawing Number: 22-088-DN-0003, Revision: B, Dated: 07.06.24.
 - Development Plan – Hutt City Joint Venture Wharfline Trench Profiles, prepared by Atteris, Drawing Number: 22-088-DN-0004.001, Revision: B, Dated: 07.06.24.
 - Development Plan – Hutt City Joint Venture Wharfline Trench Profiles, prepared by Atteris, Drawing Number: 22-088-DN-0004.002, Revision: B, Dated: 07.06.24.
 - Development Plan – Hutt City Joint Venture Wharfline Subsea Pipeline Replacement Shore Crossing Gen. Arr., prepared by Atteris, Drawing Number: 22-088-DN-0005.001, Revision: B, Dated: 07.06.24.
 - Development Plan – HCWL Subsea Connection Wharf Abutment Quad Area Underground Route Layout, prepared by Aurecon, Drawing Number: LC-1000, Revision: B, Dated: 07.06.24.
 - Development Plan – HCWL Subsea Connection Wharf Abutment Quad Area Underground Route Long Section, prepared by Aurecon, Drawing Number: LC-1001, Revision: B, Dated: 07.06.24.
 - Development Plan – HCWL Subsea Connection Wharf Abutment Quad Area Typical Details, prepared by Aurecon, Drawing Number: LC-1002, Revision: A, Dated: 07.06.24.
 - Development Plan – HCWL Stage 2 Mechanical Piping Wharfhead Access Pier Area Overall Site Layout, prepared by Aurecon, Drawing Number: MC-0001, Revision: B, Dated: 07-06-2024.

- Development Plan – HCWL Stage 2 Mechanical Piping Wharfhead Abutment Quad Area Site Layout, prepared by Aurecon, Drawing Number: MM-1001, Revision: B, Dated: 07-06-2024.
- Development Plan – HCWL Stage 2 Mechanical Piping Wharfhead Area Overall Layout, prepared by Aurecon, Drawing Number: MM-1002, Revision: B, Dated: 07-06-2024.
- Development Plan – Hutt City Joint Venture Product P&ID Wharflines Drawing and Schedule, prepared by Aurecon, Drawing Number: HCJV1042F, Sheet 1 of 2, Revision: AB4, Dated: 07/06/24.
- Development Plan – Hutt City Joint Venture Product P&ID Wharflines Drawing and Schedule, prepared by Aurecon, Drawing Number: HCJV1042F, Sheet 2 of 2, Revision: AB4, Dated: 07/06/24.
- Development Plan – Hutt City Joint Venture Product P&ID Wharf Head, prepared by Aurecon, Drawing Number: HCJV2126F, Revision: A.1, Dated: 07/06/24.
- Development Plan – HCWL Stage 2 Mechanical Piping Wharfhead Area Enlarged Ship Connection Area, prepared by Aurecon, Drawing Number: MM-1003, Revision: A, Dated: 07-06-2024.
- Development Plan – Hutt City Joint Venture Wharflines Subsea Pipeline Replacement Alignment Sheet, prepared by Atteris, Drawing Number: 22-088-DN-0001.001, Revision: B, Dated: 07.06.24.
- Development Plan – Draft Render - HCWL Stage 2 Temporary Construction Buildings for Cut and Cover Methodology
- Development Plan – Draft Render - HCWL Stage 2 Temporary Construction Buildings for HDD Methodology; and
- Development Plan – Hutt City Wharflines Stage 2 Submarine Pipeline, Drawing Number GP408-01-SKT-001, Revision C, Dated 03.04.25.

Note: This condition addresses an essential administrative matter.

2. That the consent holder advises Council (enforcement@huttcity.govt.nz) at least two working days before any work starts on site; and that the consent holder also supplies the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.

Important notes:

- When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$255 per hour.
- Notification of work commencing is separate to arranging building inspections.

Note: This condition addresses an essential administrative matter.

Construction Management Plans

3. At least 15 working days prior to the commencement of any construction work, the consent holder must submit a Construction Environmental Management Plan (CEMP) and associated Erosion and Sediment Control Plan (ESCP) to Council's Manager Resource Consents and Compliance (enforcement@huttcity.govt.nz) for certification. Both the

CEMP and ESCP shall be based on the principles in the Z Energy Environmental Management Plan for Site Works document contained in Appendix G of the application.

Note: It is recognised that both a CEMP and an ESCP are also required by GWRC and that the CEMP and ESCP submitted to HCC will likely to be the same as those submitted to GWRC.

