




Resource Consent

RESOURCE MANAGEMENT ACT 1991

Summary of decision – s127 variation

Consent No.	WGN170285	
Consent ID(s)	[38217] (new) [34691] (old) Land-use consent for the reclamation of a total of 665m of stream bed, placement of erosion and scour protection structures including rock rip-rap in the bed of streams and any associated disturbance of the bed of Duck Creek and its tributaries.	
	[38243] (new) [34692] (old) Water permit for the temporary damming and the temporary and permanent diversion of an intermittent tributary, a perennial tributary and the main stem of Duck Creek.	
	[38244] (new) [34693] (old) Discharge permit to discharge sediment laden and chemically treated stormwater originating from an area of bulk earthworks exceeding 0.3ha into surface water.	
	[38245] (new) [34971] (old) Discharge permit to discharge sediment laden and chemically treated stormwater to land where it may enter surface water.	
	[38246] (new) [34970] (old) Land-use consent for earthworks exceeding 3,000m ² per property in a 12 month period.	
	Name	The New Zealand Transport Agency
Address	Level 5, The Majestic Centre, 100 Willis Street, PO Box 5084, Wellington	
Duration of consent	Original date granted: 3 November 2017	Variation effective: 28 March 2022
	Expires: [38217] Unlimited [38243] 35 years to expire on 3 November 2052 [38244] 5 years to expire on 3 November 2022 [38245] 5 years to expire on 3 November 2022 [38245] 5 years to expire on 3 November 2022	
Purpose for which consent(s) is granted	To undertake works to facilitate the redesign of Bridge 19 including: <ul style="list-style-type: none"> • Bulk earthworks; • Vegetation clearance; • Temporary damming of streams; • Temporary and permanent diversion of streams; • Disturbance of the beds of streams; • Reclamation of stream channels; 	

	Associated discharges of sediment laden and chemically treated stormwater to water or to land where it may enter water.
Location	Within the Transmission Gully main alignment designation, Belmont Regional Park, between approximate chainages 22200 and 22900 of Construction Zone D4 of the Transmission Gully Project. At or about map reference NZTM 1758043.5442668
Legal description of land	Section SO 368657
Conditions	See below

Decision recommended by:	Gwen Stewart	Resource Management Consultant for Environmental Regulation	
Decision peer reviewed by:	Kirsty van Reenen	Resource Management Consultant for Environmental Regulation	
Decision approved by:	Shaun Andrewartha	Manager, Environmental Regulation	

Processing timeframes:

Application lodged:	17/03/22	Application officially received:	17/03/22
Applicant to be notified of decision by:	14/03/22	Applicant notified of decision on:	28/03/22
Time taken to process application:	7 working days		

Consent conditions

General conditions

Note: Wording added in **bold**; wording removed in ~~strike through~~.

1. The location, design, implementation and operation of the activity shall be in general accordance with the following:
 - Consent application and its associated plans and documents lodged with the Wellington Regional Council on 5 April 2017 (*Resource Consent Application and AEE – Bridge 19*);
 - Further information received 9 May 2017 regarding cumulative effects of sedimentation and the submission of an Erosion and Sediment Control Plan to address erosion and sediment control matters;
 - Further information received 14 July 2017 relating to an ecological mitigation proposal to address the effects of stream loss and disturbance, the clarification of the classification of the minor tributaries affected and provision of the updated 90% design plans;
 - The email from Andrea Millar received 16 August 2017 confirming that all mitigation shall be off-set mitigation;
 - The email from Andrea Millar received 18 August 2017 including the further information provided to Wellington City Council on 7 July 2017 regarding natural character and landscape treatments;
 - Further information received on 24 August 2017 to formalise resolution of erosion and sediment control and ecological mitigation matters;
 - The email received from Tim Strange on 30 October 2017 containing the Report prepared by Cardno, dated 27 October 2017, titled *Allocation of Mitigation Requirements to Cannons Creek and Duck 11 Ecological Mitigation Sites*; and
 - **Change in consent conditions application submitted under s127 of the Resource Management Act received 17 March 2022 (application to change the timeframes for the provision of mitigation planting).**

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

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

2. The location, design, implementation and operation of the activity and works shall also comply with the requirements of the *Board of Inquiry (BoI) Transmission Gully - Volume 2: Conditions* identified in the table below. For the avoidance of doubt, where any of the Transmission Gully BoI conditions are inconsistent with conditions 1 and 3 to 21 of this consent, the conditions of this consent shall prevail.

