

30 August 2022

File Ref: OIAP-7-24656

By email: [REDACTED]

Tēnā koe [REDACTED]

Request for information 2022-124

I refer to your request for information dated 08 July 2022, which was received by Greater Wellington Regional Council (Greater Wellington) on 08 July 2022. You have requested the following:

“copies of all correspondence between GWRC and PCC, and within GWRC, that has been a consequence of the Panel’s Minute #4, BUT excluding any information all provided with Mr A Cross’ letter to me dated 8 July 2022 (GWRC file ref. OIAP-7-24656)”.

Greater Wellington’s response follows:

You have requested that your request be treated with urgency and have provided the following reasons “as it relates to a current and ongoing matter with restricted time frames, and the provision of this information is essential, so parties (other than GWRC and PCC) are kept up to date about the process and how the Panel’s minute is being dealt with and considered”. Greater Wellington has assessed your request for urgency and has processed your request as soon as is reasonably practicable.

In terms of your request: *to provide copies of all correspondence between GWRC and PCC, and within GWRC, that has been a consequence of the Panel’s Minute #4 BUT excluding any information all provided with Mr A Cross’ letter to me dated 8 July 2022 (GWRC file ref. OIAP-7-24656)*, please refer to **Attachment 1**.

The following information has been withheld under the Local Government Official Information and Meetings Act 1987 on the following grounds:

- information pertaining to the contact details of natural persons have been withheld under section 7(2)(a) of the Act in order to protect the privacy of natural persons, including that of deceased natural persons.

We have considered whether the public interest in the requested information outweighs Greater Wellington's need to withhold certain aspects of the requested correspondence. As a result, we do not consider that the public interest outweighs Greater Wellington's reason for withholding parts of the document under the grounds identified above.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Al Cross
Kaiwhakahaere Matua Taiao | General Manager, Environment Management

Attachment (1)

From: [Michelle Conland](#)
To: [Owen Spearpoint](#)
Subject: Assistance with a wetland identification
Date: Wednesday, 29 June 2022 6:00:21 pm
Attachments: [image001.png](#)
[Minute # 4 - PWWTP \(1\).pdf](#)
[Minute # 4 - Attachment 1 - Brian Warburton's statement.pdf](#)

Hi Owen

I've been involved with the Porirua Wastewater Treatment Plant wastewater discharge to the CMA. An issue has come up during the hearing, with Brian Warburton (one of the submitters, and a retired planner) stating that there is a coastal wetland approximately 50m from the discharge point (His statement is attached), and that this needs to be assessed in relation to the NES-F given the recent court case in Auckland regarding the mangroves and discussion about coastal wetlands. We have received a minute from the hearing panel (which I've also attached) which is asking for some information about the wetland (see para 11 and 14 in particular). This is largely a task for the applicant (and there are still planning aspects to be resolved), but GW as the regulatory authority has been tasked by the hearing panel to review the information.

The applicant has used David Cameron for their ecology assessment but he's not a wetland expert. David is keen to go out on site to have a look at the extent of this area, and is keen for you to go with him. Your role would be to inform the process of wetland identification but you are not expected to undertake the assessment. It would be useful if you could note if you think there are any wetland species present and if so, if any are rare or scheduled in the PNRP if possible. If needed, the applicant will fly someone to Wellington to do the assessment. We will need to approve their methodology and then comment on their assessment.

Jude Chittock is very keen to keep this work in house and with you if possible, as this may be the first of more assessments of coastal wetlands and it would be good to be able to utilise your expertise for any future applications.

Please let me know if you are keen and able to do this work and I will let the applicant know so the site visit can be arranged.

Jude and I will be in the office on Friday if you wanted to chat about this further.

Ngā mihi

Michelle



Michelle Conland (she/her)

Kaitohutohu Matua | Contract Resource Advisor

Greater Wellington Te Pane Matua Taiao

101 Cuba Street, Te Aro

PO Box 11646, Manners St, Wellington 6142

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BEFORE GREATER WELLINGTON REGIONAL COUNCIL

IN THE MATTER OF

**Resource Consent application for
Porirua Wastewater Treatment Plant**

APPLICANT

Porirua City Council

MINUTE # 4 OF HEARING COMMISSIONERS:

COASTAL WETLAND

DATED 23 JUNE 2022

Minute # 4 of Hearing Commissioners
Porirua Wastewater Treatment Plant
WGN200229

Introduction

1. This Minute addresses a request by Mr Warburton (submitter 947) that the commissioners should accept a supplementary statement he provided to us, dated 20 June 2022. The commissioners have agreed to Mr Warburton's request. The statement outlines matters related to interpretation of the National Environmental Standard for Freshwater (NES-F) and the possible existence of an area of coastal wetland near the existing sewer outfall at Rukutane Point.
2. In accepting Mr Warburton's supplementary statement, we consider that it should be responded to by both the Applicant and Greater Wellington Regional Council (GWRC). The hearing panel anticipates that this information will contribute to a more robust decision.
3. The hearing is still in progress, having been adjourned on Thursday 16 June. We will not officially close the hearing until after all additional information sought by the panel has been provided to our satisfaction.
4. On Thursday 16 June, the panel signalled to the Applicant and other parties present that a Minute or Minutes would be issued to seek further information. Minute # 4 requesting information related to Mr Warburton's supplementary statement has been prepared on that basis.
5. The subject matter of our request for further information includes:
 - The existence of a natural wetland near the existing outfall
 - If it exists, the status of that wetland under the NES-F
 - The relevance of the wetland's NES-F status to the discharge consent process
6. We make the request for further information under the authority delegated to us by section 41C of the Resource Management Act (RMA).

Warburton Supplementary Statement

7. Mr Warburton (submitter 947) appeared at the hearing on Tuesday 14 June. His original written statement at the hearing included references to the NES-F, and its possible relevance to the status of the proposed discharge under that Standard. He has since provided a supplementary statement which expands on those matters. Mr Warburton's supplementary statement is included as Attachment 1 to this Minute.
8. The commissioners have decided to accept his supplementary statement (20 June) on the basis that:
 - The hearing is not closed.
 - The supplementary statement provides further information in relation to a matter covered in the original statement presented at the hearing.
 - A hearing panel has the ability to "receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectively with the subject of the inquiry".

- Our ability is conferred via section 41 of the Resource Management Act, and section 4B of the Commissions of Inquiry Act.
9. In our opinion the matters raised by Mr Warburton are worthy of review and clarification by both the Applicant and GWRC, notwithstanding that this may require some further fieldwork on the part of the Applicant.

Matters for Review and Response

10. Having regard to the contentions of Mr Warburton, as set out in his supplementary statement, we require the Applicant and GWRC to review and respond to the matters outlined below.

Wetland Existence

11. Mr Warburton identifies some vegetation on the coastal margin, with parts potentially being either above or below mean high water springs. We require relevant experts of the Applicant to undertake fieldwork that establishes:
- a) What the vegetation is.
 - b) What parts, if any, lie above or below mean high water springs.
 - c) Whether and to what extent the vegetation is affected by the current discharge.
 - d) Whether and to what extent the vegetation would be affected by the future discharge (up to 2043).

Legal Status of Vegetation

12. Mr Warburton refers to the possible status of the vegetation under the NES-F, which may have implications for the RMA consent process. We therefore require the Applicant to:
- a) Follow the guidance prepared by Ministry for the Environment¹ in assessing² whether the vegetation comprises a wetland (and what type of wetland).
 - b) Consider relevant case law.
 - c) Identify the status of the vegetation under the New Zealand Coastal Policy Statement (NZCPS), Proposed Natural Resources Plan (PNRP), or any other relevant document or classification system.
 - d) Advise what regulation of the NES-F, if any, we should consider the vegetation under.

Consent Process

13. Outcomes from the fieldwork and review outlined above will have implications for the consent process. We require the Applicant to set out those implications and the reasons for reaching any conclusions. The Applicant should distinguish between facts, assumptions, and opinions in reaching those conclusions.

Review

14. We require GWRC ecology and planning experts to:

¹ *Defining 'natural wetlands' and 'natural inland wetlands'*, Ministry for the Environment, September 2021

² Including use of the various 'tools' referred to in Figure 1 of the Guidance

- a) Prior to the fieldwork described under paragraph 11 taking place, review and certify the Applicant's methodology.
- b) Critically review and report to the panel on the Applicant's outputs from the work described under paragraphs 11, 12 and 13.

Timeframe

15. We have not set a date for providing a response to these matters. However, in discussion with the Applicant's counsel at the hearing, we discussed an indicative delivery timeframe. It was agreed that any information provided in response to our directions, should be provided in time for the Applicant's legal counsel to draft and submit their right of reply (closing legal statement) to us within a month. This remains an indicative timeframe and we may change it in response to requested information as it is received. All parties to the hearing will receive timeframe updates.

Correspondence

16. Any correspondence with the commissioners should be directed through Joshua Knowles, Joshua.Knowles@gw.govt.nz, 021 346 778



Mark Ashby

Hearing Panel Chair

On behalf the Commissioners

IN THE MATTER OF: **The RESOURCE MANAGEMENT ACT 1991**

AND

IN THE MATTER OF: **An APPLICATION for RESOURCE CONSENTS – WASTEWATER TREATMENT PLANT at PORIRUA**

MEMORANDUM

SUPPLEMENTARY STATEMENT

by

BRIAN WARBURTON

20 June 2022

SUPPLEMENTARY STATEMENT TO THE HEARING PANEL BY BRIAN WARBURTON

Introduction

1. This Memorandum is filed in relation to the application for resource consents associated with the Wastewater Treatment Plant (WWTP) at Porirua.
2. I seek leave from the Panel to file a supplementary statement in support of my submission, and in respect of the provisions and implications of the National Environmental Standards for Freshwater that have been the subject of:
 - the representation to the Panel by Mr Peterson for the applicant (PCC) on 13 June 2022,
 - the preliminary legal submissions by Mr Hudspith for the applicant (PCC) on 13 June 2022,
 - my presentation to the Panel on 14 June 2022, and
 - the reply on behalf of GWRC by Ms Conland on 16 June 2022.
3. I am conscious of the fact that on 14 June 2022 I provided information in my verbal presentation that is material to the Panel's deliberations. I referred to advice I had (then) recently received from a reliable source suggesting the presence of a natural wetland in the vicinity of the WWTP outfall. The tardiness of this advice was genuine. I have prepared and sent this memorandum because I think it is materially important to the proceedings, and the Panel's considerations.

Natural Wetland

4. I have sought, and now received, clarification about the natural wetland in the vicinity of the WWTP outfall to which I referred on 14 June 2022.
5. I am informed that this is part of the coastal environment in the vicinity of the WWTP outfall is best described as an: "*Apodasmia similis-Selliera radicans- Samolus repens* var. *repens* rushland".
6. The area to which I refer is generally defined on the attached aerial photograph (Attachment A). The image in Attachment B shows this area in relation to the seaward edge of the 'LINZ NZ Coastlines – MWS' polygon which is accessible here: <https://data.linz.govt.nz/layer/105085-nz-coastline-mean-high-water/> and to which I also referred on 14 June 2022. The highlighted part of these images has an area of about 85m², and encompasses land between 59 and 80 metres from the site of the WWTP outfall.
7. The three species encompassed by the description cited above are all indicator wetland species. In this regard I refer to GWRC's Technical Guidance here:

<https://archive.gw.govt.nz/assets/Biodiversity/Wetland-Technical-Determination.pdf>

I also provide the following links to technical information relating to each species accessible from the New Zealand Plant Conservation Network website.

<https://www.nzpcn.org.nz/flora/species/apodasmia-similis/>

<https://www.nzpcn.org.nz/flora/species/selliera-radicans/>

<https://www.nzpcn.org.nz/flora/species/samolus-repens-var-repens/>

8. I have attached photographs of examples of these three species (Attachment C). These photos were taken at Rukutane Point on 18 June 2022 and show vegetation within the 85m² area along with some immediately adjacent land.