4. The CEMP and ESCP must include the following:
 - a. Roles and responsibilities of construction management staff, including the overall manager responsible for works authorised by this consent.
 - b. Details of final construction methodology
 - c. General site layout and the location of construction site infrastructure including site offices, site amenities, locations of refuelling activities, locations of plant laydown/maintenance activities, equipment unloading, stockpiling sites and storage areas.
 - d. Proposed hours of work and key construction periods throughout the duration of construction works that may require specific management procedures or methods (e.g. seasonal restrictions).
 - e. Identify specific erosion and sediment control measures to be utilised to ensure that sediment is not discharged off site via air, land or water. This is to include remedial procedures for accidental sediment discharge off site. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (Feb. 2021)
5. The CEMP must also include the following:
 - a. The CEMP must include a description of training and induction requirements for all site personnel to inform them of environmental effects and mitigation.
 - b. The CEMP must include procedures for managing any complaints, including the name and phone number of the appropriate contact person, complaints register, remedial action process, and recording outcomes of complaints.
6. No work may commence until the CEMP and ESCP have been certified in writing and all works shall be undertaken in accordance with the certified CEMP and ESCP, noting that these shall be living documents and may be updated in accordance with Conditions 20 and 21.
7. Any imported fill must be fit for purpose to:
 - a. Ensure the protection of industrial workers (including those engaged in underground service maintenance) and pose no risk to buildings and buried services.
8. At least 15 working days before any construction work commences, the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council's Manager Resource Consents and Compliance (enforcement@huttcity.govt.nz) for certification that includes best practice methods to avoid or mitigate adverse construction traffic effects. The CTMP shall include the following matters:

- a. Timing of specific work phases, and key activities and anticipated traffic levels for each work phase;
 - b. Access for the delivery of construction supplies to site;
 - c. Timing and frequency of heavy vehicle movements, including any necessary limits on the days and hours of work for heavy vehicles and temporary speed reductions;
 - d. Consideration of any necessary measures to avoid or mitigate potential cumulative adverse traffic effects associated with any major construction projects specifically identified by Council.
 - e. Site plan demonstrating ingress, egress, sightlines, and any sightline mitigation or improvements (for example, convex mirrors, onsite parking configuration)
9. All works shall be undertaken in accordance with the certified CTMP, noting that this shall be a living document and may be updated in accordance with Conditions 20 and 21.

Earthworks

10. That the consent holder ensures vehicles and machinery leaving the site do not deposit earth or other material in or on road reserve or otherwise damage road surfaces and surrounds; if such spills deposition or damage occurs, the consent holder shall clean or repair road surfaces to their original condition immediately and avoid discharge of any material into the stormwater system or open drainage channel in the process.

Advice note: The term “road” includes carriageway, footpaths, vehicle crossings and berms.

11. That the consent holder ensures all earthworks are carried out in a manner that prevents dust travelling beyond site boundaries to the extent that it causes a hazard, nuisance and/or causes visible deposition of dust particles beyond the boundary.

Advice Note: Mitigation measures may include the use of water cart, limiting speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of polymer, hydroseed, geotextile gross, mulch or the like.

12. That the consent holder deposits all unwanted spoil at an appropriately authorised disposal facility by the conclusion of site works and provides proof of this to Council’s Consents and Compliance Manager (via enforcement@huttcity.govt.nz) to within 3 months of disposal.
13. The consent holder must progressively stabilise all disturbed or un-stabilised areas are stabilised in accordance with the ESCP and Erosion and Sediment Control Guideline for Land Disturbing Activities in the Wellington Region.

Construction Noise

14. Construction noise shall be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 “Acoustics - Construction Noise” and comply with the following NZS table, unless otherwise provided for in the CNMP.
- a. At the entrance to active burrows: 70dB LAeq (15 min).

- b. At any occupied building:

<i>Day</i>	<i>Period</i>	<i>dB L_{Aeq}</i>	<i>dB L_{AFmax}</i>
<i>Weekdays</i>	<i>0630 – 0730</i>	<i>55</i>	<i>75</i>
	<i>0730 – 1800</i>	<i>70</i>	<i>85</i>
	<i>1800 – 2000</i>	<i>65</i>	<i>80</i>
	<i>2000 – 0630</i>	<i>45</i>	<i>75</i>
<i>Saturdays</i>	<i>0730 – 1800</i>	<i>70</i>	<i>85</i>
	<i>1800 – 0730</i>	<i>45</i>	<i>75</i>
<i>Sundays and public holiday</i>	<i>0730 – 1800</i>	<i>55</i>	<i>85</i>
	<i>1800 – 0730</i>	<i>45</i>	<i>75</i>

Note: This condition is required to mitigate adverse offsite construction effects.

Note: This condition was proffered by the applicant.

