



Resource Consent

RESOURCE MANAGEMENT ACT 1991

Consent No. WGN150094

[33210]

[34033]

[34034]

[34487]

Category:
Land use consent
Water permit
Discharge permit
Land use consent

Pursuant to sections 104B, 105, 107 and 108, and subject to all the relevant provisions of the Resource Management Act 1991 and any regulations made thereunder, a consent in respect of a natural resource is hereby granted to:

Name	Greater Wellington Regional Council, Flood Protection Department	
Address	PO Box 11646 Wellington 6142	
Duration of consent	Granted/Commences: 14 May 2021	Expires: 14 May 2056
Purpose for which right is granted	<p>Land use consent [33210]: To undertake river management activities in the bed and on the banks, berms and stopbanks of the Wainuiomata River for flood protection, erosion control and public amenity purposes including construction, maintenance, repair, replacement, extension, addition, alteration, demolition and removal of structures, planting, maintenance and removal of vegetation, recontouring and mechanical ripping of the river bed, constructing diversion channels, shaping, recontouring and repair of bank edges, berms and stopbanks, clearance of flood debris, operation of machinery in the river bed, entry and passage of the river bed, maintenance of drains dredging, construction of walkways, cycleways and associated structures including stormwater drainage, culverts, and footbridges, and excavation, disturbance and deposition of material; and</p> <p>Water permit [34033]: To temporarily and permanently divert the flow of the Wainuiomata River during, and as a result of, river management activities for flood protection, erosion control and public amenity purposes; and</p> <p>Discharge permit [34034]: To discharge sediment and sediment laden stormwater into the Wainuiomata River during, and as a result of, river management activities within and outside the river bed for flood protection, erosion control and public amenity purposes; and</p> <p>Land use consent [34487]: To extract gravel from the bed and on the banks of the Wainuiomata River using dry methodologies.</p>	
Location	Wainuiomata River corridor, including the river bed and banks, berms and stopbanks from approximately 200m upstream of the footbridge which links the end of Hine Road to Reservoir Road, to approximately 200m downstream of Ngaturi Park, between approximate map references NZTM:1765251.5428735 (upstream) and NZTM:1763054.5427387 (downstream).	

Legal description of land

Various, please refer to Appendix C of the application (March 2016)

Conditions

1 to 17 as attached

For and on behalf of
WELLINGTON REGIONAL COUNCIL



.....
Manager, Environmental Regulation

Date: 14 May 2021

Summary of your rights and responsibilities

(Not part of the resource consent)

This resource consent gives you the right to use a public resource (e.g. water, air, the coastal marine area) in the manner specified in the consent.

You may exercise the resource consent as you see fit provided that you comply with all the conditions of your resource consent and all other laws of the land.

If you wish to change the way you operate under this resource consent or if you wish to change or cancel any consent conditions, please contact the Greater Wellington Regional Council (GWRC) prior to making the changes. You may need a formal change to your resource consent conditions.

You may transfer your coastal, discharge, or water permit to any other person. If you sell your operation please contact GWRC and we will arrange the transfer for you (at no cost) once you've completed a 'Transfer of Permit' form including the signatures of the old and new owners.

If your resource consent application contained inaccurate or misleading information, GWRC may cancel or alter the resource consent.

Your resource consent does not:

- provide any warranty of any structure or process;
- provide any guarantee that the resource will be available at all times;
- provide any right of access through or over public or private land;
- negate the need for any approvals necessary under other legislation.

You as the holder(s) of this resource consent and your agents (including contractors and employees), are jointly and severally liable for compliance with the conditions of this consent. It is important that anyone operating on your behalf fully understands and complies with the conditions of the resource consent.

You are required to pay any relevant charges that are associated with the processing and monitoring of your consent under section 36 of the Resource Management Act 1991. Charges may be reviewed every year. If you would like a copy of our current Resource Management Charging Policy please ask us.

You have the right to object to the decision on your consent and/or any additional charges (over and above fixed charges) under section 357A and 357B of the Resource Management Act 1991. Such an objection should be made in writing, setting out the reasons, and be received by us within 15 working days of any decision on your consent and/or additional charges being notified to you.

You are required to allow GWRC Enforcement Officers access to your site and operation at any reasonable time so that we can inspect your operation and confirm that it is complying with your resource consent.

Your resource consent will lapse if you do not give effect to it within five years of the date it was granted (unless otherwise specified in the resource consent conditions). If you wish to apply for an extension of this lapse date please contact GWRC before the lapse date.

If you stop using your resource consent for a continuous five-year period, GWRC may cancel your resource consent. We will advise you in advance if we propose to cancel your consent. You have the right to object to your consent being cancelled.

This consent is issued without prejudice to any claim that is lodged with the Waitangi Tribunal in relation to the customary ownership of natural resources, whether it be a claim that is awaiting hearing or awaiting settlement by the Crown.

Conditions to Resource Consent WGN150094

Advice Note 1: Resource consent applications to carry out river management activities in and on Te Awa Kairangi/Hutt and Wainuiomata Rivers were advanced as part of a consenting package that included the Ōtaki and Waikanae River applications. Despite this, consents for Te Awa Kairangi/Hutt River [WGN130264] and Wainuiomata Rivers [WGN150094] will be granted ahead of the Ōtaki River [WGN140054] and Waikanae River [WGN130303] consent applications.

The Natural Character Index/Habitat Quality Index developed in accordance with conditions 6.3 and 6.4 and the Ecological Enhancement Fund established in accordance with condition 12.1 will also apply to the Ōtaki and Waikanae Rivers.

These conditions apply to the following resource consents:

- a) land use consent to carry out river management activities in the bed and on the banks, berms and stopbanks [33210];
- b) water permit to divert water during, and as a result of, river management activities [34033];
- c) discharge permit to discharge sediment and sediment laden stormwater during, as a result of, river management activities [34034]; and
- d) land use consent to extract gravel from the beds and banks [34487].

Terms in the conditions in bold have their meaning set out in the definitions that follow the consent conditions.

GENERAL CONDITIONS

1. General

Advice Note 2: The Code coordinates the consistent implementation of all river management activities undertaken by Wellington Regional Council throughout the Wellington Region and assists the Council to undertake its statutory flood protection, erosion control and hazard risk management functions, while maintaining and enhancing the natural and cultural values associated with the rivers and river margins.

The conditions support the framework set out in the Code by providing that all river management activities must be undertaken in accordance with the good management practices at section 10, and the general activity constraints calendars at Appendix 7 of the Code.