Consent Requirements

9. From my perspective, the Panel has received some conflicting and inconclusive advice about the status of the proposed WWTP upgrade as far as the requirements and obligations of the NES-F are concerned.
10. On 13 June 2022 Mr Peterson (planner for the applicant) referred to potential consent obligations under the NES-F but intimated that no consents were required because the performance conditions under Reg. 46(3)(a) could be met. I can't recall Mr Peterson confirming that he was relying on ecological advice in coming to his conclusion. I also can't recall Mr Peterson bringing the Panel's attention to the fact that the conditions under Reg. 55 of the NES-F are also applicable.
11. On 16 June 2022 Ms Conland (GWRC resource advisor) presented to the Panel and spoke to her amended section 42A RMA report. As far as this matter is concerned, Ms Conland focused on two aspects:
- a. She claimed that I had said that: "*the application is a non-complying activity under Reg 54*"
 - b. She agreed with the applicant that in terms of Reg. 46(3)(a) of the NES-F the proposal is encompassed by the term: "*operation or maintenance*".
12. Furthermore, in response to a question from Commissioner Burge, Ms Conland advised the Panel that she had visited the Rukutane Point site, but she had not seen anything that would resemble a wetland: "*as that term is commonly understood.*"
13. For clarity, I did not make the statement Ms Conland assigns to me. As the Panel will recall, at Para. 65 of my 14 June 2002 statement I said this:
- "Should consent under the NES-F be required** (because the discharge is within 100 metres of a natural wetland) *I think the activity for which PCC is seeking consent would be categorised as a non-complying activity under Regulation 54(c) under the NES-F."*
14. In addition, I recall Ms Conland suggesting her professional qualification and experience are confined to general planning, and resource advisory aspects, related to the RMA.

15. I also can't recall Ms Conland, nor Mr Peterson, making any reference to ecological advice they might have been relying upon, nor that the conditions under Reg. 55 of the NES-F are also applicable.
16. As far as I am aware, the applicant and the consenting authority have not presented any evidence that addresses the inherent ecological questions about the applicability and implications of the NES-F.

Consequences of the Information Provided with this Memorandum

17. I consider the NES-F is drafted so that activity status and consent requirements cannot be determined without ecological input. However, that does not appear to be Mr Peterson's, nor Ms Conland's, approach.
18. Applying ecological input is particularly important as a consequence of the High Court's recent judgment (<https://www.nrc.govt.nz/media/c5tlyt5s/high-court-decision-on-jurisdiction-of-nes-f-in-cma-2021-nzhc-3113-18-november-2021.pdf>).
19. For the Panel's benefit I have compiled the attached 'decision tree' (Attachment D). This outlines the key matters a consent authority must take into consideration in the circumstances of this WWTP application as far as it relates to the NES-F.
20. I have attempted to appropriately colour-code this diagram so the main areas of uncertainty (which should be resolved before any consent is granted) are apparent.
21. One such matter is Reg. 55(3)(a)(ii) of the NES-F.
22. In fundamental terms this says that consent is required if the discharge results in: "*production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.*"
23. Images are attached at Appendix D showing probable non-compliance with this condition. Photos showing the spatial relationship between the wetland, and the outfall and the driftwood line are also included (Attachment E). All images were taken on 18 June 2022.

Summary

24. The information I've provided suggests there is land within 100m of the WWTP outfall that potentially meets the RMA definition of 'natural wetland' and the activity (for which consent is being sought) is such that the restrictions under the NES-F likely apply.
25. I think it should be apparent to the Panel that the provisions of the NES-F are sufficiently relevant to the proposed activity as to require additional information from the applicant.

26. As I noted in my presentation on 14 June 2022, the consenting authority is precluded from granting consent to an activity if an essential RMA consent is required but application for that consent has not been made.
27. I think that is the case here, and the Panel must therefore defer considering the proposal until this aspect of the proposed activity, and all related proceedings, are satisfactorily resolved.

Brian Warburton



20 June 2022

PROACTIVE RELEASE

ATTACHMENT A: Location and Outline of Wetland



ATTACHMENT B:

Location and Outline of Wetland and Notional CMA Boundary



ATTACHMENT C:

Images of Wetland Species at Outfall



Apodasmia similis



Sellierra radicans

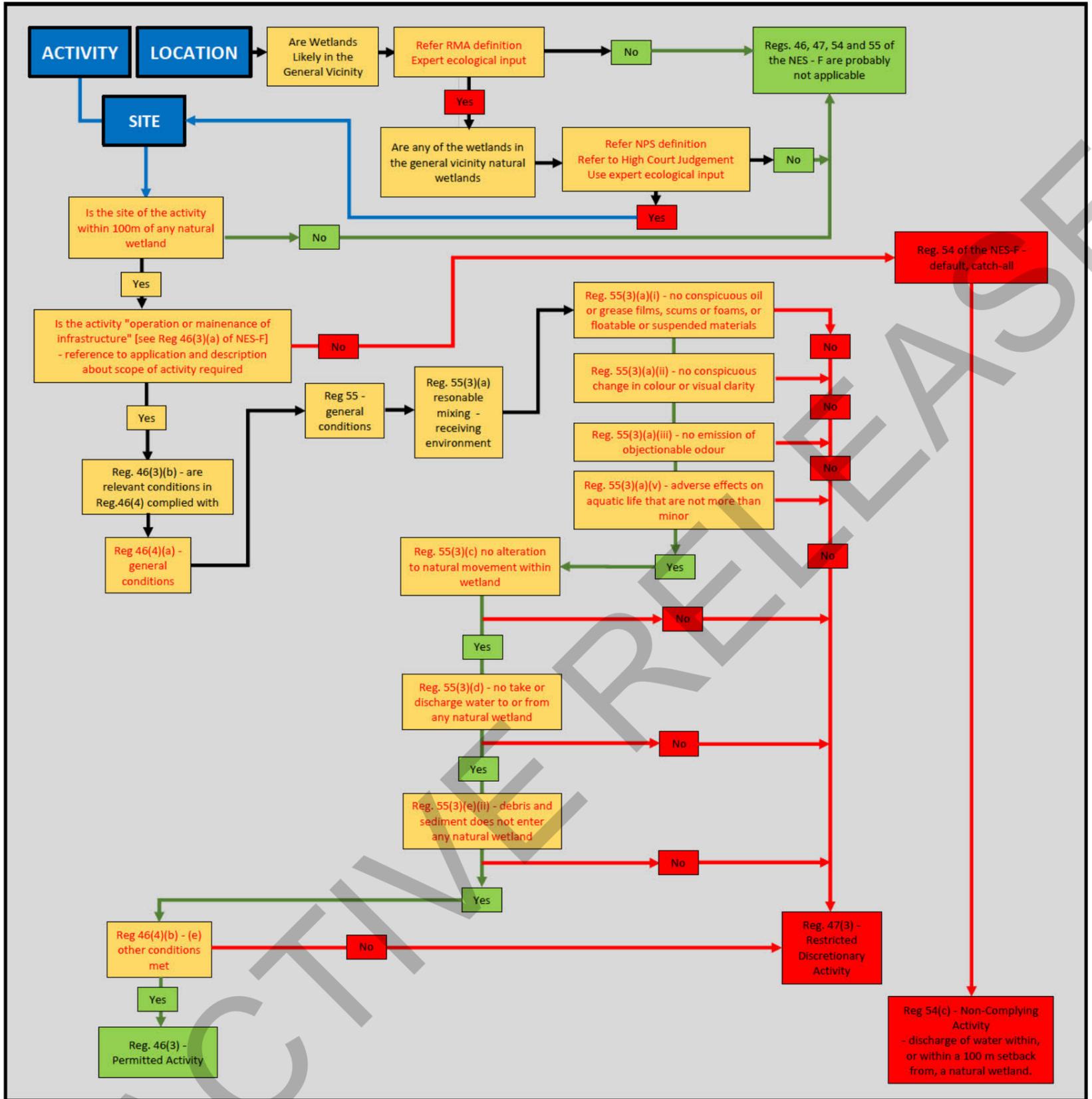


Samolus repens var. *repens*

ATTACHMENT D:

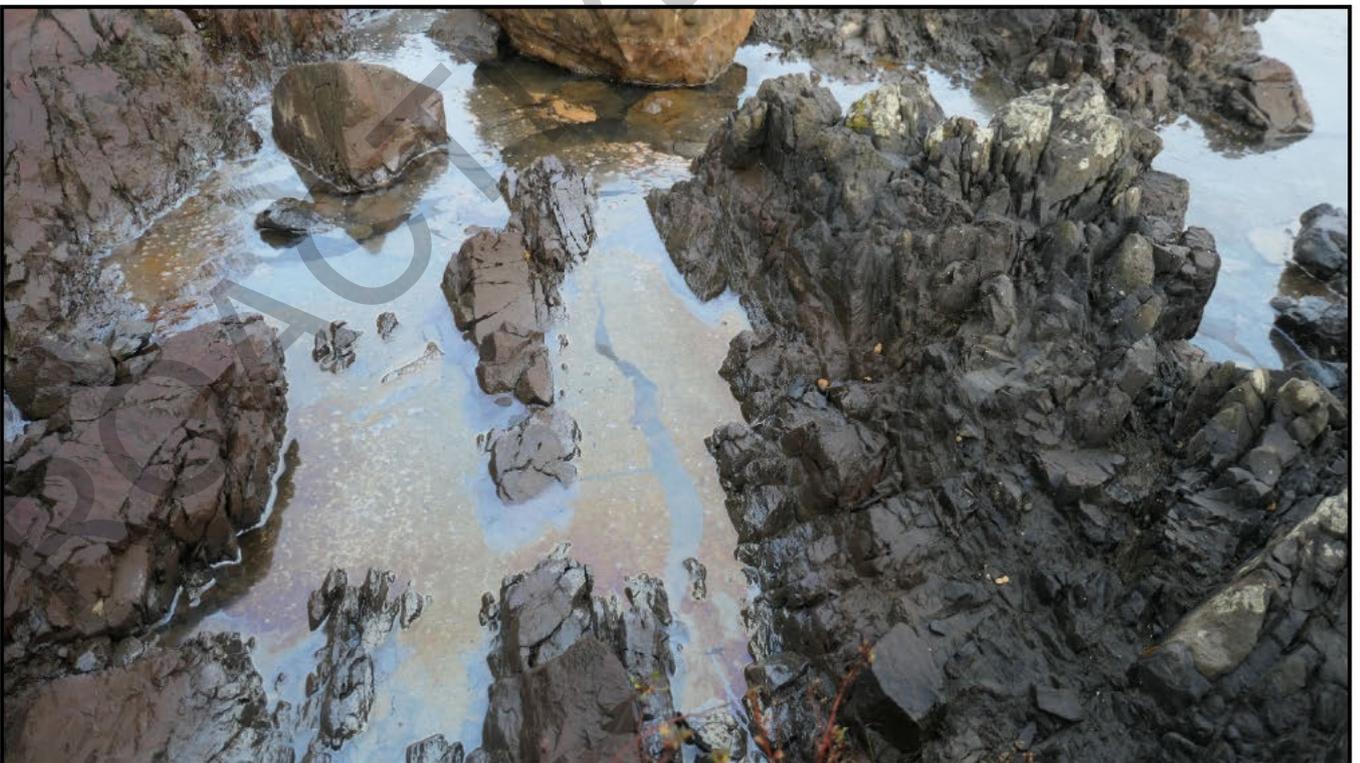
Consenting Decision Tree

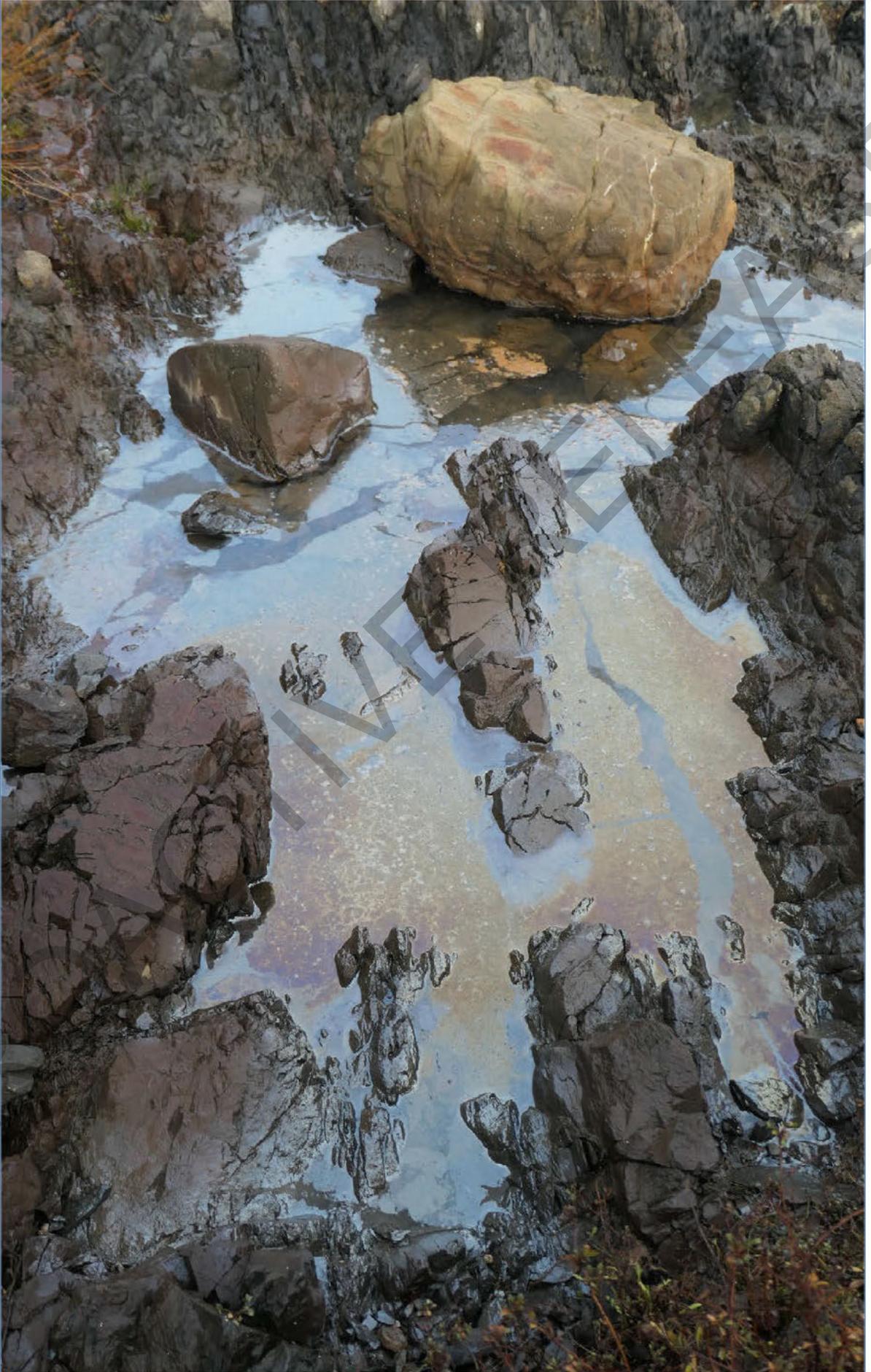
PROACTIVE RELEASE



PROA

ATTACHMENT E: Images Showing Probable Non-Compliance with Reg. 55(3)(a)(i) of NES-F (*“production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.”*)











ATTACHMENT F: Images Showing Spatial Relationship between Wetland, and the Outfall and the Driftwood Line



From: [Joshua Knowles](#)
To: brian.warburton@xtra.co.nz
Cc: [Jude Chittock](#); [Shaun Andrewartha](#)
Subject: RE: Information Required to Process the Resource Consent Application for the Porirua WWTP
Date: Thursday, 30 June 2022 3:25:00 pm
Attachments: [image001.png](#)

Hi Brian,

As mentioned in my previous email I forwarded on your email to the Hearing Panel.

The Hearing Panel provided the following responses in red to your queries:

1. The Panel has directed that PCC's proposed methodology in terms of the 'wetland survey' (to which Para. 11 of the Minute refers) is to be 'certified' by GWRC's ecology and planning experts before any fieldwork is undertaken.

Question: Will GWRC ensure that submitters are a party to correspondence between PCC and GWRC in this respect. If not, why not.

The panel has directed that the methodology is a matter between experts acting for the Applicant and GWRC. The final methodology, as certified by GWRC, will be lodged on the application website and therefore visible to all parties. However, the panel does not intend that the certified methodology be the subject of comment by other parties.

2. At Footnote 1 to, and Para. 11 of, its Minute 2 the Panel has referred to MfE Guidance, and in particular Figure 1 of the Guidance. I note that MfE's guidance is dated September 2021, and that Figure 1 refers to a "pending" Environment Court appeal about the applicability or otherwise of the National Environmental Standards for Freshwater. In this regard, and as a result of a successful appeal to the High Court (decision reported at [2021] NZHC 3113), Figure 1 and the Guidance are now out of date.

Question: Will GWRC staff ensure that the MfE Guidance is read and applied in light of the High Court's judgement (reported at [2021] NZHC 3113)? Is so, how?

The panel trusts experts acting for GWRC and the Applicant to apply a professional approach that takes account of all national direction and the current state of case law.

3. Please let me know the identity of the staff within GWRC to which my questions 1 and 2 above have been directed, if that is the case?

The panel trusts GWRC to use appropriate experts / staff in responding to the directions of the Minute. The panel does not intend that there should be direct correspondence between those persons and other parties in relation to these matters.

I trust that this response addresses your queries. As discussed in previous emails let me know if you have further questions.

Thanks,



Josh Knowles (he/ him)
Kaitohutohu / Resource Advisor
Greater Wellington Te Pane Matua Taiao
Mobile: 021 346778
100 Cuba Street, Te Aro, Wellington 6011
Follow us online: [Facebook](#) | [Twitter](#) | [gw.govt.nz](#)

From: brian.warburton@xtra.co.nz <brian.warburton@xtra.co.nz>
Sent: Wednesday, 29 June 2022 3:40 pm
To: Joshua Knowles <Joshua.Knowles@gw.govt.nz>
Cc: Nigel Corry <Nigel.Corry@gw.govt.nz>
Subject: Information Required to Process the Resource Consent Application for the Porirua WWTP

Hello Josh

Further to my recent correspondence with GWRC because of the hearing panel's minute #4 "Coastal Wetland".

I have three questions. Can you please provide GWRC's advice?

1. The Panel has directed that PCC's proposed methodology in terms of the 'wetland survey' (to which Para. 11 of the Minute refers) is to be 'certified' by GWRC's ecology and planning experts before any fieldwork is undertaken.

Question: Will GWRC ensure that submitters are a party to correspondence between PCC and GWRC in this respect. If not, why not.

2. At Footnote 1 to, and Para. 11 of, its Minute 2 the Panel has referred to MfE Guidance, and in particular Figure 1 of the Guidance. I note that MfE's guidance is dated September 2021, and that Figure 1 refers to a "pending" Environment Court appeal about the applicability or otherwise of the National Environmental Standards for Freshwater. In this regard, and as a result of a successful appeal to the High Court (decision reported at [2021] NZHC 3113), Figure 1 and the Guidance are now out of date.

Question: Will GWRC staff ensure that the MfE Guidance is read and applied in light of the High Court's judgement (reported at [2021] NZHC 3113)? Is so, how?

3. Please let me know the identity of the staff within GWRC to which my questions 1 and 2 above have been directed, if that is the case?

I look forward to GWRC's responses to these questions.

Regards

Brian Warburton

PROACTIVE RELEASE

From: [Peterson, Richard](#)
To: [Michelle Conland](#)
Cc: [Hudspith, Ezekiel](#); [Nicholson, Isaac](#)
Subject: RE: List of conferencing questions [KS-KSNational.FID408944]
Date: Monday, 4 July 2022 7:48:27 am
Attachments: [image002.jpg](#)
[image003.png](#)
[App C final 31 June.docx](#)

Hi Michelle,

Here's the consent conditions with notes and draft amendments as discussed on Friday. I make progress on those elements that I can this week (e.g. the Plan B aspects) and get you a revised version later in the week.

I'll also endeavour to get you a draft updated assessment of the objectives and policies relating to mauri, mahinga kai, kaitiakitanga etc this week.

Do you know if Jude had time to discuss the wetland with GWRC wetland ecologist?

Cheers,
Richard.

From: Michelle Conland <Michelle.Conland@gw.govt.nz>
Sent: Friday, 1 July 2022 3:14 p.m.
To: Nicholson, Isaac <isaac.nicholson@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>
Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>
Subject: RE: List of conferencing questions [KS-KSNational.FID408944]

Hi

Thanks for doing that Richard. I think that's fine, and at the very least will remind the experts of the issues involved.

Michelle

From: Nicholson, Isaac <isaac.nicholson@dentons.com>
Sent: Friday, 1 July 2022 2:41 pm
To: Peterson, Richard <Richard.Peterson@stantec.com>; Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>
Subject: RE: List of conferencing questions [KS-KSNational.FID408944]

Thanks Richard, appreciate the steer on these matters. I will add them to the templates.

Kind regards
Isaac



Isaac Nicholson
Solicitor

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From: Peterson, Richard <Richard.Peterson@stantec.com>

Sent: Friday, 1 July 2022 2:20 p.m.

To: Michelle Conland <Michelle.Conland@gw.govt.nz>

Cc: Nicholson, Isaac <isaac.nicholson@dentons.com>

Subject: List of conferencing questions

[WARNING: EXTERNAL SENDER]

Hi Michelle,

Here's the draft list of conferencing questions that we identified earlier in addition to the questions in the Hear Panel Minutes. Please let me and Isaac know if you think I've got anything worded wrong or if I've missed anything. I send you the revised version of the conditions later this afternoon.

Thanks for your time earlier,
Richard.

Experts	Relevant consent condition	Question or matter to confirm (please provide reasoning or ref to evidence)
Claire / David	7 and 12	Should monitoring wastewater BOD be retained? Should a compliance limit for wastewater BOD be retained?
	8 and 12	Should Faecal coliforms be replaced with enterococci as the indicator bacteria that is monitored daily in the wastewater? Based on water quality effects, alignment with Regional Plan Objective O24 Table 3.3, or any other relevant matter, should a review of the indicator bacteria numeric limit be undertaken. If so at what point and what criteria should be applied?

	9 and 15	Should total nitrogen and total phosphorous be added to the monitoring requirements in these conditions?
	9 and 12A	Should Total arsenic be retained as a compliance condition? If so what limit should be applied?
	14	To ensure that receiving water samples are taken 'off-shore', what minimum depth should be required for the sample sites, or should the existing minimum depth requirement be replaced with a minimum distance from the shore or some other location descriptor? Is it appropriate to apply the same minimum depth / distance requirement to all receiving water monitoring sites? What attributes (e.g. pH, salinity, DO and temp) should the consent holder record at each sampling point in addition to date, time, weather wind etc?
	16	Should the requirement to sample at 'approximately 48 hrs' be retained?
Peter L / Peter C	10A	How would you know value had been gained or not. What criteria would be applied to this assessment?
Peter S / Deborah	Air conditions 4 and 7	Is it accepted that a specific condition on DO alarm levels is not needed and that this matter is adequately addressed in the Odour Management Plan condition 7 (c)

Richard Peterson ([he/him](#))

MRRP

Principal Planner

Direct: +64 4 381 6708

Mobile: +64 27 705 7408



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From: [Peterson, Richard](#)
To: [Michelle Conland](#); [Jude Chittock](#)
Cc: [Cameron, David](#); [Isaac Nicholson](#)
Subject: Wetland site visit
Date: Wednesday, 6 July 2022 1:25:30 pm
Attachments: [image001.png](#)

Hi Jude and Michelle,

Have you been able to confirm whether a GWRC staff member can attend the site visit to determine if the vegetation near the Porirua WWTP outfall is a wetland please?

Thanks,
Richard.

Richard Peterson ([he/him](#))

MRRP

Principal Planner

Direct: +64 4 381 6708

Mobile: +64 27 705 7408



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PROACTIVE RELEASE

From: [Owen Spearpoint](#)
To: [Michelle Conland](#)
Subject: Pic's
Date: Wednesday, 13 July 2022 2:21:00 pm

X:\Temp-Wgtn\Owen Spearpoint\Porirua_TitahiBay_Sewage_outfall

I work Monday to Wednesday.