Conditions	Type
G.2 (Site access) G.4 (Copy of consent held onsite) G.9 (Complaints) G.10 and 10A (Incidents) G.11 (Staff training) G.15, G.16, G.17 (Management plans) G.26, G.28, G.30 (SSEMPs) G.41, G.42, G.42A, G.42B and G.43 (ESC monitoring during construction)	General conditions
G.31, G31A (Ecological mitigation) G.34, G.35, G.36 (Ecological monitoring) G.53 (Fish rescue)	Conditions relating to ecological mitigation and monitoring
WS.1 (Natural rock and soil material to be used to reclaim channel) WS.2 (Works to be undertaken in the dry bed) WS.3 (Maintenance of stream flows) WS.8 (Works certified by ecologist)	Conditions relating to stream works
E.7 – E.9 (Erosion and sediment control objectives, standards and design criteria) E.16 – E.21 (Installation, maintenance and inspection of controls) E.24 (Chemical treatment) E.28 (Fill Standards)	Conditions relating to earthworks and discharges of sediment-laden and chemically treated water to land and land which may enter water
<p>For the purpose of this consent the following BoI definitions have been amended and will apply to this consent as follows:</p> <p>Commencement of the works means the time when the works that are the subject of this consent commence.</p> <p>Manager means the Manager, Environmental Regulation, Wellington Regional Council.</p> <p>Consent Holder means The New Zealand Transport Agency.</p> <p>Project means the construction, operation and maintenance of the Transmission Gully main alignment.</p> <p>Stage means a stage of the Project as nominated by the Consent Holder and agreed with the Wellington Regional Council and/or shown in staging plans required by this consent.</p> <p>In addition, for the purpose of this consent, the following terms (which are used in the BoI conditions) have the following meaning:</p> <p>This consent means the consents granted for works associated with the redesign of Bridge 19 (WGN170285).</p>	

3. The Consent Holder shall undertake all works in accordance with the relevant provisions of the following certified Management Plans (plans required by the *Board of Inquiry Transmission Gully – Volume 2: Conditions* and certified in accordance with those conditions), and any approved amendments made to these management plans, unless otherwise agreed to by the Manager:
- Construction Environmental Management Plan (CEMP)
 - Erosion and Sediment Control Plan (ESCP)
 - Site Specific Environmental Management Plans (SSEMPs)
 - Chemical Treatment Plan (CTP)
 - Erosion and Sediment Control Monitoring Plan (ESCMP)
 - Ecological Management and Monitoring Plan (EMMP)
 - Landscape and Urban Design Management Plan (LUDMP)

Site Specific Environmental Management Plans (SSEMPs)

4. The relevant Site Specific Environmental Management Plans (SSEMPs) and any amendments relating to Construction Zone D4 shall incorporate the Bridge 19 works as detailed in the consent application documentation lodged on 5 April 2017 and further information received on 14 July 2017 and 24 August 2017. In particular, the SSEMPs and any amendments must include, but are not limited to:
- a) Construction methodology, design and drawings for the Bridge 19 works;
 - b) Detailed design for replacement of the access track culvert, temporary diversion works and permanent diversion works for both intermittent and perennial streams;
 - c) Management and mitigation measures necessary for the Bridge 19 construction works;
 - d) Detail of all planting required by this consent.

The Bridge 19 construction works authorised by this consent shall not commence until the Consent Holder has received notice that the relevant SSEMPs have been certified by the Manager.