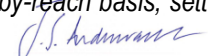
In addition, the Code provides a programme of environmental data collection and monitoring to inform the on-going understanding and management of the effects of river management activities. Condition 6.1(a)(ii) requires baseline monitoring to be undertaken in accordance with the triggers and responses at Tables 5 to 7 of the Code.

Although all other parts of the Code can be amended from time to time, sections 1.2, 6 and 10, Tables 5 to 7, and Appendices 2 and 6 may only be amended in accordance with condition 11.1.

- 1.1 The term of these consents is 35 years from the date of their commencement.
- 1.2 The conditions apply within the areas shown as the 'consent area' in Maps 1 to 7 of the application, and as generally shown in Appendix 2.
- 1.3 If there are any inconsistencies between the **Code**, an Operational Management Plan, Annual Work Plan, Site Specific Effects Management Plan (**SSEMP**) and the general or specific conditions, the conditions prevail.

2. Operational Management Plans

Advice Note 3: Operational Management Plans must be prepared for each river. They are key tools that enable river management operators to plan and execute their work in a manner that reflects the high-level direction in relevant floodplain management plans. Operational Management Plans provide for the management of work on a reach-by-reach basis, setting



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out processes for identifying and managing reach specific values to enable, to the extent practicable, the rivers to follow an active meander pattern.

- 2.1 The **consent holder** must, no later than 12 months after the commencement of these consents:
- a) invite **mana whenua** to be involved in the design and development of Operational Management Plans for each river in accordance with conditions 2.2 and 2.3;
 - b) consult the **Department of Conservation** and Wellington Fish and Game Council on the Operational Management Plans; and
 - c) submit each Operational Management Plan to the **Manager, Environmental Regulation**, for certification under condition 15.1.

- 2.2 An Operational Management Plan must, in relation to each reach of the river:
- a) set out how the Plan gives effect to the principles of river management in section 1.2 of the **Code**;
 - b) describe the **design standard**;
 - c) describe reach characteristics, including:
 - (i) the channel type key morphological characteristics and Natural Character Index/Habitat Quality Index objectives, as appropriate;
 - (ii) fish and spawning habitats, as recommended by the **Department of Conservation** and Wellington Fish and Game Council as managers of those species; and
 - d) identify management objectives prescribed by a **floodplain management plan** and other relevant agreements;
 - e) contain the design channel and buffer zone as appropriate;
 - f) describe the **bed level envelope** and set minimum **bed** levels;
 - g) describe recreational values and identify any areas of safety concern;
 - h) identify any additional **activities** that will require an **SSEMP** (see condition 4.3(g));
 - i) identify any areas with significant ecological or **mana whenua** values, including:
 - (i) indigenous ecosystems or significant indigenous biodiversity values; and
 - (ii) the **mana whenua** values of **kaitiaki sites**; and
 - j) describe the range of management methods which may be implemented, including any additional management practices to apply to the areas in (i) to avoid, remedy or mitigate adverse effects.

- 2.3 Each Operational Management Plan must:
- a) give effect to the principles of river management at section 1.2 of the **Code**; and
 - b) be consistent with the relevant **floodplain management plan**, unless a final Annual Report (prepared under condition 9.4(a)) identifies that such a deviation is necessary to achieve the **design standard**.

3. Annual Work Plans

- 3.1 The **consent holder** must, by 1 September each calendar year:



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- a) invite **mana whenua** to be involved in the design and development of draft Annual Work Plans for each river in accordance with condition 3.2;
- b) invite the **Department of Conservation** and Wellington Fish and Game Council to discuss the draft Annual Work Plans; and
- c) finalise and provide each Annual Work Plan to the **Manager, Environmental Regulation**, with copies to **mana whenua**, the **Department of Conservation**, Wellington Fish and Game Council, and Powerco Ltd.

3.2 Each Annual Work Plan must:

- a) set out which **activities** will be undertaken in the river and at which times of the year;
- b) be consistent with:
 - (i) certified Operational Management Plans;
 - (ii) sections 6, 10 and Appendix 7 of the **Code**; and
- c) identify opportunities for environmental enhancement, as identified by a suitably qualified ecologist; and
- d) identify any proposed **activities** that may require an **SSEMP** (see condition 4.3).

4. Site Specific Effects Management Plans and Monitoring

Advice Note 4: *River management activities have the potential for short-term adverse effects. Conditions 4.1 to 4.6 require the development of SSEMPs prior to undertaking high potential impact activities, and activities in identified sensitive locations and seasons in order to limit, remedy or mitigate potential adverse effects. Further guidance is set out in section 5.6 and Appendix 2 of the Code.*

Advice Note 5: *An existing certified SSEMP may be re-submitted in fulfilment of condition 4.1 if the proposed activities are materially the same as what was previously addressed by that SSEMP.*

4.1 Before the **consent holder** commences one or more of the **activities** listed in condition 4.3, it must:

- a) prepare an **SSEMP** in consultation with **mana whenua**, the **Department of Conservation**, Wellington Fish and Game Council and any other party as relevant;
- b) submit the **SSEMP** to the **Manager, Environmental Regulation**, for certification under condition 15.1; and
- c) receive the certified **SSEMP** from the **Manager, Environmental Regulation**.

4.2 The **consent holder** must comply with a certified **SSEMP**.

4.3 Activities for which an **SSEMP** is required are:

- a) the construction of grade control structures;
- b) wet gravel extraction;
- c) **high potential impact activities**, as set out in condition 4.4, proposed to be undertaken:
 - (i) between 1 January and 28 February on the **banks** only, or between 1 March and 31 May on the **banks and bed**, in the inanga spawning areas identified in Appendix 7 of the **Code**;
 - (ii) between 1 May and 31 October, in the trout spawning areas identified in Appendix 6 of the **Code**;



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- (iii) between 1 June and 31 December, in large areas (defined in Table 2, Appendix 2 of the **Code**) of the inanga spawning areas identified in Appendix 7 of the **Code**;
 - (iv) between 1 August and 31 December, in large areas (defined in Table 2, Appendix 2 of the **Code**) of the wetted channel utilised by migrating fish; and
 - (v) at all times within the actively flowing channel when the river flow recedes below the **minimum flow**; and
- d) the mechanical clearance of bottom rooted plant community in low gradient streams;¹
 - e) the clearance of 100m² or more of **high value riparian vegetation**;
 - f) additional **activities** assessed as having a high risk of adverse impact in Table 4, Appendix 2 of the **Code**; and
 - g) any additional **activities** identified by a certified Operational Management Plan as requiring an **SSEMP**.