Owen Spearpoint (he/him)

[Senior Environmental Monitoring Officer]Kaiāpiha Matua Taiao

Land, Ecology and Climate

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PROACTIVE RELEASE

From: [Nicholson, Isaac](#)
To: [Michelle Conland](#)
Cc: [Hudspith, Ezekiel](#); [Peterson, Richard](#); [Cameron, David](#)
Subject: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]
Date: Thursday, 21 July 2022 1:06:43 pm
Attachments: [Coastal wetland site visit.pdf](#)

Kia ora Michelle

Please find **attached** for Greater Wellington's review the memo prepared by David Cameron detailing the findings of his site visit to further investigate the alleged coastal wetland near the WWTP outfall.

Please let me know if you have any questions.

Ngā mihi
Isaac



Isaac Nicholson
Solicitor

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To: Isaac Nicholson
Zeke Hudspith
Dentons Kensington Swan

From: David Cameron
Stantec, Wellington

Project/File: 310003016

Date: 20 July 2022

Introduction

This memorandum describes a site visit undertaken as part of the resource consent process for the Porirua Wastewater Treatment Plant (WWTP). I understand this memorandum will form part of the Applicant's response to Minute 4 of the Hearing Commissioners.

I comment on the details of the site visit, our observations of the wetland, and the possible effects from the Porirua Wastewater Treatment Plant (WWTP) including in terms of the considerations under the National Environmental Standards for Freshwater (NES-F).

Site visit

On 13 July 2022 I visited an area of coastal vegetation at Rukutane Point in the vicinity of the Porirua Wastewater Treatment Plant (WWTP) outfall. I was accompanied during the site visit by Mr Owen Spearpoint, a Senior Environmental Monitoring Officer at Greater Wellington Regional Council.

The location of the vegetation is shown in Attachment A (red line) in relation to the WWTP outfall and MWHS10¹ (blue line). Photographs of the area taken during the site visit are included as Attachment B. The vegetation extends over an area of approximately 100 m². It is located between 70 and 80 m from the WWTP outfall and 10 to 12 m inland of MWHS10.

The site visit was conducted during a period when a low-pressure system was moving over the country accompanied by strong to gale winds from the northwest. It also coincided with an exceptionally high tide, well above MWHS10.

A 2 x 2m survey plot was established within the vegetated area. All species within the plot were identified and the proportion of cover provided by each species was estimated. A wider inspection of the area was then made to identify any less common species.

¹ Mean High Water Springs -10 (MHWS10) is the mean high water spring tide exceeded 10 percent of the time. It is often used as a practical high tide level for infrastructure design works, and also for estimating extreme high storm tides.

Reference: Porirua WWTP - Consent Application

Wetland existence

The survey confirmed that this vegetation is dominated by oioi (*Apodasmia similis*) which is a coastal plant typically found around wetlands, and which is endemic to New Zealand. *Selliera radicans* is also present and is typically found throughout New Zealand in damper areas from the coast to about 1000m. Taupata (*Coprosma repens*), which is not a wetland species, is scattered through the area.

In summary we observed that:

- a) This area of vegetation is a coastal saltmarsh, dominated by salt-tolerant plants and saline turf (Owen Spearpoint, pers. comm. 13 July 2022). Saltmarsh habitat is listed in Schedule F5 PNRP as a habitat with significant indigenous biodiversity values in the coastal marine area, which identifies that this habitat falls under Policy 11a of the NZCPS.
- b) None of the species identified are threatened or at risk, although the survey was not exhaustive (Owen Spearpoint, pers. comm. 13 July 2022).
- c) The entire wetland is located above MHWS10.
- d) Our visit coincided with an exceptionally high tide when salt water was present in pools immediately seaward of the wetland (salinity 33 PSU). At the same time freshwater was present in small pools immediately landward of the wetland (salinity 2.5 PSU).

These observations lead me to the conclusion that the wetland hydrology is driven by seepage of groundwater from the escarpment immediately to the south, combined with relatively infrequent seawater inundation (less than 10% of the time) during north-west storm conditions.

Effects of the treated wastewater discharge on the wetland

Treated wastewater is discharged via the WWTP outfall to coastal water below MHWS10 at a distance of 70 to 80 m from the wetland. There is no direct discharge of wastewater to the wetland, which is above MHWS10. The only way in which wastewater could contact the wetland is when a remnant of the discharge plume is driven there in storm conditions by low barometric pressure, strong north-west winds, and high tide. This combination of factors occurs infrequently.

However, such conditions were observed during my site visit on the morning of 13 July 2022 and, as shown in Attachment B, were accompanied by a high level of wind and wave induced turbulence. Turbulence of this magnitude can be expected to achieve rapid dilution and dispersion of the discharge plume. In my opinion any remnant of the discharge plume pushed up into contact with the wetland in storm conditions would be highly dilute and probably little different in quality from the surrounding seawater. In other words, I would expect that contaminants sourced from the discharge, if detectable at all near the wetland, would be present at low concentrations.

NES-F General conditions on natural wetland activities

1. Does the discharge cause or may it cause any of the following effects within the natural wetland:
 - a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
 - b) a conspicuous change in colour or visual clarity:

Reference: Porirua WWTP - Consent Application

- c) *an emission of objectionable odour:*
- d) *the contamination of freshwater to the extent that it is not suitable for farm animals to drink:*
- e) *adverse effects on aquatic life that are more than minor*

As already noted, there is no direct discharge of wastewater to the wetland. The only way in which wastewater could contact the wetland is when a remnant of the discharge plume is driven there in storm conditions. Such conditions occurred on the morning of our site visit but on that occasion none of the above effects were observed. In my opinion any remnant of the discharge plume pushed up into contact with the wetland would be highly dilute and probably little different in quality from the surrounding seawater. Based on these considerations I conclude that the discharge does not cause any of the effects listed above within the natural wetland.

2. Does the discharge alter the natural movement of water into, within or from the natural wetland?

Wastewater is discharged to coastal waters via the WWTP outfall. The discharge plume mixes with seawater and is carried by coastal currents. The discharge has no ability to influence the natural movement of water into, within or from the natural wetland.

3. As a result of the discharge, is debris or sediment allowed to enter the natural wetland?

The opportunity for the discharge to have any effect on the natural wetland is extremely limited. I cannot, however, rule out the possibility that a small amount of fine particulate material from the discharge could be deposited in the natural wetland.

4. Does the discharge create or contribute to:

- a) *the instability or subsidence of a slope or another land surface; or*
- b) *the erosion of the bed or bank of any natural wetland; or*
- c) *a change in the points at which water flows into or out of any natural wetland; or*
- d) *a constriction on the flow of water within, into, or out of any natural wetland; or*
- e) *the flooding or overland flow of water within, or flowing into or out of, any natural wetland.*

Wastewater is discharged to coastal waters via the WWTP outfall. It is not discharged at a location where it would have the potential to cause any of the effects outlined in clauses 4(a) to (e) above.

5. Does the discharge result in:

- a) *Smothering of indigenous vegetation by debris and sediment*
- b) *Disturbance of the roosting and nesting of indigenous birds during their breeding season*
- c) *Disturbance of an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish*
- d) *Disturbance of an area listed in a regional plan or water conservation order as a fish spawning area.*

Wastewater is not discharged at a location where it could potentially cause any of the effects outlined in clauses 5(a) or (b) above. The discharge will not result in the effects outlined in clauses 5(c) or (d) because the coastal receiving waters in the vicinity of the outfall are not, to the best of my knowledge, listed in a regional plan or water conservation order as a habitat for threatened indigenous fish or as a fish spawning area.

Reference: Porirua WWTP - Consent Application

6. Does the discharge impact the bed profile and hydrological regime of the natural wetland?

Wastewater is not discharged at a location where it could potentially impact the bed profile or hydrological regime of the natural wetland.

7. Whether and to what extent the vegetation is affected by the current discharge.

Given that wastewater will contact the wetland infrequently and as a dilute remnant of the discharge plume, I cannot identify any pathway by which the current discharge could have an adverse effect on the wetland. In my opinion the risk of adverse effects on wetland values is negligible.

8. Whether and to what extent the vegetation would be affected by the future discharge (up to 2043)

Given that wastewater will contact the wetland infrequently and as a dilute remnant of the discharge plume, I cannot identify any pathway by which the future discharge will have an adverse effect on the wetland. In my opinion the risk of adverse effects on wetland values up to year 2043 is negligible.

Ngā mihi,

Stantec New Zealand



David Cameron BSc (Zool) Hons
Senior Principal Environmental Scientist
Phone: +64 4 381 6707
Mobile: +64 27 271 0142

Attachment A: Aerial view of coastal vegetation near the WWTP outfall



Attachment B: Photographs the coastal salt marsh taken on 13 July 2022



Reference: Porirua WWTP - Consent Application



From: [Michelle Conland](#)
To: [Joshua Knowles](#); [Jude Chittock](#)
Cc: [Nick Pearson](#)
Subject: RE: Update to the Have Your Say Page
Date: Friday, 22 July 2022 10:00:27 am
Attachments: [image001.png](#)

See below – I've made some minor tweaks – not highlighted for speed eg. Adding #, and suggest the bit in brackets be added. See my comment on the highlighted bit too.

From: Joshua Knowles <Joshua.Knowles@gw.govt.nz>
Sent: Friday, 22 July 2022 9:44 am
To: Jude Chittock <Jude.Chittock@gw.govt.nz>; Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: Nick Pearson <Nick.Pearson@gw.govt.nz>
Subject: FW: Update to the Have Your Say Page

Hey all,

Would appreciate if you could run your eyes over this response to Brian? Also do you think this needs to go past the Hearing Panel before I send it?

Hi Brian,

Thanks for your email.

I have not received any expectations from the Applicant relating to timeframes for the methodology or response to questions raised in Minute #4. Until Greater Wellington receives the methodology and response to Minute #4 for certification/review it is difficult to provide an indication of Greater Wellington's timeframes for certifying and assessing this information. When Greater Wellington receives the Applicant's responses to the minutes (including the draft timeline requested at paragraph 28 of Minute #5), these will be uploaded to the HYS website.

It is not standard process for all stakeholders to be included in the correspondence between GWRC and PCC. Instead our process is to make relevant further information available to submitters as its provided to Greater Wellington [including accordance with s41C of the RMA], and to use the **directions set out in the Hearing Panel's minutes to provide opportunities for stakeholders to have input to the consent process**. Not sure about this line – can we be more specific about what the panel has said re conditions?

In terms of keeping the community and stakeholders in the consent process informed, I will be updating the new consent progress table on HYS regularly to keep up with progress and identify next steps.

Thanks,



Josh Knowles (he/ him)

Kaitohutohu / Resource Advisor

Greater Wellington Te Pane Matua Taiao

Mobile: 021 346778

100 Cuba Street, Te Aro, Wellington 6011

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From: brian.warburton@xtra.co.nz <brian.warburton@xtra.co.nz>

Sent: Thursday, 21 July 2022 2:36 pm

To: Joshua Knowles <Joshua.Knowles@gw.govt.nz>

Cc: 'Michelle Laurenson' <michi.l@xtra.co.nz>

Subject: RE: Update to the Have Your Say Page

Thanks Joshua

That's useful.

Is it possible to get:

- the applicant's time frame expectations for attending to the methodology certification aspect of the Panel's Minute 4,
- an indication from GWRC as to how long its certification will take;
- the applicant's time frame expectations for attending to the substantive issues in the Panel's Minute 4 (ie: once the methodology has been "certified"); and,
- an indication from GWRC as to how long it will need to assess the applicant's response to the questions the Panel has raised in Minute 4.

As you can appreciate this is all "discoverable" information. It is also relevant that the time frame specified under section 103A of the RMA (within which the hearing must be concluded) has expired, and not yet extended.

Rather than you having to deal with repetitive LGOIMA requests it would be much more useful and proactive for GWRC and PCC to include all stakeholders in the correspondence between GWRC and PCC that will undoubtedly be occurring currently.

Please let me know how GRWC intends to keep the community, and the stakeholders in the consent process, informed.

Regards

Brian Warburton

From: Joshua Knowles <Joshua.Knowles@gw.govt.nz>

Sent: Thursday, 21 July 2022 9:00 am

Subject: Update to the Have Your Say Page

Kia ora,

Please be aware that a further minute has been issued by the Hearing Panel and is now available on the Have Your Say page, please see here <https://haveyoursay.gw.govt.nz/poriruawwtp>.

Also I have added a new section to the Have Our Say Page titled 'Hearing Progress'. This provides details of the recent actions and next steps in the Hearing Process, this has been developed to provide clarity around the hearing process and make the website more user friendly. Please note that the Have Your Say page is dynamic and is updated regularly.