Pre-construction conditions

5. The Manager shall be given a minimum of two working days (48 hours) notice prior to the works commencing.

Note: Notifications can be emailed to notifications@gw.govt.nz. Please include the consent reference WGN170285 and the name and phone number of a contact person responsible for the works.

6. The Consent Holder shall arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on-site and invite, with a minimum of 48 hours' notice, the Wellington Regional Council and the contractor undertaking the works.

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

Ecological Mitigation

Terrestrial mitigation planting

7. The Consent Holder shall undertake and ensure the ongoing management and protection in perpetuity of no less than 0.98ha of terrestrial mitigation planting to mitigate the effects of the removal of up to a total of 0.98ha of native riparian vegetation.

The mitigation planting shall be implemented, maintained, managed and protected within and as part of the ecological mitigation sites specified under G.31 of the *Board of Inquiry (BoI) Transmission Gully – Volume 2: Conditions Schedule D “Proposed Mitigation Sites and Treatments”*, unless an alternative location is agreed to by the Manager in writing, prior to mitigation planting being undertaken.

Stream mitigation

8. The Consent Holder shall undertake and ensure the ongoing management and protection in perpetuity of the following ecological mitigation to mitigate the effects of up to a total of 650m of stream works in the perennial flowing tributary ‘Duck 15’ and the main stem of Duck Creek, and up to 15m of stream works in an unnamed intermittent stream associated with permanent diversion works:

- a) No less than 816 lineal metres of native riparian mitigation planting to be implemented, maintained and protected alongside perennial flowing sections of stream in the upper Cannons Creek catchment of Belmont Regional Park (Cannons Creek Ecological Mitigation Site) and/or the Duck 11 Ecological Mitigation Site, in the locations as shown in Appendices B and C of the *Allocation of Mitigation Requirements to Cannons Creek and Duck 11 Ecological Mitigation Sites* Report prepared by Cardno dated 27 October 2017, unless an alternative mitigation site is approved by the Manager;

and

- b) No less than 841 lineal metres of native riparian mitigation planting to be implemented, maintained and protected alongside intermittently flowing sections of stream in the upper Cannons Creek catchment of Belmont Regional Park (Cannons Creek Ecological Mitigation Site) and/or the Duck 11 Ecological Mitigation Site, in the locations as shown in Appendices B and C of the *Allocation of Mitigation Requirements to Cannons Creek and Duck 11 Ecological Mitigation Sites* Report prepared by Cardno dated 27 October 2017, unless an alternative mitigation site is approved by the Manager.

If with Managers approval, as provided for by a) and b) of this condition, it is determined that the constructed diversion channel can contribute towards the required mitigation quantum, any agreed contribution shall be taken off the length of intermittent stream mitigation required to ensure that the greatest possible length of mitigation along perennial streams is achieved.

Riparian mitigation planting shall have a minimum width of 20m on each stream bank, unless an alternative planting width is approved by the Manager prior to planting occurring.

Prior to implementation of the required mitigation planting the Consent Holder shall provide an update to the Manager explaining how it is intended the mitigation planting will be legally protected in perpetuity.

Mitigation implementation, monitoring and maintenance

9. The mitigation planting, required by Conditions 7 and 8 of this consent, and the associated ongoing monitoring and maintenance shall be implemented in accordance with the requirements and timeframes set out in the EMMP, unless otherwise specified in the conditions of this consent. The initial pioneer mitigation planting (which will comprise the majority of the planting) shall be completed prior to **30 September 2022** ~~opening of the Transmission Gully main alignment for~~

~~public use~~. Any subsequent enrichment planting shall be implemented in accordance with the timeframes set out in the EMMP.

10. Prior to commencement of the mitigation planting specified in Conditions 7 and 8 of this consent the Consent Holder shall provide, as a minimum, the following mitigation detail as part of a SSEMP:
 - i. A programme for implementation of the mitigation planting required by Conditions 7 and 8 of this consent;
 - ii. A plan demonstrating the location and areas where mitigation planting is to be implemented;
 - iii. Details of the plant species, the number and relevant composition of plant species, and planting densities;
 - iv. Subject to condition 12, details of and a programme for maintenance, monitoring and measuring success of the required mitigation planting.

