




# Resource Consent

## RESOURCE MANAGEMENT ACT 1991

### Summary of decision

|  |   |  |
|--|---|--|
| <b>Consent No.</b>                             | WGN250111   |  |
| <b>Consent ID(s)</b>                           | [39993] Coastal permit – General structure  |  |
|  | [39994] Coastal permit – Disturbance  |  |
|  | [39996] Land use consent – Land disturbance   |  |
|  | [39997] Discharge permit – Earthworks to land/water   |  |
|  | [40548] Coastal permit – Occupation   |  |
| <b>Name</b>                                    | Z Energy Limited  |  |
| <b>Address</b>                                 | PO Box 2091, Wellington 6140  |  |
| <b>Decision made under</b>                     | Section 104B, 105, 108 of the Resource Management Act 1991  |  |
| <b>Duration of consent</b>                     | Granted/Commences: 13 August 2025   | Expires:<br>[39994][39996][39997]<br>13 August 2030<br>[39993][40548] 13 August 2060 |
| <b>Purpose for which consent(s) is granted</b> | <p>To construct and operate a submarine pipeline between the Seaview Wharf Head and Point Howard Headland, including:</p> <ul style="list-style-type: none"> <li>• Ongoing occupation of the CMA</li> <li>• Earthworks to tie in the pipeline with the existing structure</li> <li>• Installation of structures (jack up barge) to facilitate construction</li> <li>• Discharge of contaminants to the coastal marine area</li> </ul> |  |
| <b>Location</b>                                | <p>Coastal Marine Area<br/>2 Marine Drive, Point Howard, Lower Hutt and Coastal Marine Area adjacent to Seaview Wharf and Marine Drive at or about map reference NZTM 1759384.5431388</p>   |  |
| <b>Legal description of land</b>               | Section 1 SO Plan 31984, Part Lot 1 DP 10694, Section 70-72 Block XIV Belmont Survey District, Lot 3 DP 303948  |  |
| <b>Conditions</b>                              | See below   |  |

|                            |                  |   |   |
|----------------------------|------------------|---|---|
| Decision recommended by:   | Jessica Davidson | Resource Advisor,<br>Environmental Regulation |  |
| Decision peer reviewed by: | Annie Graham     | Resource Advisor,<br>Environmental Regulation |  |
| Decision approved by:      | Anna McLellan    | Team Leader,<br>Environmental Regulation      |  |

Processing timeframes:


|  |                 |                                    |          |
|--|-----------------|------------------------------------|----------|
| Application lodged:                      | 11/11/24        | Application officially received:   | 12/11/24 |
| Application stopped (s91):               | 17/12/24        | Application started:               | 01/07/25 |
| Applicant to be notified of decision by: | 13/08/25        | Applicant notified of decision on: | 13/08/25 |
| Time taken to process application:       | 55 working days |                                    |          |

The applicant provided written agreement ([WGN250111 - s37 agreement 5-12-24.msg](#)) on 5 December 2024 for an extension of timeframes under s37(1) to process the application. The extension is for 5 working days under section 37A(4) of the Act.

A further extension of timeframes was granted on the 1 July 2025 ([250111-1551303786-137](#)) to accommodate for a change in construction methodology, amendment and review of conditions, and finalisation of consent.

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

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

|                       |               |  |   |
|-----------------------|---------------|--|---|
| Decision approved by: | Anna McLellan | Team Leader,<br>Environmental Regulation |  |
|-----------------------|---------------|--|---|

## Consent Conditions

### INTERPRETATION:

Wherever used in the conditions below, the following terms shall have the prescribed meaning:

**Civil Twilight** means the period when the centre of the sun is between 0 and 6 degrees below the horizon.

**Earthworks** means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

**ESC Guidelines for Wellington Region** means the current revision of the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region, available on the Wellington Regional Council's website at the following link:

<https://www.gw.govt.nz/assets/Documents/2022/03/Erosion-and-Sediment-Control-Guide-for-Land-Disturbing-Activities-in-the-Wellington-Region.pdf>

**In Line Inspection (ILI)** means inspection of the pipeline using an intelligent pipeline inspection gauge (PIG), otherwise known as "intelligent pigging"

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

**Stabilised** means inherently resistant to erosion or rendered resistant erosion through the application of the proven methods of stabilisation, specified in Section E3 of the ESC Guidelines for Wellington Region, or alternative methods with the prior agreement of Wellington Regional Council. Where seeding, grassing or hydroseeding is used, the surface is considered stabilised once a minimum of 80% vegetative cover has been established over the entire surface.

**SQEP** means a suitably qualified and experienced person (or persons) who can provide sufficient evidence to the Manager to demonstrate their suitability and competence in the relevant field of expertise for a particular task or action directed by a condition.

## Consent conditions for WGN250111 [39993] [39994]

*Installation and occupation of a submarine pipeline approximately 20m to the east and parallel to Seaview Wharf, including any associated disturbance, discharges, and deposition to the CMA during construction.*

*[39993] Coastal permit – General structure*

*[39994] Coastal permit – Disturbance*

### General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council, including:

- Application documents received on 11 November 2024
- Further information received on 30 June 2025
  - HCWL GWRC Memo Updated Methodology
  - Attachment A – Marked Up Draft Conditions
  - Attachment B – Plan of Cofferdam
  - Attachment C – Marshall Day Memo
  - Attachment D – Petone GP Sand
- Further information received on 18 July 2025
  - Piling information

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

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

2. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, is:

- Provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and
- Kept on site at all times and presented to any Wellington Regional Council Compliance Officer upon request.

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

### Discovery of artefacts

3. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc, and Heritage New Zealand as soon as possible but within twenty-four

hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to;

- Greater Wellington Regional Council, notifications@gw.govt.nz
- Heritage New Zealand, information@heritage.org.nz
- Port Nicholson Block Settlement Trust, taiao@portnicholson.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatitoea.iwi.nz

Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager.

*Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.*

#### **Kaitiaki monitoring**

4. The consent holder shall invite, with a minimum of 10 working days' notice, iwi monitor(s) led by Hikoiki Management, acting on behalf of and in conjunction with Port Nicholson Block Settlement Trust (Taranaki Whānui), for the purposes of cultural and environmental kaitiaki monitoring at the commencement and during the early stages of the works. The iwi monitor(s) may be present at any time throughout the duration of the works.

If the invitation is accepted, the consent holder shall, within the limits of health and safety, ensure that the iwi monitor(s) has suitable access to the site, along with all necessary inductions and notifications, to enable active kaitiakitanga and monitoring in accordance with this activity.

*Note: In the event that the iwi monitoring representative does not attend any part of the works associated with this consent, the consent holder will have complied with this condition, provided the invitation requirement is met.*

#### **Update of Marine Charts**

5. The Consent holder shall, in consultation with Council's Harbourmaster and Maritime New Zealand, develop a proposal for how the submarine pipeline is to be identified on the marine charts. This should include but not be limited to any safety markers required on the charts and the need for any prior notice to mariners. The proposal shall be submitted to the Manager for certification prior to works commencing. The pipeline shall not be commissioned until the proposal has been certified.