Thanks,



Josh Knowles (he/ him)

Kaitohutohu / Resource Advisor

Greater Wellington Te Pane Matua Taiao

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From: [Joshua Knowles](#)
To: [Brian Warburton \(External\)](#)
Cc: Michi.I@xtra.co.nz; [Jude Chittock](#)
Subject: RE: Update to the Have Your Say Page
Date: Friday, 22 July 2022 2:53:00 pm
Attachments: [image001.png](#)

Hi Brian,

Thanks for your email and getting in touch with us for these queries.

We have not yet received the methodology for certification as required by Minute #4. Until Greater Wellington receives the methodology it is difficult to provide an indication of Greater Wellington's timeframes. When Greater Wellington receives the Applicant's responses to the minutes (including the draft timeline requested at paragraph 28 of Minute #5), these will be uploaded to the HYS website.

It is not standard process for all stakeholders to be included in the correspondence between GWRC and PCC. Instead our process is to make relevant further information available to submitters as its provided to Greater Wellington in accordance with s41C of the RMA, and to use the directions set out in the Hearing Panel's minutes to provide opportunities for stakeholders to have input to the consent process. Including as set out in Minute #5 Paragraph 28 d) parties who appeared at the hearing will be given an opportunity to provide feedback on the draft final conditions. I think that during this stage of the process will be the best opportunity for submitters to raise their further comments. This stage of the Hearing process will be directed by a further Minute once the draft final set of consent conditions are provided as directed by Minute 5.

In terms of keeping the community and stakeholders in the consent process informed, I will be updating the new consent progress table on HYS regularly to keep up with progress and identify next steps.

Thanks,



Josh Knowles (he/ him)

Kaitohutohu / Resource Advisor

Greater Wellington Te Pane Matua Taiao

Mobile: 021 346778

100 Cuba Street, Te Aro, Wellington 6011

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From: brian.warburton@xtra.co.nz <brian.warburton@xtra.co.nz>

Sent: Thursday, 21 July 2022 2:36 pm

To: Joshua Knowles <Joshua.Knowles@gw.govt.nz>

Cc: 'Michelle Laurenson' <michi.l@xtra.co.nz>

Subject: RE: Update to the Have Your Say Page

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That's useful.

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- an indication from GWRC as to how long its certification will take;
- the applicant's time frame expectations for attending to the substantive issues in the Panel's Minute 4 (ie: once the methodology has been "certified"); and,
- an indication from GWRC as to how long it will need to assess the applicant's response to the questions the Panel has raised in Minute 4.

As you can appreciate this is all "discoverable" information. It is also relevant that the time frame specified under section 103A of the RMA (within which the hearing must be concluded) has expired, and not yet extended.

Rather than you having to deal with repetitive LGOIMA requests it would be much more useful and proactive for GWRC and PCC to include all stakeholders in the correspondence between GWRC and PCC that will undoubtedly be occurring currently.

Please let me know how GRWC intends to keep the community, and the stakeholders in the consent process, informed.

Regards

Brian Warburton

From: Joshua Knowles <Joshua.Knowles@gw.govt.nz>

Sent: Thursday, 21 July 2022 9:00 am

Subject: Update to the Have Your Say Page

Kia ora,

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Also I have added a new section to the Have Our Say Page titled 'Hearing Progress'. This provides details of the recent actions and next steps in the Hearing Process, this has been developed to provide clarity around the hearing process and make the website more user friendly. Please note that the Have Your Say page is dynamic and is updated regularly.

Thanks,



Josh Knowles (he/ him)

Kaitohutohu / Resource Advisor

Greater Wellington Te Pane Matua Taiao

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PROACTIVE RELEASE

From: [Cameron, David](#)
To: [Michelle Conland](#)
Cc: [Hudspith, Ezekiel](#); [Nicholson, Isaac](#); [Peterson, Richard](#)
Subject: Porirua WWTP coastal vegetation site visit - methodology
Date: Monday, 25 July 2022 3:35:32 pm
Attachments: [Methodology for wetland field assessment July 2022.pdf](#)

Hi Michelle,

Please find attached the methodology used in the assessment of a potential coastal wetland near the Porirua WWTP outfall, as required by Minute 4 of the Hearing Commissioners. This is a more detailed record of the general approach agreed between yourself and Richard Peterson.
Ngā mihi,

David Cameron

Senior Principal Environmental Scientist
Direct: +64 4 381 6707
Mobile +64 27 271 0142

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Level 15, 10 Brandon Street
Wellington Central, Wellington 6011 New Zealand



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PROACTIVE RELEASE

To: Michelle Conland
Wellington

From: David Cameron
Wellington

Project/File: 310003016

Date: 20 July 2022

Reference: Porirua WWTP Proposed Methodology for Inspect of Coastal vegetation

Minute 4 of the Hearing Commissioners requires the Applicant to conduct a field assessment of the potential wetland vegetation at Rukutane Point, close to the WWTP Outfall. I understand that Richard Peterson discussed the proposed methodology for this field work with you prior to the assessment, and that the general approach was agreed. For completeness, I have recorded the proposed (and implemented) methodology for my assessment in detail below:

The site visit would be conducted by myself and Mr Owen Spearpoint, a Senior Environmental Monitoring Officer at Greater Wellington Regional Council. The following actions would be completed:

- Compilation of a photographic record of the potential wetland and surrounding area.
- Estimation of the total area of the potential wetland, and its proximity to the WWTP outfall and to MHWS10.
- Establishment of a 2 x 2m survey plot, identification of species present, and determination of the relative ground cover by species present.
- Observations of hydrological processes supporting the vegetation.
- Determination of the status of the vegetation under the NES-F, following the guidance provided in by the Ministry for the Environment (Defining 'natural wetland' and 'inland natural wetlands', 2021).
- Consideration of the potential for the potential wetland to be affected by the WWTP discharge.
- Preparation of a memo by Stantec describing the results of field assessment.
- Review of the Stantec memo by GW.

I trust this is satisfactory to Greater Wellington Regional Council.

Ngā mihi,

Stantec New Zealand



David Cameron BSc (Zool) Hons
Senior Principal Environmental Scientist
Phone: +64 4 381 6707
Mobile: +64 27 271 0142
david.cameron2@stantec.com

From: [Michelle Conland](#)
To: [Owen Spearpoint](#)
Subject: FW: Porirua WWTP coastal vegetation site visit - methodology
Date: Tuesday, 26 July 2022 2:26:00 pm
Attachments: [Methodology for wetland field assessment July 2022.pdf](#)

Hi Owen

Attached is the methodology used for the wetland field assessment. Can you please confirm that you were happy with the methodology and approach taken on site.

Ngā mihi

Michelle

From: Cameron, David <David.Cameron2@stantec.com>
Sent: Monday, 25 July 2022 3:35 pm
To: Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Nicholson, Isaac <isaac.nicholson@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>
Subject: Porirua WWTP coastal vegetation site visit - methodology

Hi Michelle,

Please find attached the methodology used in the assessment of a potential coastal wetland near the Porirua WWTP outfall, as required by Minute 4 of the Hearing Commissioners. This is a more detailed record of the general approach agreed between yourself and Richard Peterson.
Ngā mihi,

David Cameron
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Wellington Central, Wellington 6011 New Zealand



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From: [Michelle Conland](#)
To: [Owen Spearpoint](#)
Subject: FW: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]
Date: Tuesday, 26 July 2022 2:42:00 pm
Attachments: [Coastal wetland site visit.pdf](#)

Hi Owen

Please find attached the assessment of the coastal wetland near the WWTP outfall. Can you please review this document and let me know if you have any comments or concerns about the assessment. For reference, the applicant was asked to state:

- a. What the vegetation is
- b. What parts, if any, lie above or below mean high water springs
- c. Whether and to what extent the vegetation is affected by the current discharge
- d. Whether and to what extent the vegetation would be affected by the current discharge (up to 2043)

The applicant was also asked to follow the guidance prepared by MfE in assessing whether the vegetation comprises a wetland (and what type of wetland).

There were also three other legal or planning matters that are not related to your field of expertise, so I've not included them here.

If you have any questions, please let me know. Please provide your comments by Tuesday next week (2 Aug), if possible.

Ngā mihi

Michelle

From: Nicholson, Isaac <isaac.nicholson@dentons.com>
Sent: Thursday, 21 July 2022 1:06 pm
To: Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>; Cameron, David <David.Cameron2@stantec.com>
Subject: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

Kia ora Michelle

Please find **attached** for Greater Wellington's review the memo prepared by David Cameron detailing the findings of his site visit to further investigate the alleged coastal wetland near the WWTP outfall.

Please let me know if you have any questions.

Ngā mihi
Isaac



Isaac Nicholson

Solicitor

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From: [Owen Spearpoint](#)
To: [Michelle Conland](#)
Subject: RE: Porirua WWTP coastal vegetation site visit - methodology
Date: Tuesday, 26 July 2022 4:59:50 pm

Kia ora Michelle

The proposed methodology outlined by Stantec does not completely match the wetland survey I conducted.

The method I used as per the MFE Wetland delineation protocols, was as follows.

- 1) Determined the assessment area. Were sites indicative of wetland present
- 2) Were normal circumstances present
- 3) Identify RMA wetland presence
 - a) Rapid test for areas dominated by OBL and/or FACW species (OBL=Obligate; FACW=Facultative wet)
 - b) Installation of 2x2m vegetation plots to measure dominance and prevalence of wetland plant vegetative cover.
- 4) If the results of the vegetation have some uncertainty. Assess the soils and hydrology of the wetland vegetation.
- 5) Assess whether the wetland meets the exclusions under the PNRP and NPS-FM. If not determine the wetland is a natural wetland so subject to the National and Regional rules and regulations.
- 6) Assess effects on the natural wetland of sewer due to WWTP discharge.

As to the remainder of the inspection methodology

This was carried out by the Stantec personal, this being

- 1) Photographic record
- 2) Estimation of wetland area and proximity.

Nga mihi
Owen

I work Monday to Wednesday.

Owen Spearpoint (he/him)

[Senior Environmental Monitoring Officer]Kaiāpiha Matua Taiao

Land, Ecology and Climate

GREATER WELLINGTON REGIONAL COUNCIL

Te Pane Matua Taiao

Shed 39, Harbour Quays

PO Box 11646, Manners St, Wellington 6142

T: 04) 8304418 | Cell 027 285 8083

www.gw.govt.nz

From: Michelle Conland <Michelle.Conland@gw.govt.nz>

Sent: Tuesday, 26 July 2022 2:27 PM

To: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>

Subject: FW: Porirua WWTP coastal vegetation site visit - methodology

Hi Owen

Attached is the methodology used for the wetland field assessment. Can you please confirm that you were happy with the methodology and approach taken on site.

Ngā mihi

Michelle

From: Cameron, David <David.Cameron2@stantec.com>

Sent: Monday, 25 July 2022 3:35 pm

To: Michelle Conland <Michelle.Conland@gw.govt.nz>

Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Nicholson, Isaac <isaac.nicholson@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>

Subject: Porirua WWTP coastal vegetation site visit - methodology

Hi Michelle,

Please find attached the methodology used in the assessment of a potential coastal wetland near the Porirua WWTP outfall, as required by Minute 4 of the Hearing Commissioners. This is a more detailed record of the general approach agreed between yourself and Richard Peterson.
Ngā mihi,

David Cameron

Senior Principal Environmental Scientist

Direct: +64 4 381 6707

Mobile +64 27 271 0142

Stantec, New Zealand

Level 15, 10 Brandon Street

Wellington Central, Wellington 6011 New Zealand



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From: [Michelle Conland](#)
To: [Jude Chittock](#); [Joshua Knowles](#); [Nick Pearson](#)
Subject: RE: Porirua WWTP coastal vegetation site visit - methodology
Date: Tuesday, 26 July 2022 5:19:00 pm

Hi guys

See below – this is what I’m proposing to go back to Owen with – is this ok?

Thanks for that clarification of the methodology Owen. Can you please confirm that you are satisfied that the methodology used on site is appropriate for the parts of the assessment required by Minute #4 that sought to assess:

- a. whether the vegetation comprises a wetland using the guidance prepared by MfE,
- b. what the vegetation present is,
- c. what parts, if any, lie above or below mean high water springs, and
- d. any observable effects on the vegetation as a result of the discharge, and in particular the existing discharge from the outfall.