4.4 In condition 4.3, **high potential impact activities** means one or more of the following:

- a) **bed** recontouring;
- b) channel diversion cuts;
- c) construction and/or repair of **impermeable structures**; and
- d) ripping in the wet channel.

4.5 The purpose of an **SSEMP** is to set out how the proposed river management activity will be limited in order to remedy or mitigate adverse effects, including effects on water quality, aquatic ecology and the geomorphic **bed** form (as relevant).

4.6 In particular, each **SSEMP** must:

- a) describe the works proposed, including methodology and timing;
- b) include an assessment of the various options considered and reasons why undertaking the proposed **activities** is preferred;
- c) include an assessment as to why the **activities** are to be undertaken during that period and/or within that habitat and specific measures to remedy or mitigate adverse effects;
- d) describe the site specific (event) monitoring to be undertaken pursuant to condition 4.7;
- e) set out consultation requirements with the relevant parties listed in condition 4.1(a);
- f) describe how the design channel and **bed** levels will be maintained;
- g) describe how the **mana whenua** values of **kaitiaki sites** have been taken into account; and
- h) include a suitably qualified expert's opinion of how appropriate steps will be taken to avoid, remedy or mitigate adverse effects.

Advice Note 6: *Conditions 4.7 to 4.8 provide for the collection of data before and after the activities identified in condition 4.3 to inform the on-going understanding and management of short-term effects.*

¹ This includes activities that disturb the bottom of the stream, but excludes the use of weed boats.



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- 4.7 The **consent holder** must, if undertaking one or more of the activities listed in condition 4.3, undertake site specific (event) monitoring to compare the relevant habitat at each work site before and after the activities have occurred.
- 4.8 The **consent holder** must appoint a suitably qualified expert to determine the site specific (event) monitoring method and process which may include, as relevant:
- a) water quality monitoring (suspended solids, turbidity, total nitrogen, total phosphorous);
 - b) deposited sediment monitoring (sediment cover and substrate size);
 - c) habitat mapping along the length of the river affected by the works, compared to comparable unaffected sites;
 - d) macroinvertebrate re-colonisation;
 - e) survey of fish populations;
 - f) survey of breeding bird populations, particularly banded dotterels, pied stilts and black-fronted dotterels;
 - g) survey of lizard and gecko populations, particularly threatened gecko species; or
 - h) fine scale monitoring of physical chemical and biological indicators in estuarine environments.
- 4.9 The **consent holder** must include the results of site specific (event) monitoring from the preceding 12 month period in the draft Annual Report.

5. Activity constraints

- 5.1 All **river management activities** must be undertaken:
- a) in accordance with:
 - (i) the relevant Annual Work Plan;
 - (ii) section 10 and Appendix 7 of the **Code**, as applicable to the chosen method; and
 - (iii) the activity constraints in conditions 5.2 to 5.10 below; and
 - b) in a manner consistent with a relevant certified Operational Management Plan.

Advice Note 7: *The activity constraints in conditions 5.2 to 5.10 set key bottom lines for relevant matters under Part 2 of the Act. They are to be read in conjunction with section 10 and Appendix 7 of the Code.*

Advice Note 8: *Condition 5.2 seeks to ensure that activities do not cause a reduction in bed levels below the minimum set out in certified Operational Management Plan. It is important to note that this may occur naturally.*

Managing bed levels

- 5.2 The **consent holder** must not:
- a) extract gravel from the **bed** unless necessary for **river management activities**; and
 - b) extract gravel below the minimum **bed** level in a certified Operational Management Plan.

Minimisation of disturbance of noise and amenity

- 5.3 Except in the case of **urgent works**, the **consent holder** must avoid works:



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- a) in the actively flowing channel on Saturdays during December to February;
- b) on Sundays or public holidays; and
- c) outside of the following hours:
 - (i) 7am – 7pm Monday to Friday; and
 - (ii) 8am – 3pm Saturday.

Fish passage

5.4 The **consent holder** must:

- a) undertake all **river management activities** in a manner consistent with the fish passage requirements in the Freshwater Fisheries Regulations 1983; and
- b) relocate any fish entrapped by **river management activities** upstream into clear water as soon as possible.

5.5 During dewatering, the **consent holder** must check for any fish that are stranded, or are at risk of being stranded and immediately place these fish back into the flowing channel.

Riparian vegetation

5.6 The **consent holder** must, when undertaking works that require the removal of:

- a) **high value riparian vegetation** at any works site, replant within that river corridor a minimum of an equivalent area of riparian vegetation with native species that are suitable for the location; or
- b) more than 100m² of any other riparian vegetation at any works site, replant as a minimum an equivalent area of riparian vegetation within that river corridor as replacement.

Sediment release

5.7 The **consent holder** must ensure that the release of sediment directly associated with any river management activity:

- a) does not cause any conspicuous change in the colour of the receiving water, or a change in horizontal visibility of greater than 20%, more than 1 hour after the completion of each **working day**, as measured by a black disc at a suitable location no more than 200m downstream of the works site; and
- b) does not continue for more than 6 consecutive days, and for more than 12 hours per day.

Lizards and geckos

5.8 Conditions 5.9 and 5.10 apply if the **consent holder** disturbs:

- a) more than 100m² of any one or more of the following habitat types at any works site (not including gravel bar or beach habitat within the active channel):
 - (i) river terrace manuka or kanuka scrubland; or
 - (ii) native grassland; or
 - (iii) scree or boulder fields; or
- b) any area where lizards and/or geckos are known or likely to be present.



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- 5.9 A suitably qualified herpetologist must undertake a survey prior to the works to check for the presence of lizards within the affected site.
- 5.10 If any lizard species is identified, works must not proceed until the **consent holder** has obtained permits under the Wildlife Act 1953 and a detailed plan is in place to avoid or mitigate any adverse effects of the works.

6. Baseline monitoring and management responses

Advice Note 9: *Baseline monitoring enables the cumulative effects of river management activities to be taken into account so that actions can be taken to avoid, remedy or mitigate adverse effects on key habitat and populations.*

Advice Note 10: *The Environmental Monitoring Plan is included at Appendix 3 of the Code. It requires the collection of a range of physical parameters to assess the effects of river management activities on selected environmental values.*

6.1 The **consent holder** must:

- a) undertake baseline monitoring in accordance with –
 - (i) section 2 of the **Environmental Monitoring Plan** (at Appendix 3 of the **Code**); and
 - (ii) the triggers and responses at Tables 5 to 7 of the **Code**; and
- b) include the results of baseline monitoring from the preceding 12 month period in the draft Annual Report.