#### **Construction Environmental Management Plan**

6. The Consent Holder shall submit a Construction Environmental Management Plan (CEMP) to the Manager, for certification at least 20 working days prior to any works being

undertaken in accordance with this resource consent. The CEMP shall include, at a minimum:

- a) The final methodology for installation of the submarine pipeline including methods and measures that will ensure compliance with conditions of consent;
  - b) Contact details of the site supervisor or project manager (email, contact number) and Roles, responsibilities and contact details of all parties involved;
  - c) The works programme and timing of works;
  - d) Measures for minimizing seabed mobilisation and the discharge of sediment laden water into the water column, including sediment controls to confine disturbed sediment in order to protect seagrass and comply with the sediment plume limit set in Condition 25.
  - e) Details of visual monitoring of plumes and suspended sediment generated by construction activities involving disturbance or deposition of material on the seabed, including trigger levels and subsequent actions to ensure the adverse effects of any plume are minimised;
  - f) Any agreed cultural practices resulting from consultation with relevant mana whenua iwi or Marine and Coastal Area (Takutai Moana) Act 2011 applicants;
  - g) A spill management plan including contingency measures, in case of spills of oil or cement from machinery; The spill management plan must include procedures for refuelling and washing of machinery / equipment.
  - h) Record keeping and reporting procedures;
7. At least 20 working days prior to the commencement of any trenching activities, the consent holder shall submit for certification an update to the CEMP provided under condition 6. This update shall provide a procedure for importation of backfill, including measures and appropriate evidence (i.e. sample of material showing parameters of nitrogen, phosphorus, and grain size) to ensure that that any imported fill is of a comparable nature to where it is being deposited.
- No trenching works may commence until the updated CEMP is certified.
8. The CEMP shall incorporate or refer to the ESCP required by WGN250111 [39996] [39997] relating to land-based earthworks and associated discharges of sediment laden water to the coastal marine area.
9. The consent holder shall carry out all works in accordance with the certified CEMP required by conditions 6 and 7.

#### **Open trenching construction methodology**

10. The footprint of direct disturbance (trenching and jetting) shall be kept to a width of 20 metres within the authorised pipeline alignment.

11. Sediment excavated from pipeline trenches shall be temporarily deposited within 20 metres of the open trench, prior to reuse as backfill once the pipeline has been installed in the open trench.
12. The surface of the seabed where trenching occurs shall be returned as close as practicable to pre-trenching levels.
13. Other than the pipeline and associated equipment including concrete protection structures, all material deposited within the coastal marine area shall be restricted to sand, shingle, shell, rock or other natural material.
14. The consent holder shall take all measures to minimise the sediment loading and increased turbidity of the coastal marine area from the works by;
  - a) Completing all works in the minimal amount of time practicable; and
  - b) Scheduling works to avoid forecast weather conditions that will exacerbate increased turbidity.
15. The consent holder shall implement best practice procedures for avoiding spread of pest plants and unwanted marine organisms, including by:
  - a) Inspection and prior cleaning of introduced equipment and plant; and
  - b) Keeping disturbed benthic material in-situ around the project site (i.e. side stacking remains in close proximity to the trench).

#### **Piling depths**

16. The consent holder shall not exceed piling depths of RL -31m.

#### **Construction noise**

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



| Day                         | Period      | dB L <sub>Aeq</sub> | dB L <sub>AFmax</sub> |
|-----------------------------|-------------|---------------------|-----------------------|
| Weekdays                    | 0630 – 0730 | 55                  | 75                    |
|                             | 0730 – 1800 | 70                  | 85                    |
|                             | 1800 – 2000 | 65                  | 80                    |
|                             | 2000 – 0630 | 45                  | 75                    |
| Saturdays                   | 0730 – 1800 | 70                  | 85                    |
|                             | 1800 – 0730 | 45                  | 75                    |
| Sundays and public holidays | 0730 – 1800 | 55                  | 85                    |
|                             | 1800 - 0730 | 45                  | 75                    |

18. The consent holder shall submit a final Construction Noise Management Plan (CNMP) to the manager for certification 20 days prior to the commencement of works. The CNMP must be prepared by a suitably qualified person. The CNMP objectives are:

- a) Identify and adopt the best practicable option (BPO) for the management of construction noise;
- b) Define the procedures to be followed when the noise standards in Condition 17 are breached;
- c) Inform the duration, frequency and timing of works to manage disruption;
- d) Require engagement with complainants and the timely management of complaints;
- e) Manage noise levels from rock breaking and abrasive blasting to avoid adverse effects on Little Blue Penguin; 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.

19. The CNMP required by Condition 18 shall include:

- a) the relevant measures from NZS 6803:1999 “Acoustics – Construction Noise”, Annex E2 “Noise management plans”;
- b) Measures to minimise underwater noise effects on marine mammals, including:
  - Restrict in-water impact or vibration pile driving to within the start and end of Civil Twilight hours only;
  - Use a non-metallic ‘dolly’ or ‘cushion cap’ between the impact piling hammer and the driving helmet (e.g. plastic or plywood);
  - Use piling methodologies that minimise underwater noise (i.e. ‘Soft starts’ – gradually increasing the intensity of impact piling, minimising the number of strikes and/or vibro driving time per day, the consideration of alternative driving methods, and use of bubble curtains);

- Establish marine mammal observation zone(s) around the construction area to minimise any risk of hearing impairment or injury to marine mammals from impact and vibration pile-driving activities. These zones shall:

(i) Reflect piling method, pile size, noise mitigation method(s), and species sensitivity;

(ii) Use the thresholds in the following table for management zones:

| Hearing Group   | Impulsive sources (impact piling)    | Non-impulsive sources (vibratory piling) |
|---|--------------------------------------|--|
| Low-frequency cetaceans   | PTS 183 dB SELcum(lf) / 222 dB Lpeak | 197 dB SELcum(lf)                        |
| High-frequency cetaceans TTS (Orca, common / bottlenose dolphins) | 178 dB SELcum(hf) / 224 dB Lpeak     | 181 dB SELcum(hf)                        |
| Very high-frequency cetaceans PTS (Hector's dolphin)              | 159 dB SELcum(vhf) / 202 dB Lpeak    | 181 dB SELcum(vhf)                       |
| Otariid pinnipeds TTS (Fur Seals)                                 | 170 dB SELcum(ow) / 224 dB Lpeak     | 179 dB SELcum(ow)                        |

(iii) Be based initially on the preliminary mammal observation zone(s) identified in Table 4 and Table 5 of the Marshall Day supplementary memo reference Mm001 r02 20240919 and dated 30 June 2025; and

Be verified by underwater noise monitoring. The certified CNMP shall be revised and submitted to the Council for re-certification if measured levels exceed the predicted levels, or there is a change in piling method, size or type of piles to be driven which could result in larger mammal observation zone(s).

- A marine mammal observer shall be present at all times during impact or vibration piling activities, including 30 minutes prior to the commencement of any impact or vibration piling activities
- Impact or vibration piling activities shall cease or not commence if a marine mammal is observed within the marine mammal observation zone(s).