Mitigation planting shall not commence until the SSEMP has been certified by the Manager. The mitigation planting shall be carried out in accordance with the certified SSEMP.

Legal and physical protection of stream mitigation

11. The Consent Holder shall use its best endeavours to procure from the land owner the entering into of an appropriate legal mechanism approved by the Manager to ensure that, regardless of current land ownership or any future ownership/tenure changes, the areas of land required for ecological mitigation planting required by Conditions 7 and 8 of this consent are protected and managed in a manner that achieves at least the area and length of mitigation planting specified by Conditions 7 and 8 in perpetuity. The Consent Holder shall report progress on meeting the requirements of this Condition upon request from the Manager.

The Consent Holder shall not:

- Open the Transmission Gully main alignment for use by the public unless a legal mechanism approved by the Manager is in place in relation to all the land required for mitigation planting under Conditions 7 and 8 of this consent, or all of the land required for mitigation planting under Conditions 7 and 8 of this consent is subject to the Transmission Gully designation;
- Take active steps for the sale of any of the land required for mitigation planting as identified in Conditions 7 and 8 of this consent until a legal mechanism approved by the Manager is in place.

The legal mechanism shall detail how the protection and ongoing management of the mitigation planting specified in Conditions 7 and 8 of this consent will be achieved in perpetuity. The legal mechanism shall, as a minimum, include all the items listed in Condition 13 of this consent.

The legal mechanism shall not be terminated or varied without the prior approval of the Manager.

Note: *Notwithstanding mitigation planting will occur on land not owned by the Consent Holder, the Consent Holder will have ultimate responsibility, under this consent, for ensuring that the mitigation planting is protected and managed in perpetuity.*

12. All mitigation planting that is to be undertaken under Conditions 7 and 8 shall be subject to a three year maintenance period which shall commence from the time planting is undertaken in each

planting area. At the completion of the three year maintenance period for each planting area, the Consent Holder shall engage a suitably qualified ecologist to carry out a full review of the success of the revegetation in that planting area to ensure it has met the mitigation requirements set out in the EMMP.

The results of the review shall be provided to the Manager for certification:

- a) That the planting has met the requirements of the EMMP; and/or
- b) To identify any remedial actions that need to be carried out.

Where any remedial actions are required, the Consent Holder shall provide a programme and description of remedial actions to the Manager for certification within a timeframe agreed to in writing by the Manager. These actions shall be carried out as soon as practicable having regard to weather and appropriate planting seasons.

A further review of each revegetation area shall be carried out by a suitably qualified ecologist after 10 years of completion of the planting in each area to determine whether further actions are required to achieve the EMMP Ten Year Review mitigation success criteria. If necessary the EMMP shall be amended to incorporate any agreed additional works relating to achieving mitigation success.

13. The mechanisms to achieve ongoing management and protection in perpetuity of the mitigation planting required by Conditions 7 and 8 of this consent shall be set out in the EMMP and in the legal protection mechanism required in Condition 11. To achieve ongoing management and protection the Consent Holder shall as a minimum:
 - i. Prevent the landowner from causing or permitting the felling, removal, burning or taking of any native trees, shrubs, plants or native fauna;
 - ii. Require the planting of any trees, shrubs, or plants be undertaken with a preference for specimens sourced from the ecological district in which the land is situated;
 - iii. Require the landowner to take reasonable steps to prevent the introduction of any noxious substance or substance otherwise injurious to plant life except as required for the control of pests;
 - iv. Prevent access by stock by providing and requiring the landowner to maintain fences and gates except where the provisions of the Fencing Act 1978 apply;
 - v. Require the landowner to control deer, goats and pigs to achieve the conditions of this consent, and to prevent significant loss of existing natural values;
 - vi. Require the landowner to control all weeds and pests to the extent required by any statute and in particular comply with the provisions of, and any notices given under the Biosecurity Act 1993 and the Wild Animal Control Act 1977.