6.2 If applying the triggers in Tables 5 to 7 of the **Code**, baseline monitoring shows that there has been a statistically significant decline in trout abundance, the number of banded dotterel, pied stilt or black-fronted dotterel breeding pairs, or pools and riffles, the following process must be followed:

- a) the **consent holder** must appoint an independent suitably qualified expert to carry out a study and report back to the **consent holder** within 3 months identifying the most likely causes of the change;
- b) if the independent suitably qualified expert identifies **river management activities** to be the most likely cause of the change:
 - (i) the report must recommend measures to mitigate or remedy any more than minor adverse effects caused by those **activities**. This may include changes to the **Code**, or applications to the Ecological Enhancement Fund (condition 12); and
 - (ii) the **consent holder** must implement the recommendation(s) contained in the report or provide reasons in the draft Annual Report why implementation was not practicable or achievable; or
- c) if the independent suitably qualified expert identifies **river management activities** as being part of a wider number of causes:
 - (i) the report may recommend measures to mitigate or remedy any more than minor adverse effects of the **activities** on the remaining population(s). This may include changes to the **Code**, or applications to the Ecological Enhancement Fund (condition 12);
 - (ii) the **consent holder** must have regard to any recommendations in (i), taking into account:
 - (1) the cost of implementing the recommendations; and
 - (2) whether the **consent holder** considers the recommendations will significantly mitigate or remedy the more than minor adverse effects; and
 - (iii) if the **consent holder** does not implement the recommendations in (i), provide reasons in the draft Annual Report, including reasons relating to the matters in condition 6.2(c)(ii):



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Cumulative effects

Advice Note 11: *The Natural Character Index/Habitat Quality Index developed in accordance with conditions 6.3 and 6.4 will be used to monitor the cumulative effects of river management activities throughout all four rivers: Te Awa Kairangi/Hutt River, Ōtaki River, Waikanae River and **Wainuiomata River**.*

- 6.3 The **consent holder** must, not later than 12 months after the commencement of the consents for the Ōtaki River [WGN1400054] and Waikanae Rivers [WGN130303], establish a working group to develop a Natural Character Index/Habitat Quality Index that will be used to monitor the cumulative effects of **river management activities**.
- 6.4 The Natural Character Index/Habitat Quality Index must:
- a) assess the existing morphological states of the rivers including, but not limited to, meander forms, sinuosity, extent of braiding, percent pools, active channel width, bar location and area;
 - b) assess the quality of selected habitat features including, but not limited to, pools, instream cover, **bed** roughness and riparian cover within each reach identified in an Operational Management Plan; and
 - c) describe the methods and frequency for monitoring the change of these features and characteristics over time.

7. Kaitiaki monitoring

Advice Note 12: *Wellington Regional Council recognises the importance of its relationship with mana whenua in relation to river management activities it undertakes in Te Awa Kairangi/Hutt River and **Wainuiomata River**. Conditions 7.1 to 7.6 enable mana whenua to work with the Council to develop a Kaitiaki Monitoring Strategy for the rivers that reflects their cultural uses and values, to monitor the effects of river management activities. Monitoring results will be included in the draft Annual Report.*

- 7.1 The **consent holder** must, not later than six months after the commencement of the consents for Te Awa Kairangi/Hutt River [WGN130264] and **Wainuiomata River** [WGN150094], invite the following iwi to work with the **consent holder** to develop and implement a combined Te Awa Kairangi/Hutt and Wainuiomata Awa Kaitiaki Monitoring Strategy:
- a) Ngāti Toa Rangatira represented by Te Rūnanga o Toa Rangatira Inc.; and
 - b) Te Atiawa Taranaki Whānui represented by the Port Nicholson Block Settlement Trust.
- 7.2 If an invitation in condition 7.1 is accepted, the **consent holder** must, within 12 months from the commencement of these consents:
- a) consult with iwi and prepare the Kaitiaki Monitoring Strategy; and
 - b) provide the final Kaitiaki Monitoring Strategy to the **Manager, Environmental Regulation**.
- 7.3 The Kaitiaki Monitoring Strategy must include the following, as applicable to the two rivers:
- a) identification of tohu (attributes) and methods to monitor them;
 - b) identification of mahinga kai and Māori customary use and methods to monitor them;
 - c) identification of tikanga and how it influences cultural monitoring methods; and
 - d) a reporting structure that enables kaitiaki information to contribute to the **consent holder's** environmental reporting.



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- 7.4 The **consent holder** must, in consultation with iwi, undertake a review of a final Kaitiaki Monitoring Strategy every two years and provide the updated Kaitiaki Monitoring Strategy to the **Manager, Environmental Regulation**.
- 7.5 The **consent holder** must, following receipt of an itemised invoice, pay the reasonable costs of iwi in preparing, reviewing and updating a final Kaitiaki Monitoring Strategy (as it relates to these consents).
- 7.6 If iwi undertake monitoring in accordance with a final Kaitiaki Monitoring Strategy:
- a) iwi must submit a monitoring report (including results and recommendations) and an itemised invoice to the **consent holder**;
 - b) the **consent holder** must:
 - (i) by 31 May each calendar year on receipt of the monitoring report and invoice, pay the reasonable costs of the monitoring; and
 - (ii) include kaitiaki monitoring results and recommendations in the draft Annual Report.

8. Rōpū Kaitiaki

Advice Note 13: *Conditions 8.1 to 8.5 enable the development of a sharing and knowledge forum known as Rōpū Kaitiaki to facilitate the exchange of information between Wellington Regional Council and mana whenua of Te Awa Kairangi/Hutt, Ōtaki, Waikanae and Wainuiomata Rivers.*

- 8.1 The **consent holder** must, not later than six months after the commencement of the consents for the Ōtaki River [WGN140054] and Waikanae River [WGN130303], invite a representative of each of the following iwi to form Rōpū Kaitiaki:
- a) Ngāti Raukawa ki te Tonga represented by Ngā Hapū o Ōtaki;
 - b) Te Atiawa ki Whakarongotai represented by Ati Awa ki Whakarongotai Charitable Trust;
 - c) Ngāti Toa Rangatira represented by Te Rūnanga o Toa Rangatira Inc.; and
 - d) Te Atiawa Taranaki Whānui represented by the Port Nicholson Block Settlement Trust.
- 8.2 The **consent holder** must:
- a) invite Rōpū Kaitiaki to meet once every 12 months; and
 - b) inform the **Manager, Environmental Regulation**, of any meeting a minimum of 10 **working days** in advance, so that Environmental Regulation Department representatives may attend.
- 8.3 Rōpū Kaitiaki has the following objectives:
- a) to facilitate the exchange of information between the **consent holder** and tangata whenua regarding **river management activities** authorised under these consents;
 - b) to identify any cultural issues of concern that have arisen during the previous year and discuss appropriate measures to address these;
 - c) to take into account the results of any kaitiaki monitoring received over the preceding 12 month period and identify potential measures to articulate kaitiakitanga;
 - d) to identify potential options for the allocation of the Ecological Enhancement Fund;
 - e) make recommendations relating to the issues in (a) to (d) above for the **consent holder** to consider and report on in its draft Annual Report(s); and



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f) make recommendations on the appointment of independent experts under condition 10.3.