#### Little Blue Penguins / Kororā

20. The consent holder shall submit a Little Blue Penguin Management Plan (LBPMP) to the Manager for certification 20 days prior to the commencement of works. The LBPMP must be prepared by a suitably qualified and experienced person (SQEP) in accordance with the recommendations of the Kororā Assessment dated 22 October 2024, prepared by BlueGreen Ecology. The LBPMP shall outline the measures required to avoid construction related effects on Kororā and shall include, but not be limited to:

- a) The minimum standards for responsible persons (e.g. penguin detection and handling) and requirement for permission under the Wildlife Act to handle kororā
  - b) Requirements for Department of Conservation (DOC), mana whenua, or other parties' involvement
  - c) Inspection of the works area by a penguin detector dog, in conjunction with a SQCE, within 24 hours prior to any enabling, construction or demolition works, or rock removal occurring on the existing revetment, to confirm the absence of any birds in the areas to be impacted.
  - d) Penguins may not be moved if brooding and/or fledging is detected, and the area around them must be cordoned off until penguin chicks have fledged
  - e) Identify translocation site(s) and minimum standards for housing the penguins (e.g., nesting box location, spacing, materials, design and shading) and protocols for translocation (e.g., marking)
  - f) Requirements for setbacks (including birds nesting beyond the area of works) when birds cannot be moved, including noise control to human standards
  - g) Confirmation that penguin access to the sea will be maintained at all times, and a methodology for separating this access from construction.
  - h) Requirements for exclusion from equipment, materials and danger zones (e.g. roads) and protections from people and dogs
  - i) Monitoring and reporting requirements (including timing)
  - j) Responsibilities and timings in the event of penguin injuries or mortalities
  - k) Health and Safety concerns around Highly Pathogenic Avian Influenza
  - l) Environmental education, pest control and waste management
21. The consent holder shall carry out all works in accordance with the certified LBPMP required by condition 20. No works shall commence until the LBPMP has been certified by the Manager.

#### **Amendments to Management Plans**

22. The consent holder shall submit any proposed amendments to the approved management plans required by conditions of this consent to the Manager. The consent holder shall not implement any proposed amendments until they have received notice in writing that the amendment is certified by the Manager.
23. The consent holder shall, if requested by the Manager in response to a complaint, incident or other reasonable request that relates to managing an adverse environmental effect that is directly related to the exercise of this consent, carry out a review of any management plan required by these conditions. The consent holder shall submit the reviewed management plan to the Manager for certification that:

- a) The reason(s) for requiring the review have been appropriately addressed; and
- b) Appropriate actions and a programme for implementation are provided for if required.

### **Contaminants**

- 24. The consent holder shall implement all required measures to ensure that no contaminants (including but not limited to oil, petrol, diesel and hydraulic fluid) are released into water, including:
  - a) Refuelling of machinery/equipment at designated areas either onshore or in a bunded area on the barge or work vessel;
  - b) Ensuring any materials/structures placed in the coastal marine area are clean and free of contaminants prior to placement; and
  - c) All machinery/equipment shall be well maintained at all times to prevent leakage or spillage of fuels, hydraulic fluids and lubricants into the coastal marine area.
- 25. Upon completion of the works, all materials surplus to the works shall be removed from the coastal marine area and disposed of in an appropriate manner.
- 26. The Consent Holder shall cease all works if a sediment plume as a result of construction activities is observed:
  - a) greater than 75m from the trenching (both excavation and backfill stages) and jet sledding works,
  - b) greater than 20m from any other works authorised by this consent, including but not limited to coffer dam installation and rock revetment removal

If an unauthorised sediment plume exceedance is observed, the consent holder shall notify the Manager in accordance with Condition 35. Works may resume once the plume has clearly dissipated.

- 27. At least 20 working days prior to the first commissioning of the replacement pipeline, the consent holder shall submit to the Manager, documents detailing the consent holder's operating procedures for the pipeline, including details of:
  - a) Procedures relating to the closure of the isolation valves;
  - b) Maintenance and inspection requirements including in relation to ILI and pressure testing;
  - c) Marine oil spill response and emergency procedures together with a marine oil spill contingency plan, and;
  - d) Emergency contact details;

## **Reporting**

28. The consent holder shall provide a report to the Manager within 20 working days following the reinstatement of the seawall, confirming that the reinstatement of the seawall has been undertaken in accordance with accepted industry practice in the opinion of a Professional Chartered Engineer.
29. Within 20 working days of completion of installation of the submarine pipeline, the consent holder shall provide as-built plans to the Manager confirming the exact location of the pipeline in the coastal marine area.
30. Within 20 working days of completion of works, the consent holder shall provide documents prepared by a suitably qualified and experienced engineer to the Manager, demonstrating that the subsea or buried sections of the pipeline have been cathodically protected by a cathodic protection system designed and installed in accordance with AS2832.1 – Cathodic protection of metals, pipes and cables (or equivalent recognised standard).

## **Notification**

31. The Manager shall be given a minimum of 48 hours' notice prior to the final commissioning of the replacement pipeline in accordance with this consent.
32. The Consent Holder shall notify the Harbourmaster, Wellington Regional Council, immediately whenever the pipeline is rested with petrol or aviation gasoline.

## **Inspections**

33. The consent holder shall undertake a baseline inspection of the pipeline between the wharfhead and the valve station (known as the Mobil tee) using an In Line Inspection tool within 12 months of the new submarine section of pipeline being commissioned. Following the baseline inspection, this section of pipeline between the wharfhead and the valve station shall be In Line Inspected every 5 years thereafter.

The consent holder shall provide a copy of each In Line Inspection survey report to the Manager within one month of receiving the results of the survey. This should include identification of any actions to be taken in response to the survey.

34. The frequency of In Line Inspections, as specified in Condition 33, may be altered in accordance with the recommendations of a pipeline condition risk assessment undertaken by a suitably qualified and experienced expert, subject to written agreement from the Manager.

## **Incident Reports**

35. In the event that an incident occurs that results in (or could result in) a condition of this resource consent being contravened, the consent holder shall:
  - a) Immediately notify the Manager of the issue;
  - b) Immediately undertake onsite investigations to determine the cause of the issue, and what changes can be made to onsite management to prevent reoccurrence;

- c) The record shall describe reasons for the incident, measures taken to mitigate the incident and measures to prevent recurrence;
- d) Liaise with the Manager to establish whether any additional remediation and/or mitigation is required, and carry out any such action as required by and to the satisfaction of the Manager; and
- e) Within 5 working days of the issue being recorded, provide the information required by (d) above to the Manager.

All measures to prevent a reoccurrence of the exceedance or failure shall be to the satisfaction of the Manager.

### **Complaints**

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

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

This record shall be made available to the Manager, Environmental Regulation, Wellington Regional Council, on request.

### **CONSENT REVIEW**

Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
- d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

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

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

#### **CONSENT DURATION**

Pursuant to section 123 of the Act, consent WGN250111 [39994] shall expire on 13 August 2030, and [39993] and [40548] shall expire on 13 August 2060.

## Consent conditions for WGN250111 [39996] [39997]

*To undertake earthworks, involving the potential discharge of sediment laden water to land where it may enter water.*

*[39996] Land use consent – Soil disturbance*

*[39997] Discharge permit – Earthworks to land/water*

### General conditions

1. The location, design, implementation and operation of the works shall be in general accordance with the consent application and its associated plans and documents lodged with the Wellington Regional Council on 12<sup>th</sup> November 2024

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

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

2. The consent holder shall ensure that a copy of this consent, and all documents and plans referred to in this consent, is:
  - Provided to each operator or contractor undertaking the works authorised by this consent, prior to works commencing; and
  - Kept on site at all times and presented to any Wellington Regional Council Compliance Officer upon request

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

### Discovery of artefacts

3. If koiwi, taonga, waahi tapu or other archaeological material is discovered in any area during the works, work shall immediately cease and the consent holder shall notify Greater Wellington Regional Council, Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira Inc, and Heritage New Zealand as soon as possible but within twenty-four hours. If human remains are found, the New Zealand Police shall also be contacted. The consent holder shall allow the above parties to inspect the site and in consultation with them, identify what needs to occur before work can resume.

Notification must be emailed to;

- Greater Wellington Regional Council, notifications@gw.govt.nz
- Heritage New Zealand, information@heritage.org.nz
- Port Nicholson Block Settlement Trust, taiao@portnicholson.org.nz
- Te Rūnanga o Toa Rangatira Inc, resourcemanagement@ngatitooa.iwi.nz



Heritage New Zealand must also be contacted by phone on 04 472 4341 (National Office).