Note that an assessment of (c) and (d) will not necessarily only rely on what is observed on site.

Thanks

Michelle

From: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Sent: Tuesday, 26 July 2022 5:00 pm
To: Michelle Conland <Michelle.Conland@gw.govt.nz>
Subject: RE: Porirua WWTP coastal vegetation site visit - methodology

Kia ora Michelle

The proposed methodology outlined by Stantec does not completely match the wetland survey I conducted.

The method I used as per the MfE Wetland delineation protocols, was as follows.

1. Determined the assessment area. Were sites indicative of wetland present
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3. Identify RMA wetland presence
 - a. Rapid test for areas dominated by OBL and/or FACW species (OBL=Obligate; FACW=Facultative wet)
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4. If the results of the vegetation have some uncertainty. Assess the soils and hydrology of the wetland vegetation.
5. Assess whether the wetland meets the exclusions under the PNRP and NPS-FM. If not determine the wetland is a natural wetland so subject to the National and Regional rules and regulations.

6. Assess effects on the natural wetland of sewer due to WWTP discharge.

As to the remainder of the inspection methodology

This was carried out by the Stantec personal, this being

1. Photographic record
2. Estimation of wetland area and proximity.

Nga mihi

Owen

I work Monday to Wednesday.

Owen Spearpoint (he/him)

|Senior Environmental Monitoring Officer|Kaiāpiha Matua Taiao

Land, Ecology and Climate

GREATER WELLINGTON REGIONAL COUNCIL

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PO Box 11646, Manners St, Wellington 6142

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From: Michelle Conland <Michelle.Conland@gw.govt.nz>

Sent: Tuesday, 26 July 2022 2:27 PM

To: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>

Subject: FW: Porirua WWTP coastal vegetation site visit - methodology

Hi Owen

Attached is the methodology used for the wetland field assessment. Can you please confirm that you were happy with the methodology and approach taken on site.

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David Cameron
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PROACTIVE RELEASE

From: [Joshua Knowles](#)
To: [Michelle Conland](#); [Jude Chittock](#); [Nick Pearson](#)
Subject: RE: Porirua WWTP coastal vegetation site visit - methodology
Date: Tuesday, 26 July 2022 5:23:00 pm
Attachments: [image001.png](#)

Looks all good to me

Thanks,



Josh Knowles (he/ him)
Kaitohutohu / Resource Advisor
Greater Wellington Te Pane Matua Taiao
Mobile: 021 346778
100 Cuba Street, Te Aro, Wellington 6011
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From: Michelle Conland <Michelle.Conland@gw.govt.nz>
Sent: Tuesday, 26 July 2022 5:20 pm
To: Jude Chittock <Jude.Chittock@gw.govt.nz>; Joshua Knowles <Joshua.Knowles@gw.govt.nz>; Nick Pearson <Nick.Pearson@gw.govt.nz>
Subject: RE: Porirua WWTP coastal vegetation site visit - methodology

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Michelle

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Sent: Tuesday, 26 July 2022 5:00 pm

To: Michelle Conland <Michelle.Conland@gw.govt.nz>

Subject: RE: Porirua WWTP coastal vegetation site visit - methodology

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Nga mihi

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I work Monday to Wednesday.

Owen Spearpoint (he/him)

|Senior Environmental Monitoring Officer|Kaiāpiha Matua Taiao

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From: Michelle Conland <Michelle.Conland@gw.govt.nz>

Sent: Tuesday, 26 July 2022 2:27 PM

To: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>

Subject: FW: Porirua WWTP coastal vegetation site visit - methodology

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Ngā mihi

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Sent: Monday, 25 July 2022 3:35 pm

To: Michelle Conland <Michelle.Conland@gw.govt.nz>

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David Cameron

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From: [Hudspith, Ezekiel](#)
To: [Michelle Conland](#); [Nicholson, Isaac](#); [Peterson, Richard](#)
Cc: [Cameron, David \(Wellington\)](#); [Jude Chittock](#); [Joshua Knowles](#)
Subject: RE: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]
Date: Friday, 29 July 2022 1:17:29 pm

Hi Michelle

Thanks for outlining GW's position. We'll have to consider as a team on Monday and come back to you on proposed next steps.

Kind regards
Zeke



Ezekiel Hudspith
Partner

My [pronouns](#) are: He/Him/His

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From: Michelle Conland <Michelle.Conland@gw.govt.nz>

Sent: Friday, 29 July 2022 11:18 a.m.

To: Nicholson, Isaac <isaac.nicholson@dentons.com>; Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>

Cc: [Cameron, David \(Wellington\)](mailto:Cameron, David (Wellington)) <David.Cameron2@stantec.com>; Jude Chittock <Jude.Chittock@gw.govt.nz>; Joshua Knowles <Joshua.Knowles@gw.govt.nz>

Subject: RE: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

[WARNING: EXTERNAL SENDER]

Good morning all

Thank you for providing the methodology and David Cameron's report in relation to the investigation into the alleged wetland.

First I would like to note that the process that has been followed is not as described in Minute #4. My understanding was that the purpose of the initial site visit was for an initial familiarisation of the site by David Cameron (for the applicant) and Owen Spearpoint (for GW). Following this, the applicant was going to engage a wetland expert to provide a methodology of their proposed assessment for GW's certification, and then carry out this assessment. While GW was accepting, after the fact, that the approach taken was potentially a pragmatic and timely way forward, we have now encountered further issues. In terms of the methodology undertaken and as set out in David Cameron's email, Owen Spearpoint notes the following:

The proposed methodology outlined by Stantec does not completely match the wetland survey I conducted.

The method I used as per the MFE Wetland delineation protocols, was as follows.

- 1. Determined the assessment area. Were sites indicative of wetland present*
- 2. Were normal circumstances present*
- 3. Identify RMA wetland presence*
 - a. Rapid test for areas dominated by OBL and/or FACW species (OBL=Obligate; FACW=Facultative wet)*
 - b. Installation of 2x2m vegetation plots to measure dominance and prevalence of wetland plant vegetative cover.*
- 4. If the results of the vegetation have some uncertainty. Assess the soils and hydrology of the wetland vegetation.*
- 5. Assess whether the wetland meets the exclusions under the PNRP and NPS-FM. If not determine the wetland is a natural wetland so subject to the National and Regional rules and regulations.*
- 6. Assess effects on the natural wetland of sewer due to WWTP discharge.*

As to the remainder of the inspection methodology

This was carried out by the Stantec personal, this being

- 1. Photographic record*
- 2. Estimation of wetland area and proximity.*

In terms of the review itself, Owen Spearpoint's view differs from that of David Cameron, as noted below. We are now in a position where based on Owen's assessment, David Cameron has concluded various things which Owen does not agree with. Given this difference of opinion, we recommend that the applicant engages their own wetland expert, and comes up with a proposal for Greater Wellington to review. Please note that Owen Spearpoint has recommended ongoing monitoring of the wetland and that this should be taken into consideration by the expert.

Please let me know if you have any questions.

Ngā mihi

Michelle

From: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Sent: Tuesday, 26 July 2022 6:11 pm
To: Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: James Luty <James.Luty@gw.govt.nz>
Subject: FW: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

Kia ora again.

I have read the attached site visit memo and make the following comments.

Wetland existence

Summary

d) I noted the drift wood debris line along the back of the coastal platform, and at the base of the escarpment. This is up to 50cm above the natural wetland. Waves were washing into the natural wetland at the time of the visit. I am not convinced it was exceptionally high.

I concur with the remaining statements.

NES-F General conditions on natural wetland activities

I not the last photo shows fine sediments deposited into the natural wetland.

I have answered your questions below in red.

I work Monday to Wednesday.

Owen Spearpoint (he/him)

|Senior Environmental Monitoring Officer|Kaiāpiha Matua Taiao

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From: Michelle Conland <Michelle.Conland@gw.govt.nz>
Sent: Tuesday, 26 July 2022 2:42 PM
To: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Subject: FW: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

Hi Owen

Please find attached the assessment of the coastal wetland near the WWTP outfall. Can you please review this document and let me know if you have any comments or concerns about the

To: Isaac Nicholson
Zeke Hudspith
Dentons Kensington Swan

From: David Cameron
Stantec, Wellington

Project/File: 310003016

Date: 20 July 2022

Introduction

This memorandum describes a site visit undertaken as part of the resource consent process for the Porirua Wastewater Treatment Plant (WWTP). I understand this memorandum will form part of the Applicant's response to Minute 4 of the Hearing Commissioners.

I comment on the details of the site visit, our observations of the wetland, and the possible effects from the Porirua Wastewater Treatment Plant (WWTP) including in terms of the considerations under the National Environmental Standards for Freshwater (NES-F).

Site visit

On 13 July 2022 I visited an area of coastal vegetation at Rukutane Point in the vicinity of the Porirua Wastewater Treatment Plant (WWTP) outfall. I was accompanied during the site visit by Mr Owen Spearpoint, a Senior Environmental Monitoring Officer at Greater Wellington Regional Council.

The location of the vegetation is shown in Attachment A (red line) in relation to the WWTP outfall and MWHS10¹ (blue line). Photographs of the area taken during the site visit are included as Attachment B. The vegetation extends over an area of approximately 100 m². It is located between 70 and 80 m from the WWTP outfall and 10 to 12 m inland of MWHS10.

The site visit was conducted during a period when a low-pressure system was moving over the country accompanied by strong to gale winds from the northwest. It also coincided with an exceptionally high tide, well above MWHS10.

A 2 x 2m survey plot was established within the vegetated area. All species within the plot were identified and the proportion of cover provided by each species was estimated. A wider inspection of the area was then made to identify any less common species.

¹ Mean High Water Springs -10 (MHWS10) is the mean high water spring tide exceeded 10 percent of the time. It is often used as a practical high tide level for infrastructure design works, and also for estimating extreme high storm tides.

Reference: Porirua WWTP - Consent Application

Wetland existence

The survey confirmed that this vegetation is dominated by oioi (*Apodasmia similis*) which is a coastal plant typically found around wetlands, and which is endemic to New Zealand. *Selliera radicans* is also present and is typically found throughout New Zealand in damper areas from the coast to about 1000m. Taupata (*Coprosma repens*), which is not a wetland species, is scattered through the area.

In summary we observed that:

- a) This area of vegetation is a coastal saltmarsh, dominated by salt-tolerant plants and saline turf (Owen Spearpoint, pers. comm. 13 July 2022). Saltmarsh habitat is listed in Schedule F5 PNRP as a habitat with significant indigenous biodiversity values in the coastal marine area, which identifies that this habitat falls under Policy 11a of the NZCPS.
- b) None of the species identified are threatened or at risk, although the survey was not exhaustive (Owen Spearpoint, pers. comm. 13 July 2022).
- c) The entire wetland is located above MHWS10.
- d) Our visit coincided with an exceptionally high tide when salt water was present in pools immediately seaward of the wetland (salinity 33 PSU). At the same time freshwater was present in small pools immediately landward of the wetland (salinity 2.5 PSU).

These observations lead me to the conclusion that the wetland hydrology is driven by seepage of groundwater from the escarpment immediately to the south, combined with relatively infrequent seawater inundation (less than 10% of the time) during north-west storm conditions.

Effects of the treated wastewater discharge on the wetland

Treated wastewater is discharged via the WWTP outfall to coastal water below MHWS10 at a distance of 70 to 80 m from the wetland. There is no direct discharge of wastewater to the wetland, which is above MHWS10. The only way in which wastewater could contact the wetland is when a remnant of the discharge plume is driven there in storm conditions by low barometric pressure, strong north-west winds, and high tide. This combination of factors occurs infrequently.

However, such conditions were observed during my site visit on the morning of 13 July 2022 and, as shown in Attachment B, were accompanied by a high level of wind and wave induced turbulence. Turbulence of this magnitude can be expected to achieve rapid dilution and dispersion of the discharge plume. In my opinion any remnant of the discharge plume pushed up into contact with the wetland in storm conditions would be highly dilute and probably little different in quality from the surrounding seawater. In other words, I would expect that contaminants sourced from the discharge, if detectable at all near the wetland, would be present at low concentrations.