8.4 The **consent holder** must assist Rōpū Kaitiaki to fulfil its objectives by:

- a) providing administrative support (such as minute keeping) unless mutually agreed;
- b) arranging an appropriate venue for meetings and remunerating attendees in accordance with Wellington Regional Council's standing daily meeting fee;
- c) ensuring senior flood protection advisor(s) attend the meetings; and
- d) providing summary information on final Annual Report findings (including appropriate visual presentation and explanations based on the key information if required).

8.5 Compliance with conditions 8.1 to 8.4 may also be achieved if consultation with the iwi listed in condition 8.1 is undertaken collectively or individually through a different Wellington Regional Council process.

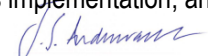
9. Annual Reporting

Advice Note 14: *The reporting process described in conditions 9.1 to 9.5 enables the effects of river management activities to be understood and addressed over time. The process commences with the consent holder preparing a draft Annual Report for each river and providing this to the Manager, Environmental Regulation, for review. Following receipt of the Manager's comments, the consent holder must finalise the Annual Report, make agreed amendments and submit all documents to the Manager. This documentation must then be provided to the Independent Review Panel every 3 years for independent review.*

9.1 The **consent holder** must, by 31 August each calendar year from the commencement of these consents, prepare a draft Annual Report for each river and provide it to the **Manager, Environmental Regulation**.

9.2 Each Annual Report must contain at least the following information:

- a) whether recommendations from the previous years' Annual Report were implemented, together with reasons;
- b) the relevance of any **floodplain management plan** or Operational Management Plan completed during the preceding 12 month period and changes required as a result;
- c) a work program which outlines completed work from the preceding 12 month period, and work anticipated for the next 12 months in the river;
- d) comments on compliance with the conditions of consent and a summary of complaints received over the preceding 12 month period;
- e) comments on the performance of the good management practices at section 10 of the **Code** and any **SSEMPs**, including whether improvements are necessary;
- f) the results and recommendations of any baseline monitoring, site specific (event) monitoring or kaitiaki monitoring over the preceding 12 month period;
- g) details of Ecological Enhancement Fund allocations over the preceding 12 month period, including a summary of requests received under condition 12.5 and the reasons funding was approved or declined;
- h) the **consent holder's** responses to recommendations received over the preceding 12 month period from an independent suitably qualified expert under condition 6.2, **mana whenua** or the Independent Review Panel, together with reasons;
- i) an update on progress with the Natural Character Index/Habitat Quality Index and its implementation; and



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j) an update on progress towards the formation of Rōpū Kaitiaki.

9.3 Following receipt under condition 9.1, the **Manager, Environmental Regulation**, must:

- a) review the draft Annual Report; and
- b) provide the **consent holder** with a review document that includes comments and recommendations, including whether it agrees with the suggested improvements in condition 9.2(e) and responses to condition 9.2(h).

9.4 Within 15 **working days** following receipt under condition 9.3(b), the **consent holder** must:

- a) finalise the Annual Report and amend relevant documents (**Environmental Monitoring Plan**, certified Operational Management Plan, Annual Work Plan and/or the **Code**);
- b) set out in a separate document how comments and/or recommendations in the review document in condition 9.3(b) have been addressed; and
- c) provide the final Annual Report and any documents prepared or amended under 9.4(a) and 9.4(b) to the **Manager, Environmental Regulation**, with copies to **mana whenua**, the **Department of Conservation**, and Wellington Fish and Game Council.

9.5 The **consent holder** must, by 31 October every third calendar year from the commencement of these consents, provide all Annual Reports, **SSEMPs**, review documents received under condition 9.3(b), and documents prepared or amended under condition 9.4 from the 3 year period to the Independent Review Panel for review.

10. Independent Review Panel

Advice Note 15: *Every 3 years, the consent holder must appoint and establish an Independent Review Panel consisting of technical experts to evaluate the annual review documents from the preceding 3 years and provide recommendations.*

10.1 The **consent holder** must, by 1 October every third calendar year from the commencement of these consents, appoint and establish an Independent Review Panel to review the documents provided under condition 8.5.

10.2 The **consent holder** must have regard to appointment recommendations received from Rōpū Kaitiaki under condition 8.3(f). In the interim period before Rōpū Kaitiaki is established in accordance with condition 8.1, recommendations must be obtained directly from **mana whenua**.

10.3 The Independent Review Panel must consist of three independent experts who each have relevant expertise in one or more of the following:

- a) ecology (freshwater and/or terrestrial);
- b) tikanga Māori;
- c) river geomorphology; or
- d) sports fisheries.

10.4 The Independent Review Panel must, within two months of receipt under condition 9.5:

- a) prepare a Recommendations Report that includes:
 - (i) a summary of its review of:
 - (1) the Annual Reports, **SSEMPs**, review documents and **consent holder's** comments;

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- (2) any amended documents, including whether it agrees or disagrees with the changes made; and
 - (ii) comments, suggested changes or recommendations, including to amend the **Environmental Monitoring Plan**, a certified Operational Management Plan, Annual Work Plan and/or the **Code**; and
 - b) provide an opportunity for **mana whenua**, the **Department of Conservation**, and Wellington Fish and Game Council, to submit information, or make a representation to the Independent Review Panel; and
 - c) provide the **consent holder** with the Recommendations Report and any report prepared under condition 10.5.
- 10.5 Where the Independent Review Panel does not have expertise in any of the areas it is required to report on, it may with the prior agreement of the **consent holder**, engage the services of an appropriate expert to report on the relevant matter.
- 10.6 The **consent holder** must, within one month of receipt under condition 10.4(c):
- a) review the Recommendations Report and set out in a separate document how it proposes to respond to the comments and recommendations contained within it;
 - b) if the Recommendations Report recommends amending any of the documents listed in condition 10.4(a)(ii), amend the document, or provide reasons if they have been rejected; and
 - c) provide all documents received under condition 10.4(c) and any documents prepared or amended under 10.6(a) or (b) to the **Manager, Environmental Regulation**, with copies to **mana whenua**, the **Department of Conservation**, and Wellington Fish and Game Council.
- 10.7 The **consent holder** must assist the Independent Review Panel to fulfil its objectives by:
- a) providing such administrative support as reasonably requested (such as documenting discussions and decisions reached); and
 - b) arranging appropriate meeting venues and remunerating members for reasonable costs.