No works may resume on site until the consent holder has received written notification that consultation with the parties identified above has been undertaken to the satisfaction of the Manager.

*Note: Evidence of archaeological material may include burnt stones, charcoal, rubbish heaps, shell, bone, old building foundations, artefacts and human burials.*

#### **Pre-construction site meeting**

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

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

#### **Erosion and Sediment Control Plan**

5. The consent holder must prepare and submit an Erosion and Sediment Control Plan (ESCP) to the Manager for certification. The purpose of the ESCP is to show appropriate procedures and methodologies are in place to manage the actual and potential erosion and sediment related risks and effects.

The Erosion and Sediment Control Plan and any amendments must be in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region and must include the following information, plans and details as a minimum:

- a) Responsibilities and contact details of all parties responsible for the construction, inspection or maintenance of erosion and sediment controls
- b) The locations of any stormwater drainage;
- c) Areas and cross sections of cut and fill;
- d) The extent of soil disturbance and any vegetation removal;
- e) Any areas that will remain undisturbed, including any vegetation to be retained;
- f) Locations of all temporary stockpiles, permanent spoil deposition areas, access roads and stabilised construction entrances;
- g) All erosion and sediment control measures, including diversion channels, and staging details for those measures;
- h) The catchment boundaries and areas of all sediment control devices;
- i) The specific locations of all points of discharge to the receiving environment, including to the stormwater network;

- j) Details of the methodology for undertaking any monitoring required by conditions of this consent; and
- k) Any other relevant site or other information required to demonstrate compliance with the ESC Guidelines for the Wellington Region and consent conditions

The ESCP must be:

- a) Prepared in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region, the requirements set out in condition 5, and the Z Environmental Management Plan for Site Works document contained in Appendix P of the application;
- b) Be submitted to the Manager at least 20 working days prior to the proposed date of commencement of the works authorised by this consent; and
- c) Prepared by a suitably qualified and experienced person and with input from the contractor undertaking the works.

Landside earthworks shall not commence until the consent holder has received notice in writing that the ESCP has been certified by the Manager.

- 6. Unless otherwise agreed in writing by the Manager, the consent holder shall undertake all earthworks, including staging of earthworks, in accordance with the Erosion and Sediment Control Plan (ESCP) required by Condition 5 and certified by the Manager after granting of consent.

#### **As-builts**

- 7. Prior to landside earthworks commencing, the consent holder shall provide the Manager with “As-builts”, signed by a suitably qualified and experienced person, to confirm that the erosion and sediment controls have been constructed in accordance with the ESCP.

*Note: As-built check sheets are available on the Wellington Regional Council’s website at the following link: [gw.govt.nz/earthworks](http://gw.govt.nz/earthworks).*

#### **Flocculation Management Plan**

- 8. The consent holder shall prepare, in consultation with a suitably qualified and experienced person, a Flocculation Management Plan (FMP). The FMP shall be submitted to the Manager for certification at least 10 working days prior to the proposed use of flocculant. The FMP must include as a minimum:
  - a) Specific design details of the chemical treatment dosing system, based on a rainfall activated methodology for the decanting earth bunds (DEBs) or sediment retention ponds (SRPs);
  - b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
  - c) Details of optimum dosage (including assumptions);

- d) Results of initial chemical treatment trial;
- e) A spill contingency plan; and
- f) Details of the person or bodies that are responsible for operation and maintenance of the chemical treatment system.

The use of flocculant shall not commence until the consent holder has received notice in writing that the FMP has been certified by the Manager. All DEBs/SRPs must be treated in accordance with the certified FMP.

9. The FMP shall be reviewed prior to commencing each new stage of works or at minimum on a yearly basis. Reviews must reference monitoring data and/or further bench testing results to determine the effectiveness of the FMP and whether it needs to be amended to ensure on-going optimal performance. The findings of this review shall be submitted to the Manager upon request.

### **Winter Works**

10. At least 20 working days prior to any works being undertaken between 1st June and 30th September each year inclusive, the consent holder shall submit a revised ESCP to the Manager for certification that it is in general accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region. The revised ESCP must include as a minimum:
  - a) Proposed works to be undertaken between 1st June and 30th September
  - b) Details on proposed staging so that no more than 500m<sup>2</sup> of earthworks is unstabilised at any one time
  - c) Proposed stabilisation between stages and how this will be maintained
  - d) Details of any additional erosion and sediment controls

No earthworks shall be undertaken during this period, apart from the maintenance of erosion and sediment control devices, until the consent holder has received notice in writing that the revised ESCP has been certified by the Manager.

### **Amendments to Management Plans**

11. The consent holder may request amendments to the certified management plans (ESCP or FMP) by submitting the amendments in writing for the certification of the Manager. The amendments sought shall not be implemented until the consent holder has received notice in writing that the amended management plan has been certified by the Manager.

### **Progressive stabilisation**

12. The consent holder must progressively stabilise all disturbed or un-stabilised areas in accordance with the ESCP and Erosion and Sediment Control Guideline for Land Disturbing Activities in the Wellington Region.

## Decommissioning

13. The consent holder must not remove or decommission any erosion or sediment control measure until the contributing catchment for the erosion or sediment control measure is fully stabilised. Written notice must be provided to the Manager prior to the removal or decommissioning of each erosion or sediment control measure.

## Weekly site audits

14. The consent holder shall have the site audited by a suitably qualified and experienced person on a minimum of a weekly basis (unless a reduced frequency is agreed in writing by the Manager) to ensure that all erosion and sediment controls are operating effectively in accordance with the ESCP. The audits shall be recorded in writing and submitted to the Manager upon request.

*Note: Any site audits carried out by Wellington Regional Council or its contractors do not constitute the audits required by this condition.*

## Rainfall triggered monitoring

15. If a sediment retention device (SRP) or decanting earth bund (DEB) is used, the consent holder shall sample and record the following parameters as soon as practicable within daylight hours after a rainfall event greater than 7mm in 1 hour, or 20mm in 24 hours, as measured at the Wellington Regional Council rainfall monitoring site Waiwhetu Stream at Seaview WWTP.

| Parameter                              | Location (sediment retention device and/or DEB) |                     |      |         |
|--|---|---------------------|------|---------|
|  | Inflow  | Forebay (SRPs only) | Pond | Outflow |
| pH (for any chemically treated device) | ✓▪  | -                   | -    | ✓▪      |
| Turbidity                              | ✓▪  | -                   | -    | ✓▪      |

*Note: The consent holder is only required to undertake outflow monitoring if the device is discharging.*

The consent holder shall submit all monitoring data and information to the Manager within 5 working days of the date the sampling is undertaken. Unless otherwise agreed in writing by the Manager, the monitoring requirement shall only cease once all disturbed areas have been completely stabilised, stockpiles removed, and the device decommissioned.

## Exceedances and failures

16. In the event that:

- a) the rainfall triggered monitoring required under Condition 15 indicates that, at the outflow of the device, the NTU value is 170 NTU or greater, and/or (for any chemically treated device) the pH is at or below 5.5 or above 8.5 or
- b) there is a failure of any erosion and sediment control measure, or discharge from any non-stabilised area that is not treated by an erosion and sediment control measure, where any contaminants (including sediment) or material are released and enter any water body;

the consent holder shall:

- i. Immediately notify the Manager of the issue;
- ii. Immediately undertake onsite investigations to determine the cause of the issue, and what changes can be made to onsite management to prevent reoccurrence;
- iii. Re-establish control measures as soon as practicable where these have failed or have not been implemented in accordance with the ESCP;
- iv. Liaise with the Manager to establish whether any additional remediation and/or mitigation is required, and carry out any such action as required by and to the satisfaction of the Manager;
- v. Record the date, time and weather conditions, details of investigations, probable cause of the issue, lessons learnt and actions taken, or to be taken, to prevent re-occurrence; and
- vi. Within 5 working days of the issue being recorded, provide the information required by (v) above to the Manager.