Fish Passage

14. The Consent Holder shall install a fish exclusion device downstream of the Bridge 19 works to ensure that fish are excluded from the affected reaches during construction.
15. Once works are complete and the fish exclusion devices are removed, the Consent Holder shall ensure fish passage is restored and maintained.

Permanent Diversion

16. The Consent Holder shall ensure that the permanent diversion achieves and maintains an adequate surface flow of water from the time of livening onwards.

Works remain the responsibility of the Consent Holder

17. The works shall remain the responsibility of the Consent Holder and shall be regularly inspected and maintained by the Consent Holder to the satisfaction of the Manager so that:
- a) Any erosion, scour or instability of the stream bed or banks or the diversion channel that is attributable to the works carried out as part of this consent is remedied by the Consent Holder;
 - b) The stream and diversion channel remains substantively clear of debris;
 - c) Any works that impede or restrict fish passage upon completion of works shall be rectified by the Consent Holder.

The Manager shall be advised of proposed maintenance works prior to any works being carried out.

Note: *Maintenance works, that are not a Permitted Activity under the Regional Plans, do not include any works outside of the scope of this consent. Any additional works following completion of the construction works as proposed in the application, may require further resource consents.*

Accidental discovery

18. Should wāhi tapu or other cultural sites be unearthed during earthworks, the contractor shall:
- a) Cease operations within 20 metres of the find
 - b) Inform local iwi (Ngati Toa)
 - c) Any taonga (finds) will be held by Ngati Toa for safe keeping while Heritage New Zealand carry out their processes.
 - d) Inform Heritage New Zealand and apply for the appropriate authority if required; or
 - e) Take appropriate action, after discussion with Heritage New Zealand, Council, and iwi, to remedy damage and/or restore the site.

Note: *In accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is present (uncovered), an authority from Heritage New Zealand is required if the site is to be modified in any way.*

Completion of works

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

Consent duration

20. Pursuant to section 123 of the Act, the following consent durations apply to consent WGN170285:

- a) Consents [34692] (diversion of surface water) shall expire 35 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act).
- b) Consent [34693], [34971] (discharge to land and water) shall expire 5 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);
- c) Consent [34970] (land-use earthworks) shall expire 5 years from the date of commencement (pursuant to Section 116 (1A) (a) of the Act);
- d) Consent [34691] (reclamation) is unlimited and does not expire. The conditions on this consent will endure in perpetuity - particularly conditions 7-13.

Conditions 1-21 apply to Consents WGN170285 [34691], [34692], [34693], [34970] and [34971].

Review condition

21. The 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 at any time within six months of the first, third, fifth and seventh anniversaries of the date of commencement of the works authorised by this consent for any of the following purposes:

- a) 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 that time.
- b) To review the adequacy of the construction operating and maintenance processes and the monitoring requirements for this consent so as to incorporate any modifications to the construction operational and maintenance procedures or monitoring that may be necessary to deal with any adverse effects on the environment arising from the exercise of this consent.
- c) To address the adequacy of the mitigation protection requirements specified in Conditions 7 and 8 of this consent in meeting the required outcome of protection of mitigation works in perpetuity.

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: *In respect of Condition 21(c), discussions and outcomes regarding Project wide mitigation protection requirements, including interpretation of G.31A of the Board of Inquiry Transmission Gully – Volume 2: Conditions, will be taken into account when considering whether to review Conditions 7 and 8 of this consent.*

General notes

- a) A resource management charge, set in accordance with section 36(2) of the Resource Management Act 1991 shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring, and supervision of resource consents and for the carrying out of its functions under section 35 (duty to gather information, monitor, and keep records) of the Act.
- b) The Wellington Regional Council shall be entitled to recover from the Consent Holder the costs of any review, calculated in accordance with and limited to the Council's scale of charges in force and applicable at that time pursuant to section 36 of the Resource Management Act 1991.