11. Amending the Code

Advice Note 16: *Condition 11.1 sets out processes for amending the Code. The principles of river management at section 1.2, decision making framework at section 6, good management practices at section 10, baseline monitoring triggers at Tables 5 to 7, SSEMP section at Appendix 2 and general activity constraint calendars at Appendix 7 may only be amended in accordance with the processes set out below. All other sections of the Code may be amended from time to time.*

- 11.1 The **consent holder**:
- a) may, from time to time, make amendments to all parts of the **Code** other than sections 1.2, 6 and 10, Tables 5 to 7, and Appendices 2 and 7; but
 - b) may only make amendments to sections 1.2, 6 and 10, Tables 5 to 7, and Appendices 2 and 7:
 - (i) if such amendments have been recommended by an independent suitably qualified expert under condition 6.2(b) or (c), the **Manager, Environmental Regulation**, under condition 9.3(b), or the Independent Review Panel under condition 10.4(c); or
 - (ii) if it has received advice from an expert, deemed by the **Manager, Environmental Regulation**, to be suitably qualified, that the proposed amendment(s) will not result in an increase in the adverse effects of any river management activity; or



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- (iii) in order to align the **Code** with a new **floodplain management plan**, operative regional plan, district plan, iwi management plan, National Environmental Standard, regulation or Act of Parliament; and
 - c) must update the affected areas columns in Appendix 7 to include additional affected areas as they are identified.
- 11.2 Notwithstanding condition 11.1(b), provisions affecting Transpower NZ Limited, KiwiRail Holdings Limited and Powerco Limited (at sections 10.3.1, 10.3.5, 10.3.9 and 10.6 of the **Code**) must not be amended except with the express agreement of the relevant party.
- 11.3 The **consent holder** must provide amended versions of the **Code** to the **Manager, Environmental Regulation**, with copies to **mana whenua**, the **Department of Conservation**, and Wellington Fish and Game Council.

12. Ecological Enhancement Fund

Advice Note 17: *Wellington Regional Council will allocate a specific budget for areas of work that contribute in a meaningful and long-term way to maintain or enhance the natural character of the river environs.*

- 12.1 The **consent holder** must:
- a) within 20 **working days** of the commencement of this consent, allocate a one-off payment of \$150,000 to establish an Ecological Enhancement Fund for Te Awa Kairangi/Hutt River, Wainuiomata, Waikanae and Ōtaki Rivers; and
 - b) annually thereafter, allocate \$50,000 to the Fund for the life of the consents.
- 12.2 Money in the Ecological Enhancement Fund accrues and does not have to be spent within a specified timeframe.
- 12.3 The Ecological Enhancement Fund applies throughout the Wellington Region, with the purpose of maintaining or enhancing the natural character of the river environs, including:
- a) the space available for the river (for example, by acquiring adjacent land);
 - b) areas of vegetation with high biodiversity values (including the planting of native species) in the river corridor;
 - c) in-stream values; or
 - d) any other area of important in-river or riparian habitat.
- 12.4 The **consent holder** may allocate funds in order to implement recommendations contained in:
- a) final Annual Reports;
 - b) the Recommendations Report received under condition 10.4(c); or
 - c) a baseline monitoring report received under condition 6.2(b) or (c).
- 12.5 In addition to condition 12.4, the following parties may also apply to the **consent holder** for funding:
- a) **mana whenua**;
 - b) **Department of Conservation**;
 - c) Wellington Fish and Game Council;
 - d) community groups;



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- e) landowners; and
- f) individuals.

12.6 Each application to the fund must set out the amount of money applied for and how the proposed activities will meet the purposes of the Ecological Enhancement Fund.

12.7 The **consent holder** must, with 20 **working days** of receipt under condition 12.5, provide the applicant to the fund with notice as to whether funding has been approved or declined, including reasons.

12.8 The **consent holder** must include the following information in the draft Annual Report:

- a) allocations of the Ecological Enhancement Fund over the preceding 12 month period; and
- b) requests received under condition 12.5, including whether funding was approved or declined and the reasons for this.

13. Annual Walkovers

Advice Note 18: *Annual walkovers may be held for the purpose of identifying and discussing issues related to the river management activities undertaken pursuant to these consents.*

13.1 The **consent holder** may undertake an annual walkover of the **Wainuiomata River** where **river management activities** are undertaken pursuant to these consents and invite, at least 10 days before any walkover, the following representatives to attend:

- a) **mana whenua**;
- b) **Department of Conservation**;
- c) Wellington Fish and Game Council;
- d) the relevant territorial authority;
- e) local residents who have a registered interest (including all submitters);
- f) interested groups who registered an interest;
- g) a suitably qualified ecologist (to help in the preparation of work programmes and identify opportunities for environmental enhancement);
- h) Federated Farmers; and
- i) the **Manager, Environmental Regulation**.

13.2 Each annual walkover under condition 13.1 must include, in respect of the relevant river:

- a) a discussion of **river management activities** undertaken over the preceding 12 month period;
- b) a discussion of **river management activities** proposed for the forthcoming year; and
- c) consideration of the success of works, monitoring undertaken, and flood damage over the preceding 12 month period.

14. Complaints record

14.1 The **consent holder** must:



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- a) keep a record of any complaints received in respect of the **Wainuiomata River**, including the complainant's name (if provided), the date and time of the incident and the works being undertaken at the time of the complaint;
- b) ensure the record of any complaint received is made available to the **Manager, Environmental Regulation**, on the same day it is received, or the following day if the complaint is received after hours; and
- c) include a summary of complaints received over the preceding 12 month period in the draft Annual Report.

15. Certification

15.1 If the **Manager, Environmental Regulation**, receives an Operational Management Plan or **SSEMP** (Plan) from the **consent holder** for certification, he or she must, no later than 10 **working days** following receipt:

- a) certify the Plan and provide the certified Plan to the **consent holder**; or
- b) decline to certify the Plan and give notice and reasons to the **consent holder**. If notice is not given, the Plan is deemed to be certified.