All measures to prevent a reoccurrence of the exceedance or failure shall be to the satisfaction of the Manager.

## Fill material

17. All fill material used on site shall be restricted to natural material such as clay, soil and rock, and inert material such as concrete and brick, which, when buried, will have no adverse effect on people or the environment.

*Note: Rule R82 (Discharges from contaminated land) of the Natural Resources Plan will apply to any imported or insitu material worked on the site. If the activity does not meet the permitted standards under Rule R82, consent will be required under Rule R83 (Investigation of, or discharges from contaminated land – discretionary activity).*

18. All fill material shall be placed and compacted so as to avoid erosion and instability. Any erosion of soil including failure of cut and fill batters that is attributable to the works shall be contained, remedied and mitigated by the consent holder to the satisfaction of the Manager.

## Completion of works

19. All works affecting the site, including tidy up on completion of the works, shall be to the satisfaction of the Manager.

## **Management plan review**

20. The consent holder shall, if requested by the Manager in response to a complaint, incident or other reasonable request that relates to managing an adverse environmental effect that is directly related to the exercise of this consent, carry out a review of any management plan required by these conditions. The consent holder shall submit the reviewed management plan to the Manager for certification that:
- The reason(s) for requiring the review have been appropriately addressed; and
  - Appropriate actions and a programme for implementation are provided for if required.

## **CONSENT REVIEW**

Wellington Regional Council may review any or all conditions of this consent by giving notice of its intention to do so pursuant to section 128 of the Resource Management Act 1991, within one month of each anniversary of the commencement of this consent, for any of the following reasons:

- a) To review the adequacy of any plan and/or monitoring requirements, and if necessary, amend these requirements outlined in this consent
- b) To deal with any adverse effects on the environment that may arise from the exercise of this consent; and which are appropriate to deal with at a later stage
- c) To require the implementation of Best Practicable Options, in respect to new methodologies for the undertaking of the works to avoid, remedy or mitigate any significant adverse effect on the environment arising from the works
- d) To enable consistency with any relevant Regional Plans or any National Environmental Standards or Regulations

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

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

## **CONSENT DURATION**

Pursuant to section 123 of the Act, consent WGN250111 [39996] [39997] shall expire on 13 August 2030.

# Reasons for decision report

## 1. Background and proposal

Z Energy Limited (the applicant) has applied for a suite of resource consent from Greater Wellington Regional Council (Greater Wellington) associated with upgrades to the Seaview Wharfline. The consents sought are coastal permits for disturbance, occupation of the CMA, and construction of a general structure. Land use consent is also sought for earthworks, and discharge permit for the discharge of sediment laden water.

The proposal is to construct and establish a 600m long submarine pipeline between the Seaview Wharf head and Point Howard headland (Figure 1). The pipeline is used for the transfer of petroleum products from tanker ships to fuel terminals in the Seaview industrial area and is the main supply point for liquid fuel in the lower North Island. As such it can be considered as Regionally Significant Infrastructure.



Figure 1: Proposed works sections from application. Turquoise = submarine pipeline, red = riser, spool and onshore pipe

Construction methodology proposed is a ‘cut and cover’ approach involving trenching and jetting.

The 'cut and cover' methodology would involve seabed disturbance of approximately 4,968m<sup>3</sup> over an area of 7,914m<sup>2</sup> and would require open trenching at both ends of the submarine pipeline route. A jack-up barge will be used for trenching of the seabed, and material removed from the trench will be placed to the side of the trench for reinstatement following pipeline installation. A sheet pile cofferdam will be constructed to enable trenching. This method would require disturbance to the existing seawall/rock revetment at Point Howard headland, anticipated to be taken over 240m<sup>2</sup>.

Temporary piling (four 600mm diameter piles) will also be required to support the pipeline installation process and will be installed using either a vibration or hammer methodology.

Minor earthworks will also be required at Point Howard to tie the new submarine pipeline into the existing on-land section of the Wharfline linking to the bulk storage terminals. Although these works are minor in area (240m<sup>2</sup>), the applicant has applied for earthworks consent on the basis that no sediment discharges to water can be guaranteed, and the possibility of continuing works through the winter shutdown season.

Abrasive blasting for welded joints will be required for pipeline assembly; blasting is covered by a variation to the existing consent WGN190093 and is not further covered in this application.

### **1.1 Existing environment or significant features of the proposal area**

The proposal activity is located within the Coastal Marine Area, being Te Whanganui-ā-Tara (Wellington Harbour). Te Whanganui-ā-Tara is listed in several schedules:

- Schedule B – Ngā Taonga Nui a Kiwa
- Schedule F2 – Indigenous bird habitat
- Schedule F5 – Habitats with significant indigenous biodiversity values in the CMA
  - Areas with rocky subtidal habitats are present in the works area
- Hutt Aquifer Protection Zone
- The Commercial Port Area also applies to Seaview Wharf and extends 10m either side of the wharf structures.

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



## 2. Reasons for resource consent / activity status

### 2.1 Natural Resources Plan (NRP)

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

| RMA section | NRP or NRP-PC1 | Rule | Status                   | Comments   |
|-------------|----------------|------|--------------------------|--|
| 12          | NRP            | R181 | Discretionary            | The proposal involves use of a jack-up barge within the CMA, which will be in place for longer than 31 days and therefore will not meet the definition of ‘temporary structure’. As such, consent is required as a discretionary activity under R181.  |
| 12          | NRP            | R186 | Restricted Discretionary | Works are proposed to the seawall to enable construction, and as such consent is required as a discretionary activity under R187.  |
|             |                | R187 | Discretionary            |  |
| 12          | NRP            | R189 | Discretionary            | The proposal is for a new structure and piling associated with the installation and ongoing operation of regionally significant infrastructure, where portions of the works are within Schedule F5 areas, and works to the existing seawall which is a kororā habitat and therefore protected by P38(a). The application can meet the relevant standards and as such consent is required as a Discretionary Activity under R189. |

| RMA section | NRP or NRP-PC1 | Rule   | Status        | Comments  |
|-------------|----------------|--------|---------------|---|
| 9, 15       | NRP-PC1        | WH.R23 | Permitted     | The applicant cannot guarantee that there will no discharges to the CMA during open trenching that will not exceed the 100g/m3 TSS threshold, or that no sediment will enter the CMA at all. Additionally, earthworks may be undertaken during the winter shutdown period. As such, consent is required as a Non-Complying Activity under WH.R25. |
|             |                | WH.R24 | Discretionary |   |
|             |                | WH.R25 | Non-Complying |   |

## 2.2 Overall activity status

The activity is considered a Discretionary Activity under the operative NRP and a Non-Complying Activity under the proposed NRP-PC1. Overall, the activity must be assessed as a Non-Complying Activity.