Note: *Additional resource consents from your local council may be required to undertake this proposal. We advise you to contact the Wellington City Council prior to commencing works.*

Reasons for decision report

1. Background and proposed changes

Waka Kotahi NZ Transport Agency (Waka Kotahi, the applicant) have applied to change conditions of consent WGN170285. The purpose of the change is to revise the date by which pioneer planting must be undertaken.

In June 2012, a Board of Inquiry confirmed the Notices of Requirement and granted the associated resource consents for the Transmission Gully Project (TGP). Subsequent changes to design for the TGP required a variety of additional consents (including WGN170285, i.e. the consent subject to this report) referred to as post-Board of Inquiry consents.

A key requirement of consent WGN170285 is to undertake riparian mitigation planting with a planting margin of 20m each side of the relevant stream reaches unless otherwise agreed by GWRC. Consent WGN170285 requires that planting must be shown in Site Specific Environmental Management Plans (SSEMP) to be certified by Greater Wellington Regional Council (GWRC) prior to planting commencing and pioneer planting must be completed prior to the opening of TG for public use.

Waka Kotahi has advised that in order to complete the pioneer planting required by post BoI consents including WGN170285 prior to road opening, they completed planting at their own risk ahead of the relevant SSEMPs being certified by GWRC. The GWRC review of the SSEMPs has now identified areas where pioneer riparian planting is less than the 20m width required by this consent. I note that SSEMP reviews of Post BoI consents WGN170140, WGN180038 and WGN180091 have identified the same non-compliance with consent conditions. Changes to consent conditions applications have been lodged for WGN170140, WGN180038 and WGN180091 and these are being processed concurrently.

To address this matter, Waka Kotahi have advised that either further planting will be undertaken or planting may be re-allocated from other consents which do not have conditions linked to Road opening. It is proposed that any further planting required will take place within the Cannons Creek catchment this planting season (1 April to 30 September 2022); this planting would not be completed prior to the planned road opening which is anticipated to be (at the time of writing this report) prior to the end of March 2022. Therefore, a change of conditions is being sought to require that the planting is completed by the end of the 2022 planting season.

The nature, extent, and locations of any additional planting are matters to be certified by GWRC through the SSEMP process, and therefore do not require consideration for the purpose of this application.

The proposed change necessitates changes to consent conditions 1 and 9 as summarised in the table below.

Note: Wording added in **bold**; wording removed in ~~strike through~~.

No.	Condition details
1	<p>The location, design, implementation and operation of the activity shall be in general accordance with the following:</p> <ul style="list-style-type: none"> • Consent application and its associated plans and documents lodged with the Wellington Regional Council on 5 April 2017 (Resource Consent Application and AEE – Bridge 19); • Further information received 9 May 2017 regarding cumulative effects of sedimentation and the submission of an Erosion and Sediment Control Plan to address erosion and sediment control matters; • Further information received 14 July 2017 relating to an ecological mitigation proposal to address the effects of stream loss and disturbance, the clarification of the classification of the minor tributaries affected and provision of the updated 90% design plans; • The email from Andrea Millar received 16 August 2017 confirming that all mitigation shall be off-set mitigation; • The email from Andrea Millar received 18 August 2017 including the further information provided to Wellington City Council on 7 July 2017 regarding natural character and landscape treatments; • Further information received on 24 August 2017 to formalise resolution of erosion and sediment control and ecological mitigation matters; • The email received from Tim Strange on 30 October 2017 containing the Report prepared by Cardno, dated 27 October 2017, titled Allocation of Mitigation Requirements to Cannons Creek and Duck 11 Ecological Mitigation Sites; and • Change in consent conditions application submitted under s127 of the Resource Management Act received 17 March 2022 (application to change the timeframes for the provision of mitigation planting). <p>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.</p> <p><i>Note: Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or change of consent conditions pursuant to section 127 of the Resource Management Act 1991.</i></p>
9	<p>The mitigation planting, required by Conditions 7 and 8 of this consent, and the associated ongoing monitoring and maintenance shall be implemented in accordance with the requirements and timeframes set out in the EMMP, unless otherwise specified in the conditions of this consent. The initial pioneer mitigation planting (which will comprise the majority of the planting) shall be completed prior to 30 September 2022 opening of the Transmission Gully main</p>

No.	Condition details
	alignment for public use. Any subsequent enrichment planting shall be implemented in accordance with the timeframes set out in the EMMP.