15.2 The **consent holder** must, within 10 **working days** following receipt under condition 15.1(a) or deemed under condition 15.1(b), provide copies of the certified Plan to the relevant parties listed in conditions 2.1(a) or 4.1(a).

15.3 If an Operational Management Plan is declined under condition 15.1(b), the **consent holder** may update it and, following consultation with the relevant parties listed in condition 2.1(a), resubmit it for certification under condition 15.1.

15.4 If an **SSEMP** is declined under condition 15.1(b) or an Operational Management Plan is declined following resubmission under condition 15.3, the following process must be followed:

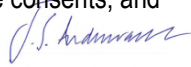
- a) the **consent holder** must, within 10 **working days** of receiving notice under condition 15.1(b), appoint, in consultation with the **Manager, Environmental Regulation**, an independent suitably qualified expert to determine whether to certify the Plan and provide him or her with all relevant documentation;
- b) the expert must, as soon as possible and within 10 **working days** following receipt:
 - (i) certify the Plan and provide it to the **consent holder** and the **Manager, Environmental Regulation**; or
 - (ii) decline to certify the Plan and give notice and reasons to the **consent holder** and the **Manager, Environmental Regulation**. If notice is not given, the Plan is deemed to be certified; and
- c) the decision of the expert under 15.4(b), or deemed decision under 15.4(b)(ii) is binding; and
- d) if the Plan is certified under 15.4(b)(i), the **consent holder** must, within 10 **working days**, provide copies to the relevant parties listed in condition 2.1(a) or 4.1(a); and
- e) if certification of the Plan is declined under 15.4(b)(ii), the **consent holder** may resubmit the Plan to the expert, or withdraw the Plan.

16. Reviews

Review of the Environmental Monitoring Plan and certified Operational Management Plans

16.1 The **consent holder** must undertake a review of:

- a) the **Environmental Monitoring Plan** every 2 years from the commencement of these consents; and


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b) a certified Operational Management Plan every 2 years from the date of its certification.

16.2 The **consent holder** may, as a part of its review, include recommendations to amend the **Environmental Monitoring Plan** or certified Operational Management Plan in the draft Annual Report, together with reasons.

Review of these conditions

16.3 The **Manager, Environmental Regulation**, may, within 2 months of receipt under condition 9.4(c) or 10.6(c), serve notice on the **consent holder** of its intention to review these conditions for any of the following purposes:

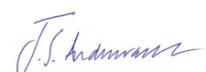
- a) to review the effectiveness of the conditions in avoiding, remedying or mitigating any adverse effects of the **consent holder's activities** and, if considered appropriate by Wellington Regional Council, deal with such effects by way of further or amended conditions; or
- b) to review the conditions in light of any new **floodplain management plan** or to align the conditions with any operative regional plans, district plans, iwi management plans, National Environmental Standards, regulations or Acts of Parliament.

SPECIFIC CONDITIONS

17. Pool and riffle counts

17.1 The **consent holder** must, no later than six months after the commencement of these consents:

- a) determine pool and riffle counts for the **Wainuiomata River**, in consultation with the **Department of Conservation** and Wellington Fish and Game Council; and
- b) include these counts at Table 7 of the **Code**.



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DEFINITIONS

The following definitions apply to all conditions:

Act means the Resource Management Act 1991;

bank has the same meaning as in the interpretation of 'bed' in the Act;

bed means the spaces of land which the waters of the river cover at its fullest flow without overtopping its banks;

bed level envelope means the minimum and maximum bed levels for each reach of the river;

berm means the area of land between the bed and the inner toe of a stopbank;

Code means Wellington Regional Council's Code of Practice for river management activities, as at the commencement of this consent, or as amended from time to time;

consent holder means Wellington Regional Council;

Department of Conservation means the Operations Manager, Wellington District, Wellington;

design standard means in respect of the Wainuiomata River a 1 in 100 year standard;

Environmental Monitoring Plan means the Environmental Monitoring Plan for river management activities as at the date of commencement of the consents (at Appendix 3 of the Code), or as amended from time to time;

floodplain management plan means any floodplain management plan for the **Wainuiomata River** that may be developed during the term of these consents;

flood protection surveys means the flood protection surveys undertaken for the **Wainuiomata River** by the consent holder every five years;

high potential impact activities means one or more of the following:

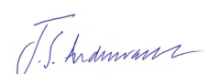
- (a) bed recontouring;
- (b) channel diversion cuts;
- (c) construction and/or repair of impermeable structures; and
- (d) ripping in the wet channel;

high value riparian vegetation means riparian vegetation within the consent area that is identified in the Operational Management Plan, the Operative Natural Resources Plan, by Wellington Regional Council's Key Native Ecosystems and Wetland Programmes, or by flood protection surveys as having significant indigenous biodiversity values;

kaitiaki sites means any areas or practices of cultural importance within the rivers as specified in Schedule C of the Natural Resources Plan or identified by mana whenua;

impermeable structures includes one or more of the following:

- (a) driven rail or mesh gabion walls;
- (b) gabion baskets or structures;
- (c) groynes constructed of rock, concrete block or gravel;
- (d) reno mattresses; and



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(e) rock linings (rip-rap and toe rock);

Manager, Environmental Regulation means the Manager, Environmental Regulation Department, Wellington Regional Council;

mana whenua means, in respect of Te Awa Kairangi/Hutt River and the Wainuiomata River, Te Rūnanga o Toa Rangatira Inc. and the Port Nicholson Block Settlement Trust;

minimum flow means, in respect of the Wainuiomata River, 300 L/s minimum flow as measured at the Leonard Wood Park recorder, and/or any minimum flow included within a floodplain management plan;

river management activities and **activities** means any activity or ancillary work undertaken for the purposes of flood protection, erosion control or hazard management to achieve the design standard, including:

- (a) construction in and on the bed of the following:
 - (i) impermeable structures;
 - (ii) permeable structures, including debris arresters, debris fences and groynes constructed of trees or timber; and
- (b) construction outside the bed of other works, including:
 - (i) cycle ways walkways and associated stormwater drainage, culverts, footbridges and access ways;
 - (ii) fences;
 - (iii) floodwalls; and
 - (iv) shaping of banks and berms; and
- (c) demolition and removal of existing structures in and on the bed by mechanical or hand methods, including the removal of demolition material from the bed; and
- (d) maintenance of existing structures in and on the bed, including:
 - (i) existing impermeable and permeable erosion protection structures; and
 - (ii) existing culverts and outlet structures that discharge to rivers (including the clearance of debris); and
- (e) structural repairs and maintenance of existing structures outside the bed, including:
 - (i) flood and/or retaining walls;
 - (ii) footbridges and fences located on the berms;
 - (iii) stopbanks and training banks;
 - (iv) stormwater culverts (including clearance of debris); and
 - (v) stormwater drainage channels; and
- (f) development of vegetative bank protection, including tree planting, willow layering, cabling and tethering; and
- (g) maintenance of vegetative works, including:
 - (i) additional planting;
 - (ii) new layering of trees;



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- (iii) re-cabling of tethered willows;
 - (iv) removal of old trees; and
 - (v) trimming and mulching of trees; and
- (h) mechanical channel shaping and/or realignment, including:
- (i) beach recontouring;
 - (ii) beach ripping;
 - (iii) bed recontouring;
 - (iv) channel diversion cuts;
 - (v) recontouring (shaping or infilling) of bank edges; and
 - (vi) ripping in the wet channel; and
- (i) channel maintenance, including:
- (i) beach scalping;
 - (ii) gravel extraction;
 - (iii) clearance of flood debris;
 - (iv) removal of aquatic or terrestrial vegetation;
 - (v) removal of sediment; and
 - (vi) removal of silt and debris from drains; and
- (j) non-structural maintenance works outside the bed, including:
- (i) drain maintenance;
 - (ii) mowing stopbanks and berms (not involving machinery in beds);
 - (iii) planting and landscaping;
 - (iv) trimming and mulching of vegetation; and
 - (v) water blasting; and
- (k) urgent works; and
- (l) any works undertaken to remedy or mitigate the adverse effects of the activities in (a) to (k); but
- (m) excludes large-scale capital works;

SSEMP means a Site Specific Effects Management Plan;

stopbank means a structure constructed on a floodplain, or alongside a river, designed to contain flood flows and prevent high river flows flooding onto adjacent land;

urgent works means river management activities undertaken:



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- (a) to address an immediate river management issue or problem where erosion or flooding is placing flood protection structures, other infrastructure or property under direct threat of damage; and/or
- (b) in response to a flood or emergency situation that may need to be undertaken outside regular methodologies or operating conditions;

Wainuiomata River means the areas shown as the 'consent area' in Maps 1 to 7 of the application, and as generally shown in the attached Appendix 2;

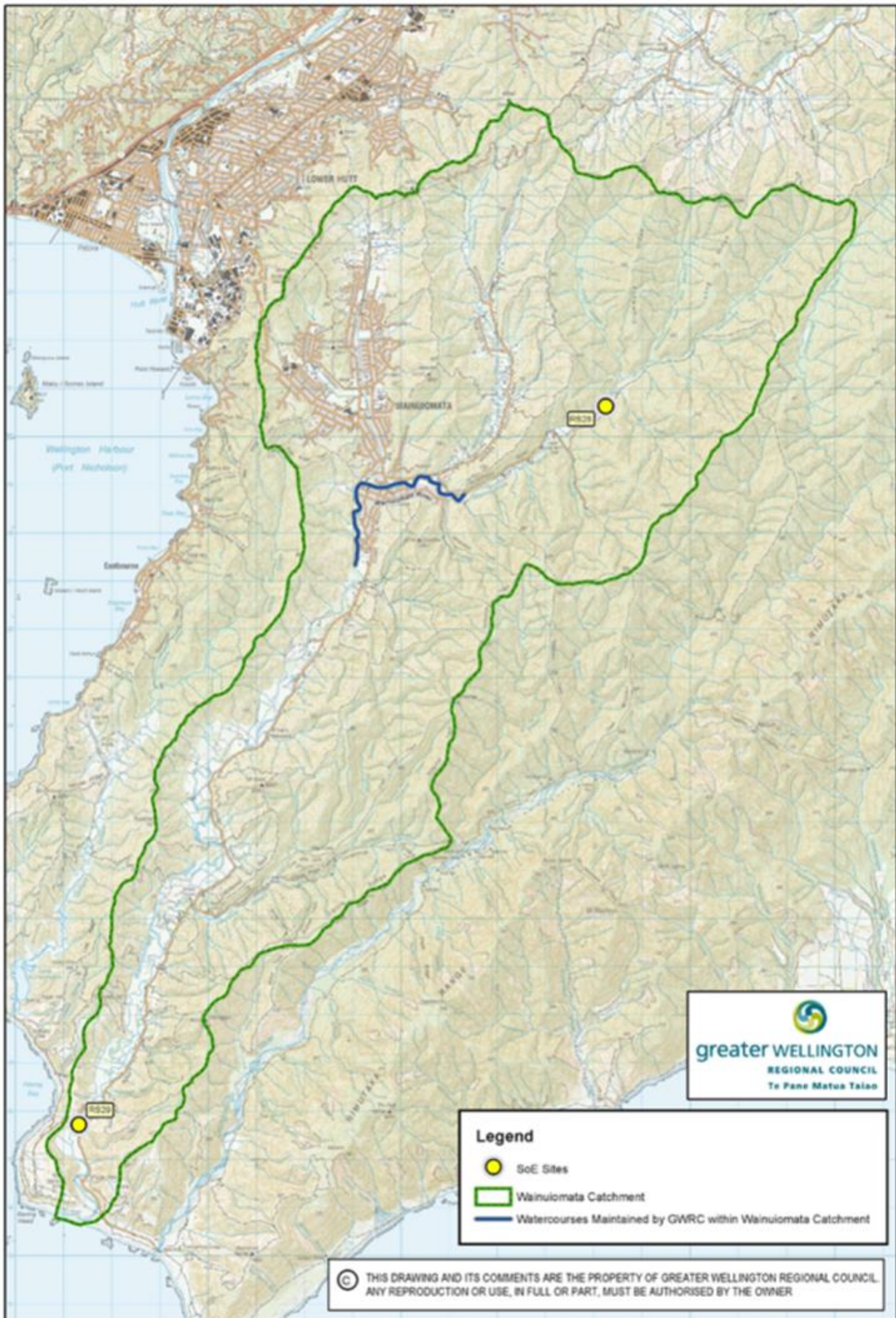
willow means sterile willow cultivars, but excludes crack willow and grey willow;

working day has the same meaning as in section 2 of the RMA.



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Appendix 2: Location of the works



J.S. Hammond

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