## 3. Consultation

| Iwi authority                         | Comments   |
|---------------------------------------|--|
| Port Nicholson Block Settlement Trust | <p>Port Nicholson Block Settlement Trust was provided a copy of the application on the Te Wāhi portal. No comments or concerns have been received at the time of writing this report. However, Hikoikoi Management (supported by Taranaki Whānui) reviewed this consent and expressed the desire to be on site throughout the duration of works.</p> <p>I have applied an iwi/kaitiaki monitoring condition to address this aspect, which has been agreed to by the applicant.</p> |
| Ngāti Toa Rangatira                   | <p>Ngāti Toa Rangatira was provided a copy of the application on the Te Wāhi portal. Te Rūnanga confirmed that they had been consulted by the applicant, and provided a letter detailing their primary concerns, which includes:</p> <ul style="list-style-type: none"> <li>• Impacts on the Kororā population that nest nearby</li> <li>• Impacts on benthic flora and fauna</li> </ul>   |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• Silt and sediment entering the coastal marine environment</li> <li>• Adverse environmental impacts arising from the use of drilling muds and other substances/chemicals used during works</li> </ul> <p>Te Rūnanga advised that they were confident that the proposed conditions would work to mitigate any potential adverse effects on the taiao. They also noted support for any recommendations by Hikoikoi Management. Te Runanga also stated that they appreciated the proactive engagement by the applicant and was confident that they would continue to work together to ensure the best outcome for the taiao.</p> |
| <b>Applicant group(s) under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA)</b> | <p><b>Comments</b></p> <p>In accordance with section 62 of the MACA the applicant has confirmed that they have notified and sought the views of the relevant applicant group(s).</p>  |
| <b>Other parties or persons</b>   | <p><b>Comments</b></p>  |
| Dr Megan Melidonis, senior coastal scientist, GWRC Knowledge and Insights                   | A copy of this application was provided to Megan Melidonis for review on effects on the coastal marine area. Her comments are addressed at Section 5 of this report.  |
| Heather Martindale, senior environmental scientist, GWRC Knowledge and Insights             | A copy of this application was provided to Heather Martindale for review on effects on groundwater. Her comments are addressed at Section 5 of this report.   |
| Grant Nalder, Harbourmaster   | As the works are proposed within the coastal marine area, I passed a copy of this application along to the Harbourmaster. He noted that he had been informed of these works already and that as long as he was kept informed regarding any potential restrictions needed to be put in place, he did not have any issues with the proposal.  |
| Wellington Water Limited  | As the works involve piling within an area mapped as being within the Hutt Aquifer Protection Zone, I provided a copy of the application to WWL. No comments or concerns have been received at the time of writing this report.   |

#### **4. Notification decision**

A decision was made to process the application on a non-notified basis on 1 July 2025. Further information on the notification decision is provided in document [WGN250111 - Notification decision report.docx](#).

#### **5. Environmental effects**

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

##### **5.1 Effects on the coastal environment**

As the works are proposed within the coastal marine area, the effects on the coastal environment should be assessed. Disturbance can result in the destruction of benthic habitats, and sedimentation from disturbance and earthworks adjacent to the CMA can result in smothering of fish, invertebrates, and marine plants, including seagrass.

The application was reviewed by Dr Megan Melidonis, senior coastal scientist, Wellington Regional Council. Dr Melidonis considered that the provided information was sufficient and agreed with the applicant's assessment of effects provided that the appropriate sediment control guidelines are implemented.

Dr Melidonis advised that she did not agree with the argument that lower levels of sedimentation are assessed as comparable to those of a storm or rain event, and emphasised that sediment controls should be put in place regardless of the severity and frequency of natural events. She recommended the implementation of a condition requiring sediment controls to confine disturbed (suspended) sediment to the project footprint to protect the nearby seagrass meadows. In conjunction with this review, Ms Rachel Parry (Environmental Scientist) also noted that works should be scheduled to avoid adverse weather conditions which exacerbate sediment deposition. I have incorporated this into the conditions.

Based on Dr Melidonis' advice, and with the application of consent conditions, I am satisfied that the environmental effects on the coastal environment can be appropriately managed to be less than minor.

##### **5.2 Effects of earthworks and discharges on water quality**

During earthworks, sediment has the potential to be mobilised and discharged to land where it may enter water. If sediment enters any waterbody, it is likely to cause a local and temporary increase in turbidity and reduce the overall water quality. High suspended solid

concentrations can have adverse effects on coastal ecology, especially if these conditions persist over a long period of time.

The application relies on a contractor preparing an ESCP in accordance with the Environmental Management Plan for Z Energy sites provided with the application.

The applicant has applied under the non-complying rule under PC1 (WH.R25) to enable works to be undertaken during the winter period. The intent of PC1's objectives and policies (in relation to earthworks) are to limit bulk earthworks being undertaken during the winter period as far as practicable. Given the applicant is undertaking earthworks on a minor scale (being 260m<sup>2</sup>), I consider that the works are low risk in nature and consistent with the intent of PC1's rules, policies, and objectives.

I have applied a consent condition requiring a final ESCP to be submitted and certified before commencement of works. I have also applied a condition requiring the consent holder to submit a revised ESCP for certification stipulating the details on proposed works for the winter period, proposed staging and stabilisation, and any other additional ESC controls.

Given the low-risk nature and scale of the works proposed, I am satisfied that the environmental effects of earthworks and associated discharges on water quality can be appropriately managed by consent conditions to be less than minor.

### **5.3 Effects on groundwater**

The applicant's construction methodology involves piling in an area mapped as being within the Hutt City Aquifer Protection Area. Where there are piling or dewatering works proposed in this area, there is potential for impacts on groundwater and aquifer areas.

Ms Martindale noted that the applicant had undertaken a significant assessment of the geology in their application, with the data supplied suggesting a high degree of certainty that there would be no risk to the aquifer from piling works. She noted that the justification for piling location (to the north east of the wharf head) was suitable and that additional information would need to be provided if the location of the piling changed. She also recommended restricting the level of depth for piling, which I have applied as a condition of consent.

Based on Ms Martindale's advice, and with the conditions of consent, I am satisfied that the environment effects can be appropriately managed to be less than minor.

## **5.4 Effects on significant mana whenua values**

### **5.4.1 Schedule D1: Statutory Acknowledgements from the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009**

Wellington Harbour is a Statutory Acknowledgement Area under Schedule D1 of the NRP and Port Nicholson Block (Taranaki Whānui ki te Upoko o te Ika) Claims Settlement Act 2009. As the proposed activity within this area, Taranaki Whānui ki Te Upoko o Te Ika were provided a copy of this application.

As outlined in Schedule D1 of the NRP, the Wellington Harbour was one of the highways used by Taranaki Whānui and was a significant fishery both in terms of various fin fish and whales, as well as shellfish. The relatively sheltered waters of the harbour meant that Māori could fish at most times from simple waka and rocks in and around the harbour were named such as Te Aroaro a Kupe (Steeple Rock), Te Tangihanga a Kupe (Barrett's Reef) and so on. Each marae around the harbour had its rohe moana and the associated fishery. Pipitea Pā was named for the pipi bed in its immediate rohe moana. There are places within the harbour which were special for certain species such as kingfish and hapuku.

Based on the effects of the proposal and proposed mitigation measures by the applicant, and having received no comments or concerns from Taranaki Whānui ki Te Upoko o Te Ika, it was determined that Taranaki Whānui ki Te Upoko o Te Ika were not considered an affected party under section 95E of the RMA

### **5.4.2 Schedule D2: Statutory Acknowledgements from the Ngāti Toa Rangatira Claims Settlement Act 2014**

Wellington Harbour is a Statutory Acknowledgement Area under Schedule D2 of the NRP and the Ngāti Toa Rangatira Claims Settlement Act 2014. The foreshore and seabed of the harbour is also subject to the application of Te Rūnanga for Customary Marine Title and Protected Coastal Rights under the Marine and Coastal Area (Takutai Moana) Act 2011. As the proposed activity is adjacent to and within these areas, Ngāti Toa Rangatira were provided a copy of this application.