15. That abrasive blasting undertaken on Sundays must be limited to three consecutive Sundays between 7:30am and 6pm.
16. That the consent holder notifies surrounding residents within 200m of the application works area for works between 0630 – 2000, or 800m of the application works area for works between 2000 – 0630, at least two weeks (14 days) prior to the project commencing.

Note: this notification may be provided through an online forum, website with regular updates or otherwise, provided all identified residents are provided notice and direction on how to access the web address.

17. During the project works, the consent holder shall provide site signage which includes contact details of the project manager, regular project updates be provided via communication channels (online forum, website). This shall include details of impending activities that may result in disturbance, including concrete cutting, rock breaking and abrasive blasting. It will include scheduled timing and duration of noisy activities and contact details where complaints and enquiries should be directed.
18. The consent holder shall submit a final Construction Noise Management Plan (CNMP) to Council's Manager Resource Consents and Compliance for certification 15 days prior to the commencement of works. The CNMP must be prepared by a suitably qualified person and be based on the draft Construction Noise Management Plan prepared by Marshall Day supplied in appendix L of the application and the supplementary information in the memorandum prepared by Marshall Day dated 30 June 2025 (Document No. Mm 001 r02, Cross Reference Rp 001 r01 20240919, Project No. 20240919. The CNMP must:
 - a. Identify and adopt the best practicable options (BPO) for the management of construction noise and vibration and how these will be implemented to prevent adverse effects;

- b. Provide details of equipment and plant to be utilized and anticipated noise levels for each stage of works;
- c. Define the procedures to be followed when the noise standards in Condition 14 cannot be met;
- d. Inform the duration, frequency and timing of works to manage disruption;
- e. Provide identification and an assessment of nearby receivers and potential sensitive receivers (including avifauna) that may be affected by noise and vibration, including detail regarding separation distances from works, and strategies for communication with these receivers about the works; and
- f. Manage the underwater noise levels from impact and vibratory pile driving methods to protect marine mammals and avoid adverse effects on threatened or at-risk species; and
- g. Set out procedures for managing complaints about construction works, including details of the appropriate contact person, and complaints register.

19. The CNMP required by Condition 18 shall include the relevant measures from NZS 6803:1999 “Acoustics – Construction Noise”, Annex E2 “Noise management plans”.

Amendments to Management Plans

20. The CEMP, ESCP, CTMP and CNVMP will be living documents. The consent holder may amend the CEMP, CNMP, ESCP or CTMP at any time over the duration of the consent, provided that any amendments are:

- a. For the purpose of improving the efficacy of methodologies;
- b. Consistent with the conditions of this resource consent;
- c. Submitted to Council prior to any amendments being implemented.

21. The updated CEMP, ESCP, CTMP and CNVMP must be certified by Council. If the Council does not respond to the updated document within 15 working days of it being submitted, then the updated document will be deemed to be certified.

Accidental Discovery of Artefacts

22. That in the event of an “accidental discovery” of suspected archaeological material, the consent

holder is to undertake the following steps:

- a. All activity affecting the immediate area shall cease and the Regional Archaeologist of Heritage New Zealand shall be notified.
- b. Steps shall be taken to secure the area in which the archaeological discovery material is discovered and ensure that archaeological matter remains undisturbed.
- c. Works at the site shall not recommence until an archaeological assessment has been made and archaeological material has been dealt with appropriately.
- d. If any archaeological remains or sites of interest to Māori are identified, no further modification of those remains shall occur until Heritage New Zealand Regional Archaeologist and Tangata Whenua have been consulted and appropriate response has been advised.

- e. For burials/koiwi, steps (a) to (d) above shall be taken and the Regional Archaeologist of Heritage New Zealand, New Zealand Police and iwi representatives(s) for the area contacted immediately.

Processing Planner:



Pepa Moefili
Senior Consents Planner

Peer reviewer:



Alicia Todd
Senior Consultant Planner

Delegated authority approved by:



Anna Martin
Resource Consents and Compliance Manager

Application lodged: 22 November 2024

Fees paid: 27 November 2024

S37 extension approved: 14 January 2024

S92(1) hold: 16 January 2025

S92(1) uplifted: 27 February 2025

S88G Hold for Conditional Review: 28 February 2025

S88G Hold Uplifted: 7 July 2025

Application approved: 7 July 2025

No of working days taken to process the application: 21.

S37A(4)(b)(ii) applicant approval for a total of 3 days.

10. NOTES:

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- In accordance with section 120 of the Resource Management Act 1991, the applicant and consent holder on the application or review of consent conditions may appeal to the Environment Court against the whole or any part of this decision by the consent authority.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 7 July 2030.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/