In accordance with section 127(3) of the Act this application has been considered as a **discretionary activity**.

2. Consultation

Iwi authority	Comments
Ngāti Toa Rangatira	Ngāti Toa Rangatira were provided with a copy of the application in accordance with the agreement between GWRC and the iwi group. Ngāti Toa Rangatira did not raise any concerns regarding the delay in pioneer planting as described in the application.
Other parties or persons	Comments
Keith Hamill, Environmental Scientist, River Lake Limited	Mr Hamill reviewed the ecological assessment provided with the application and provided advice regarding effects to freshwater ecology. Outcomes of consultation with Mr Hamill are summarised in section 4 of this report.
Nicholas Singers, Ecologist, NSES Limited	Mr Singers reviewed the ecological assessment provided with the application and provided advice regarding effects to terrestrial mitigation planting. Outcomes of consultation with Mr Singers are summarised in section 4 of this report.

3. Notification decision

A decision was made to process the application on a non-notified basis on 25 March 2022. Further information on the notification decision is provided [here](#).

4. Effects of condition change

4.1 Environmental effects

A full assessment of environmental effects was made under WGN170285 as set out in the decision report on **3 November 2017**. This assessment focusses on the environmental effects of changing conditions 1 and 9 only.

Pioneer mitigation planting is currently required to be undertaken prior to the opening of Transmission Gully for public use. At the time of writing this report

road opening does not have a specific date but it is expected to be open before the end of March.

Waka Kotahi has proposed that the identified shortfall in pioneer planting will be undertaken prior to 30 September 2022 (the end of the 2022 planting season). Assuming the road opens by the end of March that would result in a maximum delay of 6 months in the provision of all required pioneer planting.

The applicant has assessed adverse effects associated with this delay to be less than minor (section 3 of the application). The applicant's conclusions are generally based on the following:

- Any additional planting required to make up the shortfall is a small proportion of the overall planting which has been undertaken to fulfil conditions of consent.
- Additional planting required to make up the shortfall will be completed in the 2022 planting season. How much of a delay that represents from the current consent conditions depends on the date of road opening, which has not yet been set. If the road is opened by April, the maximum difference in completion of planting between the current consent conditions and the proposed conditions would be up to six months. The expected plant growth over that time is not expected to be significant.
- A maximum delay of 6 months is not expected to unduly delay overall plant growth and the required mitigation outcomes.

The assessment has been reviewed by Mr Hamill and Mr Singers who concur that adverse environmental effects are likely to be less than minor.

I note that these conclusions are specific to this site based on technical assessment provided and technical reviews provided. Any proposals to delay the provision of mitigation associated with the Transmission Gully Project in any other location would need to be considered on its merits, taking into account the value of the aquatic habitat in question and the length of the delay. The recommendations in this report should not set a precedent for any other consents sought to delay the provision of mitigation at any other location.

5. Statutory assessment

I have assessed the application against the relevant statutory documents and consider:

1. The proposed change is consistent with the Purposes and Principles (Part 2) of the Resource Management Act 1991.
2. The proposed change is consistent with original assessment undertaken in accordance with section 104-108AA of the Act and is consistent with the relevant objectives and policies in the Proposed

Natural Resources Plan. There are no additional or new matters to be considered with this application.

3. The proposed changes to consent conditions meet s108AA of the RMA.

6. Duration of consent

Under section 127(1)(b) of the Act, no consent holder may apply for a change of the consent duration and so the consent expiry date will remain the same.

7. Monitoring

The current compliance monitoring programme and associated charges will remain.