As outlined in Schedule D2, Wellington Harbour has high cultural, historical, spiritual, and traditional significance to Ngāti Toa Rangatira. A well-known narrative tells of how Wellington harbour was formed by nga taniwha Ngake and Whataitai. Ngake escaped, forming the entrance to the harbour and, as the water shallowed from what is now Wellington Harbour, Whataitai became stranded. The body of Whataitai became the hills close to the harbour entrance. The soul of Whataitai left him in the form of a bird named Te Keo. Mount Victoria is known by Māori as Tangi Te Keo or the weeping of Te Keo.

Ngāti Toa Rangatira's claim to the Wellington Harbour region is primarily based upon their early invasion of the region during the 1820s and their political and military influence, rather than occupation. Ngāti Toa Rangatira also traded with the settler community at Wellington and sent produce to Wellington by sea. The Harbour is also an important source of kai moana.

Based on the effects of the proposal and proposed mitigation measures by the applicant, along with confirmation from Ngāti Toa Rangatira that they were satisfied that the conditions of consent would work to mitigate adverse effects, it was determined that Ngāti Toa Rangatira were not considered an affected party under section 95E of the RMA.

## **5.5 Summary of effects**

Given the assessment above, it is considered that the effects of the activity are or will likely be less than minor when undertaken in accordance with the recommended consent conditions.

## **6. Statutory assessment**

### **6.1 Part 2**

Part 2 outlines the purposes and principles of the RMA. Section 5 defines its purpose as the promotion of the sustainable management of natural and physical resources. Sections 6, 7 and 8 of Part 2 define the matters a consent authority shall consider when achieving this purpose.

I am satisfied that the granting of the application is consistent with the purpose and principles in Part 2 of the RMA.

### **6.2 Matters to be considered – Section 104-108AA**

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

| <b>RMA section</b> | <b>Matter to consider</b>   | <b>Comment</b>  |
|--------------------|---|---|
| 104(1)(a)          | Actual or potential effects on environment                              | See Section 5 of this report.   |
| 104(1)(ab)         | Measures to offset or compensate for adverse effects on the environment | The applicant has not proposed any measures to offset or compensate for adverse effects on the environment. |

| <b>RMA section</b> | <b>Matter to consider</b>            | <b>Comment</b>   |
|--------------------|--------------------------------------|--|
| 104(1)(b)(iv)      | New Zealand Coastal Policy Statement | The proposal is necessary to improve the resilience of regionally significant infrastructure by replacing and maintaining the existing wharfline. The applicant has provided construction management plans, ecological effects assessments, and other documents demonstrating the controls to be implemented to mitigate adverse effects. Along with the applied conditions of consent, I consider that the proposed activity is consistent with the NZCPS.                              |
|                    | Objective 1, Policy 23               | <p>These provisions aim to safeguard the integrity, form, functioning, and resilience of the coastal environment, including maintaining coastal water quality and managing discharges of contaminants to water in the coastal environment.</p> <p>The conditions of consent will ensure that any adverse effects are managed to be no more than minor, including requiring erosion and sediment controls. I consider that the proposed activity is consistent with these provisions.</p> |
|                    | Policy 11                            | <p>This policy aims to protect indigenous biological diversity in the coastal environment.</p> <p>The applicant has demonstrated that the magnitude of effects on biodiversity will be low and has provided appropriate plans with controls to protect the indigenous biological diversity in the area. I consider that the proposed activity is consistent with this policy.</p>  |



| <b>RMA section</b> | <b>Matter to consider</b>  | <b>Comment</b>   |
|--------------------|--|--|
|                    | Policy 21, 22, 23  | These provisions relate to managing water quality, sedimentation, and discharge of contaminants. The conditions of consent will impose appropriate erosion and sediment controls to minimise effects on water quality. I consider that the proposed activity is consistent with these provisions.  |
| 104(1)(b)(v)       | <b>Regional Policy Statement (including Proposed Change 1)</b>     |  |
|                    | Objectives/Policies<br>Policies 35, 36, 37, 39, 40, 43, 47, FW.XXB | I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the objectives of the RPS (including proposed change 1).  |
| 104(1)(b)(vi)      | <b>Natural Resources Plan</b>                                      |  |
|                    | <i>Objectives/Policies</i>   | I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Natural Resources Plan.   |
|                    | <i>Objectives O1, O2, O3, O4</i>                                   | These provisions relate to the holistic and integrated use and management of resources. I have recognised and considered these objectives while assessing this consent application.  |
|                    | <i>Objectives O7, O8<br/>Policy P8</i>                             | These provisions relate to maintaining recreational values and public access of the coastal marine area.<br><br>The majority of the works are under the seabed and will not affect public access. Portions of the works will be undertaken at Seaview Wharf, the foreshore, and in proximity of the coastal walkway, however the works are minor in nature and the majority of Seaview Wharf and the foreshore already has restricted public access for safety and |

| <b>RMA section</b> | <b>Matter to consider</b>  | <b>Comment</b>  |
|--------------------|--|---|
|                    |  | security reasons. The applicant has liaised with Hutt City Council in regards to public access requirements relating to the public walkway to manage effects on this walkway.   |
|                    | <i>Objectives O9, O10, O11<br/>Policies P11, P13, P39</i>                | <p>These provisions relate to recognising and enabling regionally significant infrastructure and protecting them from incompatible use and development.</p> <p>The proposal is for the construction of a fuel pipeline to maintain and operate regionally significant infrastructure and is the main supply point for liquid fuel for the Lower North Island. Seaview Wharf is already industrial in nature and has historically already provided for these works. As such, I consider the proposal is consistent with these policies.</p>  |
|                    | <i>Objectives O12, O13<br/>Policies P9, P18, P19, P20, P21, P22, P47</i> | <p>These provisions relate to recognising kaitiakitanga and Māori relationships with the environment and protecting sites with significant mana whenua values.</p> <p>A copy of this application has been sent to the relevant iwi through the Te Wāhi snapshot process. No comments or concerns were received from PNBST at the time of processing this consent. Ngāti Toa's comments are addressed at Section 3 of this report. Statutory acknowledgements have been regarded whilst processing this consent. The applicant has already undergone engagement with iwi prior to lodgement of consent and supplied letters from these parties as part of the application.</p> |

| <b>RMA section</b> | <b>Matter to consider</b>                              | <b>Comment</b>  |
|--------------------|--|---|
|                    | <i>Objective O14</i>                                   | <p>These provisions relate to preserving and protecting the natural character of the coastal marine area.</p> <p>The Wellington Harbour is already highly modified, industrial in nature, and the works will largely be under the seabed. As there is an existing pipeline, this infrastructure is not unfamiliar in the environment. The applicant has provided plans, and along with the conditions of consent, I consider that the proposal is consistent with these policies.</p> |
|                    | <i>Objectives O17, O24, O37<br/>P30, P31, P42, P44</i> | <p>These provisions relate to maintaining or improving water quality, safeguarding aquatic ecosystem health, and mahinga kai.</p> <p>The proposed CEMP, erosion and sediment controls, as well as conditions of consent, will ensure that effects on water quality, ecosystem health, and mahinga kai are less than minor.</p>  |
|                    | <i>P38</i>   | <p>These provisions relate to managing adverse effects on indigenous biodiversity within the coastal environment.</p> <p>The applicant has provided a CEMP and an ecological assessment detailing the potential effects and the measures that will be utilised to prevent adverse effects to biodiversity. The conditions of consent will ensure that any final plans are reviewed by technical experts and certified by Council to ensure these methods are appropriate.</p>         |