NES-F General conditions on natural wetland activities

1. Does the discharge cause or may it cause any of the following effects within the natural wetland:
 - a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
 - b) a conspicuous change in colour or visual clarity:

Reference: Porirua WWTP - Consent Application

- c) *an emission of objectionable odour:*
- d) *the contamination of freshwater to the extent that it is not suitable for farm animals to drink:*
- e) *adverse effects on aquatic life that are more than minor*

As already noted, there is no direct discharge of wastewater to the wetland. The only way in which wastewater could contact the wetland is when a remnant of the discharge plume is driven there in storm conditions. Such conditions occurred on the morning of our site visit but on that occasion none of the above effects were observed. In my opinion any remnant of the discharge plume pushed up into contact with the wetland would be highly dilute and probably little different in quality from the surrounding seawater. Based on these considerations I conclude that the discharge does not cause any of the effects listed above within the natural wetland.

2. Does the discharge alter the natural movement of water into, within or from the natural wetland?

Wastewater is discharged to coastal waters via the WWTP outfall. The discharge plume mixes with seawater and is carried by coastal currents. The discharge has no ability to influence the natural movement of water into, within or from the natural wetland.

3. As a result of the discharge, is debris or sediment allowed to enter the natural wetland?

The opportunity for the discharge to have any effect on the natural wetland is extremely limited. I cannot, however, rule out the possibility that a small amount of fine particulate material from the discharge could be deposited in the natural wetland.

4. Does the discharge create or contribute to:

- a) *the instability or subsidence of a slope or another land surface; or*
- b) *the erosion of the bed or bank of any natural wetland; or*
- c) *a change in the points at which water flows into or out of any natural wetland; or*
- d) *a constriction on the flow of water within, into, or out of any natural wetland; or*
- e) *the flooding or overland flow of water within, or flowing into or out of, any natural wetland.*

Wastewater is discharged to coastal waters via the WWTP outfall. It is not discharged at a location where it would have the potential to cause any of the effects outlined in clauses 4(a) to (e) above.

5. Does the discharge result in:

- a) *Smothering of indigenous vegetation by debris and sediment*
- b) *Disturbance of the roosting and nesting of indigenous birds during their breeding season*
- c) *Disturbance of an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish*
- d) *Disturbance of an area listed in a regional plan or water conservation order as a fish spawning area.*

Wastewater is not discharged at a location where it could potentially cause any of the effects outlined in clauses 5(a) or (b) above. The discharge will not result in the effects outlined in clauses 5(c) or (d) because the coastal receiving waters in the vicinity of the outfall are not, to the best of my knowledge, listed in a regional plan or water conservation order as a habitat for threatened indigenous fish or as a fish spawning area.

Reference: Porirua WWTP - Consent Application

6. Does the discharge impact the bed profile and hydrological regime of the natural wetland?

Wastewater is not discharged at a location where it could potentially impact the bed profile or hydrological regime of the natural wetland.

7. Whether and to what extent the vegetation is affected by the current discharge.

Given that wastewater will contact the wetland infrequently and as a dilute remnant of the discharge plume, I cannot identify any pathway by which the current discharge could have an adverse effect on the wetland. In my opinion the risk of adverse effects on wetland values is negligible.

8. Whether and to what extent the vegetation would be affected by the future discharge (up to 2043)

Given that wastewater will contact the wetland infrequently and as a dilute remnant of the discharge plume, I cannot identify any pathway by which the future discharge will have an adverse effect on the wetland. In my opinion the risk of adverse effects on wetland values up to year 2043 is negligible.

Ngā mihi,

Stantec New Zealand



David Cameron BSc (Zool) Hons
Senior Principal Environmental Scientist
Phone: +64 4 381 6707
Mobile: +64 27 271 0142

Attachment A: Aerial view of coastal vegetation near the WWTP outfall



Attachment B: Photographs the coastal salt marsh taken on 13 July 2022



Reference: Porirua WWTP - Consent Application



assessment. For reference, the applicant was asked to state:

a. What the vegetation is

As stated in the report I determined the dominant vegetation types are *Apodasmia similis* and *Selliera radicans*

b. What parts, if any, lie above or below mean high water springs

Given the vegetation and wetland type I feel the wetland lies just above the mean high water springs. I do feel it receives sea water more often than the memo suggests.

c. Whether and to what extent the vegetation is affected by the current discharge

I concur with the memo that the effects on the vegetation from the current discharge has been less than minor to date, although fine discharges could be seen in the salt marsh at the time of the visit.

d. Whether and to what extent the vegetation would be affected by the current discharge (up to 2043)

Given the more frequent and stronger weather events being experienced, there will be more inundation of the natural wetland during the more frequently occurring storm events, and this will be compounded by continued sea level rise. Given these knowns, there will be increased effects from the discharge in future. The affect this will have on the natural wetland would require monitoring as it is an unknown and difficult to gauge.

The applicant was also asked to follow the guidance prepared by MfE in assessing whether the vegetation comprises a wetland (and what type of wetland).

The MfE guidance was followed in determining the presence of natural wetland. Both the rapid assessment and the dominance test determined the presence of RMA wetland and natural wetland. The memo describes the wetland type as salt marsh and saline turf and this was also my conclusion.

There were also three other legal or planning matters that are not related to your field of expertise, so I've not included them here.

If you have any questions, please let me know. Please provide your comments by Tuesday next week (2 Aug), if possible.

Ngā mihi

Michelle

From: Nicholson, Isaac <isaac.nicholson@dentons.com>

Sent: Thursday, 21 July 2022 1:06 pm

To: Michelle Conland <Michelle.Conland@gw.govt.nz>

Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>; Cameron, David <David.Cameron2@stantec.com>

Subject: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

Kia ora Michelle

Please find **attached** for Greater Wellington's review the memo prepared by David Cameron detailing the findings of his site visit to further investigate the alleged coastal wetland near the WWTP outfall.

Please let me know if you have any questions.

Ngā mihi
Isaac



Isaac Nicholson
Solicitor

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From: [Michelle Conland](#)
To: [Nicholson, Isaac](#); [Hudspith, Ezekiel](#); [Peterson, Richard \(Richard.Peterson@stantec.com\)](#)
Cc: [Cameron, David \(Wellington\)](#); [Jude Chittock](#); [Joshua Knowles](#)
Subject: RE: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]
Date: Friday, 29 July 2022 11:18:00 am

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monitoring of the wetland and that this should be taken into consideration by the expert.

Please let me know if you have any questions.

Ngā mihi

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From: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Sent: Tuesday, 26 July 2022 6:11 pm
To: Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: James Luty <James.Luty@gw.govt.nz>
Subject: FW: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

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Sent: Thursday, 21 July 2022 1:06 pm

To: Michelle Conland <Michelle.Conland@gw.govt.nz>

Cc: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Peterson, Richard <Richard.Peterson@stantec.com>; Cameron, David <David.Cameron2@stantec.com>

Subject: Porirua WWTP - coastal wetland site visit [KS-KSNational.FID408944]

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Isaac



Isaac Nicholson
Solicitor

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From: [Michelle Conland](#)
To: [Jude Chittock](#); [Owen Spearpoint](#)
Cc: [James Luty](#)
Subject: FW: Porirua WWTP - wetland assessment
Date: Tuesday, 2 August 2022 3:06:00 pm

Hi

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PROACTIVE RELEASE

From: [Jude Chittock](#)
To: [Michelle Conland](#); [Owen Spearpoint](#)
Cc: [James Luty](#)
Subject: RE: Porirua WWTP - wetland assessment
Date: Tuesday, 2 August 2022 3:09:28 pm

Thanks Michelle, that sounds good to me.

FYI - I am on leave from tomorrow until next Wednesday so please contact Claire or Stephen if you need any support in my absence

Cheers
Jude

From: Michelle Conland <Michelle.Conland@gw.govt.nz>
Sent: Tuesday, 2 August 2022 3:07 pm
To: Jude Chittock <Jude.Chittock@gw.govt.nz>; Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Cc: James Luty <James.Luty@gw.govt.nz>
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PROACTIVE
RESPONSE

From: [Joshua Knowles](#)
To: [Hudspith, Ezekiel](#)
Cc: [Michelle Conland](#); [Jude Chittock](#); [Peterson, Richard](#); [Paul Gardiner \(paul.gardiner@wellingtonwater.co.nz\)](#); [Nicholson, Isaac](#)
Subject: RE: Porirua WWTP application - update on Applicant's workstreams [KS-KSNational.FID408944]
Date: Thursday, 4 August 2022 9:23:00 am
Attachments: [image001.png](#)

Thanks for your email Zeke,

I will pass this on to the Hearing Panel and let you know if they have any direct response or comments.

Thanks,



Josh Knowles (he/ him)
Kaitohutohu / Resource Advisor
Greater Wellington Te Pane Matua Taiao
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100 Cuba Street, Te Aro, Wellington 6011
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From: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>
Sent: Wednesday, 3 August 2022 6:04 pm
To: Joshua Knowles <Joshua.Knowles@gw.govt.nz>
Cc: Michelle Conland <Michelle.Conland@gw.govt.nz>; Jude Chittock <Jude.Chittock@gw.govt.nz>; Peterson, Richard <Richard.Peterson@stantec.com>; Paul Gardiner (paul.gardiner@wellingtonwater.co.nz) <paul.gardiner@wellingtonwater.co.nz>; Nicholson, Isaac <isaac.nicholson@dentons.com>
Subject: Porirua WWTP application - update on Applicant's workstreams [KS-KSNational.FID408944]

Hi Joshua,

I was thinking it would be timely to check in with you (and thus indirectly, the Hearing Panel) on our progress and likely timing with the various outstanding tasks following the hearing.

With regard to the wetland investigation/assessment under Minute #4, as you may be aware it has recently been identified that we will need additional expertise to help close this matter out. To that end Stantec is currently in the process of engaging another expert, who will aim to prepare a methodology early next week and ideally complete the on-site assessment next week as well. I expect Richard will be in contact if/when this is confirmed.

As such I'm hopeful that we will be able to close this out in the next couple of weeks, but it is probably too early to provide a firm deadline. I propose we do that this time next week instead.

In terms of the other outstanding workstreams:

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Kind regards,
Zeke



Ezekiel Hudspith

Partner

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From: [REDACTED]
To: [Joshua Knowles](#); [REDACTED]; [REDACTED]
Cc: [Jude Chittock](#)
Subject: RE: Porirua WWTP application - update on Applicant's workstreams [KS-KSNational.FID408944]
Date: Thursday, 4 August 2022 9:49:15 am
Attachments: [~WRD3679.jpg](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)

Thanks Josh,

Regards

Shane

Dr Shane Kelly

Ph. [REDACTED]

Mobile [REDACTED]
[REDACTED]



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From: Joshua Knowles <Joshua.Knowles@gw.govt.nz>

Sent: Thursday, 4 August 2022 9:28 AM

To: Mark Ashby [REDACTED]; Shane Kelly [REDACTED]
Elizabeth Burge [REDACTED]; Nigel(Envirocontext)
[REDACTED]

Cc: Jude Chittock <Jude.Chittock@gw.govt.nz>

Subject: FW: Porirua WWTP application - update on Applicant's workstreams [KS-KSNational.FID408944]

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Greater Wellington Te Pane Matua Taiao
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From: Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>
Sent: Wednesday, 3 August 2022 6:04 pm
To: Joshua Knowles <Joshua.Knowles@gw.govt.nz>
Cc: Michelle Conland <Michelle.Conland@gw.govt.nz>; Jude Chittock <Jude.Chittock@gw.govt.nz>; Peterson, Richard <Richard.Peterson@stantec.com>; Paul Gardiner (paul.gardiner@wellingtonwater.co.nz) <paul.gardiner@wellingtonwater.co.nz>; Nicholson, Isaac <isaac.nicholson@dentons.com>
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To: [Joshua Knowles](#); [REDACTED]
Cc: [Jude Chittock](#)
Subject: RE: Porirua WWTP application - update on Applicant's workstreams [KS-KSNational.FID408944]
Date: Thursday, 4 August 2022 9:59:06 am
Attachments: [image001.png](#)

Good to know Josh – thank you.