| <b>RMA section</b> | <b>Matter to consider</b>   | <b>Comment</b>  |
|--------------------|---|---|
|                    | <p><i>Objective O33, O34, O36, O37</i></p> <p><i>P65, P107</i></p>                | <p>These provisions relate to minimising the adverse effects on soil and water from land use activities, including sediment laden runoff and leaching of contaminants.</p> <p>Appropriate erosion and sediment controls will be installed. The conditions of consent, which require approval of a CEMP and ESCP, will ensure that the effects on the environment are less than minor.</p>   |
|                    | <p><i>Objectives O45, O46, O48</i></p> <p><i>P139, P141, P143, P145, P146</i></p> | <p>These provisions relate to use and development in the coastal marine area, including whether it has a functional need or operational requirement, compatibility with the coastal environment and function, and efficient use of occupied space.</p> <p>The proposal is to construct a pipeline, which supplies fuel to the Lower North Island. This meets the definition of regionally significant infrastructure. The existing environment already provides for this activity and Seaview Wharfline is already primarily industrial. Therefore the upgrade can be considered compatible with the existing environment and an efficient use of occupied space.</p> |
|                    | <p><i>Objective O50</i></p>   | <p>These provisions relate to management of noise from activities in the coastal marine area.</p>   |

| <b>RMA section</b> | <b>Matter to consider</b>                              | <b>Comment</b>  |
|--------------------|--|---|
|                    |  | The applicant has supplied a draft noise management plan with the application demonstrating methods for managing noise in the CMA. Along with the conditions of consent, I consider that the proposal is consistent with this objective.  |
| 104(1)(b)(vi)      | <b>Natural Resources Plan – Proposed Plan Change 1</b> |   |
|                    | <i>Objectives/Policies</i>                             | I consider that, with the application of the recommended conditions of consent, the proposed activity is consistent with the Natural Resources Plan – Plan Change 1.  |
|                    | <i>Policies WH.O1, WH.O3<br/>Policy WH.P1, WH.P2</i>   | These provisions aim to progressively improve the health, wai-ora and well-being of the coastal marine area within Whaitua te Whanganui-ā-Tara. I have considered these provisions and found the proposal to be consistent with them, subject to compliance with conditions of consent.   |
|                    | <i>Policies WH.P29, WH.P30, WH.P31</i>                 | <p>These policies relate to the management of sediment discharge from earthworks. WH.P31 provides for shutdown of earthworks during the winter season.</p> <p>The applicant has sought to undertake works during the winter period. The intent of the winter works policies is to limit bulk earthworks. Although the applicant is proposing works during winter and therefore cannot be wholly consistent with WH.P31, given the minor scale and risk of the proposed earthworks (260m<sup>2</sup>), I consider that the proposal is not contrary with these provisions.</p> |

| <b>RMA section</b> | <b>Matter to consider</b>                          | <b>Comment</b>   |
|--------------------|--|--|
| 104(1)(c)          | Any other matter                                   | There are no other matters relevant to this application.   |
| 104(2A)            | Value of investment for existing consents          | I have considered the value of existing investment associated with this application.   |
| 105(1)             | Matters relevant to discharge permits              | I consider that the matters in s105 of the RMA have been given regard to. The method of discharge is most practical, and the sensitivity of the environment has been considered. |
| 107                | Restrictions on grant of certain discharge permits | The discharge from the proposal should meet the requirements of s107(1) and s107(2) of the RMA.  |
| 108 – 108AA        | Conditions on resource consents                    | The conditions have been assessed against the requirements of 108-108AA and are considered to be consistent.   |

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

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies of the Natural Resources Plan.

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

As discussed above, the application has demonstrated that the effects on the environment will be less than minor. The activity will not be contrary to the objectives and policies of the Natural Resources Plan/Natural Resources Plan – Proposed Plan Change 1. As such, the proposal meets both arms of the gateway test and consent can be granted.

### **6.3 Weighting of the NRP Proposed Plan Change 1**

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

## **7. Main findings**

In conclusion:

1. The proposed activity is consistent with the Purposes and Principles of the Resource Management Act 1991.
2. The proposed activity is consistent with the relevant objectives and policies of the National Coastal Policy Statement, Regional Policy Statement (including proposed change 1) and the Natural Resources Plan (including Proposed Plan Change 1). Where the proposal is not fully consistent (WH.P31), it is not contrary to the policy.
3. The proposed activity is not contrary to the objectives and policies of the Regional Policy Statement and the Natural Resources Plan.
4. The actual or potential adverse effects of the proposed activity on the environment will be or are likely to be less than minor.
5. Conditions of the consent(s) will ensure that the effects of the activity on the environment will be appropriately avoided, remedied or mitigated.
6. The proposal incorporates appropriate mitigation measures, to ensure the adverse effects are or are likely to be no more than minor.

## **8. Duration of consent**

Under section 123 of RMA, I propose the following consent durations:

- I consider 5 years is suitable for [39996] [39997] to allow sufficient time for earthworks to be undertaken, factoring in any contingencies relating to unforeseen circumstances.
- I consider 5 years is suitable for [39994] to allow sufficient time for disturbance of the seabed to be undertaken, factoring in any contingencies relating to unforeseen circumstances.
- I consider 35 years is suitable for [39993] and [40548] to allow for the ongoing use and occupation of the structure.

## **9. Monitoring**

### **9.1 Monitoring schedule**

The following compliance monitoring programme will be undertaken during the consent term:

|                               |  |   |                                 |
|-------------------------------|--|---|---------------------------------|
| <b>Compliance group</b>       | Coastal                                    |   |                                 |
| <b>Risk categorisation</b>    | High                                       |   |                                 |
| <b>Monitoring assessment:</b> | <input checked="" type="checkbox"/> Annual | <input type="checkbox"/> Three-yearly               | <input type="checkbox"/> Other: |
| <b>Monitoring input:</b>      | <input checked="" type="checkbox"/> Audit  | <input checked="" type="checkbox"/> Site inspection | <input type="checkbox"/> Other: |
| <b>Other notes</b>            | Certification of plans required            |   |                                 |

## 9.2 Monitoring charges

Consent monitoring charges apply for the consent(s) approved. Charges are normally invoiced on an annual basis. Your consent monitoring charge is made up of three components:

1. **Customer service charge** – every consent incurs an annual charge of \$75<sup>1</sup>. This covers costs associated with the administration of your consent.
2. **Compliance monitoring charge** – the cost associated with our staff monitoring the compliance of your consent.
3. **State of the environment (SOE) charge** – a proportion of our science monitoring is paid by consent holders.

An estimate of your annual consent monitoring charge is provided below:

|                                |              | Amount | Charge code(s) |
|--------------------------------|--------------|--------|----------------|
| <b>Customer service charge</b> | 5 consent(s) | \$295  |                |
| <b>Monitoring charge</b>       | Variable*    | \$-*   |                |
| <b>SOE charge (Earthworks)</b> | Yes          | \$500  | 4.3.3.3        |
| Further notes (if applicable)  |              |        |                |

\*Variable charges will alter from year to year and are based on the actual and reasonable amount of time required to monitor your consent

The GWRC Resource Management Charging Policy is reviewed on an annual basis and may alter these charges.

<sup>1</sup> Where there are multiple consents for the same activity, a discount of \$20 per consent will apply for any additional consents.