Liz

From: Joshua Knowles <Joshua.Knowles@gw.govt.nz>
Sent: Thursday, 4 August 2022 9:28 a.m.
To: Mark Ashby [REDACTED]; Shane Kelly [REDACTED]
Elizabeth Burge [REDACTED]; Nigel(Envirocontext)
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PROACTIVE RELEASE

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To: [Joshua Knowles](mailto:Joshua.Knowles@gw.govt.nz)
Subject: Re: FW: Porirua WWTP application - update on Applicant's workstreams [KS-KSNational.FID408944]
Date: Thursday, 4 August 2022 3:31:25 pm

Thanks Josh

Regards

Nigel

On 4/08/2022 9:28 am, Joshua Knowles wrote:

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> [makaurangi]

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> Zeke

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> Ezekiel Hudspith

> Partner

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Environmental Context Ltd www.envirocontext.co.nz PO Box 147 424
Auckland 1144 ph: 09 361 2229 mobile: 021 656 121

From: [Peterson, Richard](#)
To: [Michelle Conland](#)
Cc: [Vaughan Keesing](#); [Hudspith, Ezekiel](#); [Cameron, David](#)
Subject: FW: Titahi Bay coastal wetland identification and effects Method.docx
Date: Thursday, 4 August 2022 8:02:44 am
Attachments: [Titahi Bay coastal wetland identification and effects Method.docx](#)

Hi Michelle,

As I indicated earlier in the week, WWL has engaged Vaughan Keesing to provide expert advice on the potential wetland near the Porirua WWTP outfall. Vaughan has prepared the attached methodology for his fieldwork, which I'm providing to GWRC for its review in accordance with the Hearing Panel's minute #4.

Could you please arrange for the review to occur as early as possible next week to enable Vaughan to undertake his fieldwork next week.

Thanks,
Richard.

From: Vaughan Keesing <Vaughan.Keesing@boffamiskell.co.nz>
Sent: Wednesday, 3 August 2022 3:56 p.m.
To: Ilze.Rautenbach@stantec.com
Cc: Peterson, Richard <Richard.Peterson@stantec.com>
Subject: Titahi Bay coastal wetland identification and effects Method.docx

So, folk, as I understand it the next stage is an acceptance or certification by GWRC of my proposed method so here is the method statement

Cheers
Vaughan

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Titahi Bay Wastewater discharge to sea potential coastal wetland identification and effects Method.

The background to the development of this specific site methodology is presented in section 2. The proposed method for site survey, analysis and effects determination is as follows.

Section 1 - In brief then the proposed method for this assessment is:

1. View the site in retrolens and look for evidence in the literature of its presence historically.
2. Go to site and view from a vantage point the feature in question (photograph)
3. Determine the heterogeneity of the vegetation, are there 1 or more distinct vegetation communities – roughly map the feature and communities.
4. Check the context and note wider aspects - is the topography and visually present hydrology suggestive of potential wetland?
5. Are there unusual circumstances or effects in play on or influencing the feature?
6. Enter and rapidly assess the vegetation cover dominance and classification (FACU-OBL) - can it be clearly determined to be wetland or dryland?
7. If it cannot be determined- select representative plot positions in each of the identified vegetation communities, several may be required if the communities are variable in cover, record this variability if present.
8. Undertake plot/s placement and species cover percentage cover estimates
9. Using the data and context test exclusions
10. Failure to meet exclusions use the wetland dominance test,
11. If result still ambiguous use the other indicators (noting that given the situation soil cores or soil testing for hydric (in CMA) may not be available or applicable to test.
12. Lastly utilise the prevalence indices.
13. Conclude if a natural wetland under the PNRP and / or the NPS FM
14. Test for significance under policy 23 of the GWRC RPS.
15. Utilise this result to examine NZCPS policy 11 applicability.
16. Use literature, research and similar effects records from experience to determine the likelihood of adverse effects related to the proposed discharge (water level, sedimentation, contaminants), Consider future state up to 2043 and consider also climate change effects.

Section 2. Relevant policies and protocols

GWRC PNRP (Appeals version 2022)

A natural wetland is - a permanently or intermittently wet area, shallow water and land water margin that supports a natural ecosystem of plants and animals that are adapted to wet conditions, including in the beds of lakes and rivers, the coastal marine area (e.g. saltmarsh), and groundwater-fed wetlands (e.g. springs).

Here the PNRP does not distinguish wetland in the CMA as separate as does the NPS FM (2020)

Natural wetlands do not include:

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture that, at 3 September 2020, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling.

In the case of uncertainty or dispute about the existence or extent of a natural wetland, a regional council must have regard to the Wetland Delineation Protocols available at <https://environment.govt.nz/publications/wetland-delineation-protocols/>. This is the Clarkson (2013, 2018) wetlands delineation process also now include in the NPS FM (2020) as MfE wetland delineation protocol (2020).

The definition of a wetland in New Zealand is outlined in the RMA (Resource Management Act, 1991):

“Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”

A ‘Natural Wetland’ is defined in the NPS-FM using the same definition as ‘Wetland’ in the RMA, but with the following exclusions:

(a) *A wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former Natural Wetland); or*

(b) *A geothermal wetland; or*

(c) *Any area of improved pasture that, at the commencement date, is dominated by (that is more than 50 per cent of) exotic pasture species and is subject to temporary rain-derived water pooling.*

A revised definition of the exclusions is proposed by MfE (but not yet confirmed) in the Exposure Draft of the NPS-FM. The anticipated date for confirmation of these changes is around November 2022.

The proposed changes are below:

(a) *a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural wetland as part of giving effect to the effects management hierarchy; or*

(b) *a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or*

(c) *a geothermal wetland; or*

(d) *a wetland that:*

(i) is within an area of pasture; and

(ii) has ground cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species (see clause 1.8)); and

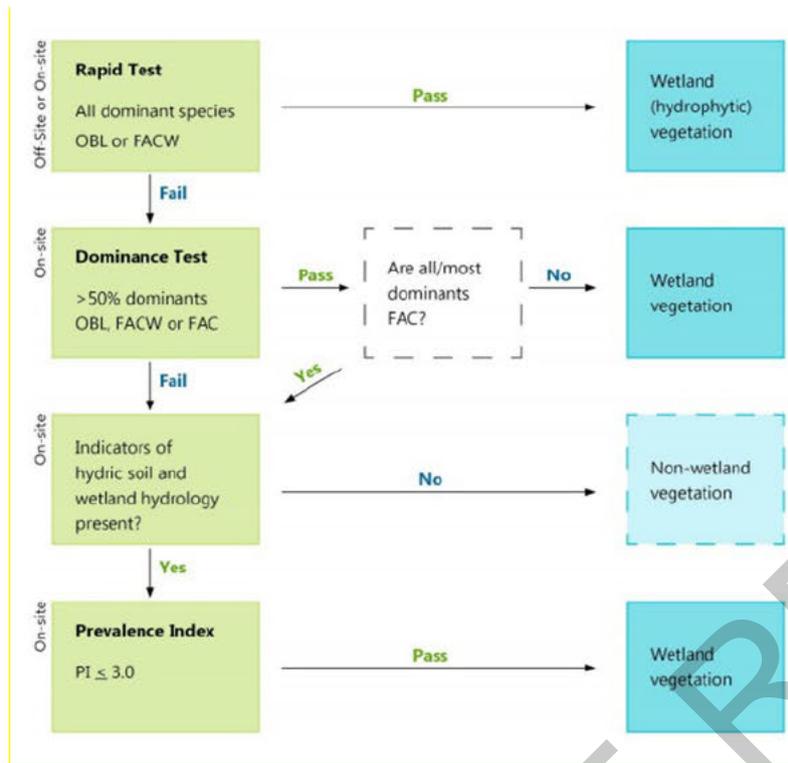
(iii) is not known to contain threatened species

“**Natural inland wetland**” also means a natural wetland that is not in the coastal mariner area (CMA).

Natural wetland assessment

The below flow chart, published in the wetland delineation protocols (Ministry for the Environment, 2020) outlines the pathway for identifying natural wetlands. However, this does not incorporate initial

exclusions from the policy definitions (pasture coverage), so a Pasture Test is carried out following the Rapid Test to determine if the exclusion is met.



The procedure for determining natural wetland status is carried out by establishing broad vegetation communities of a feature and the outer boundaries of a feature and then rapidly visually assessing the dominant species in the communities of the feature, using topography (and hydrology) to assist with these broad areas. Once these areas are identified, three tests (Pasture test, Dominance Index, and Prevalence Index) are conducted to determine wetland viability or otherwise. These tests require at least one representative 2 x 2 m vegetation plot in each established community, whereby the percent cover of all species within the plot is estimated (based on above-ground live biomass). Locations of areas and the delineations which resulted from this are identified in Figure 1.

Each vegetation species identified within a 2 x 2 m vegetation plot is allocated to a prescribed category based on its degree of affinity for water, as described by Clarkson (2013). These categories are:

- **OBL:** Obligate. Almost always is a hydrophyte, rarely in uplands (estimated probability >99% occurrence in wetlands)
- **FACW:** Facultative Wetland. Usually is a hydrophyte but occasionally found in uplands (estimated probability 67–99% occurrence in wetlands)
- **FAC:** Facultative. Commonly occurs as either a hydrophyte or non-hydrophyte (estimated probability 34–66% occurrence in wetlands)
- **FACU:** Facultative Upland. Occasionally is a hydrophyte but usually occurs in uplands (estimated probability 1–33% occurrence in wetlands)
- **UPL:** Obligate Upland. Rarely is a hydrophyte, almost always in uplands (estimated probability <1% occurrence in wetlands)

These categories, in conjunction with percent cover estimates from each plot, feed into the resulting Pasture Test, Dominance Index and Prevalence Index results:

Pasture Test

A Pasture Test considers that if a plot is more than 50% covered in pasture species, it is not considered a “natural wetland”, irrespective of the Prevalence/Dominance outcomes, and no further testing is required, as the area meets the natural wetland exclusion definition. It is noted that ‘pasture’ is currently undefined, but the draft exposure of the NPS-FM provides a restricted list of species which are likely to be the only species considered to be ‘pasture’ once the draft exposure changes are made, and those have been used in this report.

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This test ascertains the “dominant” species following a 50/20 rule, whereby all species are ranked according to their percentage cover, and the highest covering species are sequentially selected until cumulative coverage exceeds 50%. Any other species which comprise at least 20% coverage are also selected. If more than 50% of the dominant species are OBL, FACW, or FAC species, then the “Dominance Test” threshold is met and the area is considered a natural wetland. However, if there is a large FAC species presence, a Natural Wetland status is assigned with caution. In such a case, hydric soil indicators are used using guidance from the hydric soils guide (Fraser et al., 2018), followed by a Prevalence Test (described below) if further ambiguity is present.

Hydric soils

Hydric soils are considered in ambiguous scenarios, whereby soil is observed to a depth and features typical of hydric soils (e.g. iron mottling, peat, gleying) are noted to aid with wetland determination.

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Using the vegetation plot percent cover data, a Prevalence Index Score is calculated for each plot. Mathematically, this score must fall between 1 and 5, with 1 indicating entirely wetland species (OBL), and 5 indicating entirely upland species (UPL). A score below 3 is indicative of a wetland/hydrophilic community, though Clarkson (2013) cautions that a score between 2.5 and 3.5 is not reliable for determining a hydrophilic community on vegetation measures alone.

From: [Michelle Conland](#)
To: [Owen Spearpoint](#); [Paula Hammond](#); [Pam Guest](#)
Cc: [James Luty](#); [Jude Chittock](#)
Subject: RE: Titahi Bay coastal wetland identification and effects Method.docx
Date: Monday, 8 August 2022 12:04:00 pm
Attachments: [image001.png](#)

Thanks so much for that detailed assessment Owen. I'll need to get back to Richard with this information today, so can I please have any additional comments by 3.30pm. Sorry for the short timeframe!

From: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Sent: Monday, 8 August 2022 11:04 am
To: Michelle Conland <Michelle.Conland@gw.govt.nz>; Paula Hammond <Paula.Hammond@gw.govt.nz>; Pam Guest <Pam.Guest@gw.govt.nz>
Cc: James Luty <James.Luty@gw.govt.nz>; Jude Chittock <Jude.Chittock@gw.govt.nz>
Subject: RE: Titahi Bay coastal wetland identification and effects Method.docx

Morena Michelle

I have cc'd in Paula and Pam for comment also as there is considerable reference to the NPS-FM and pNRP.

My reply to section 1- Proposed method.

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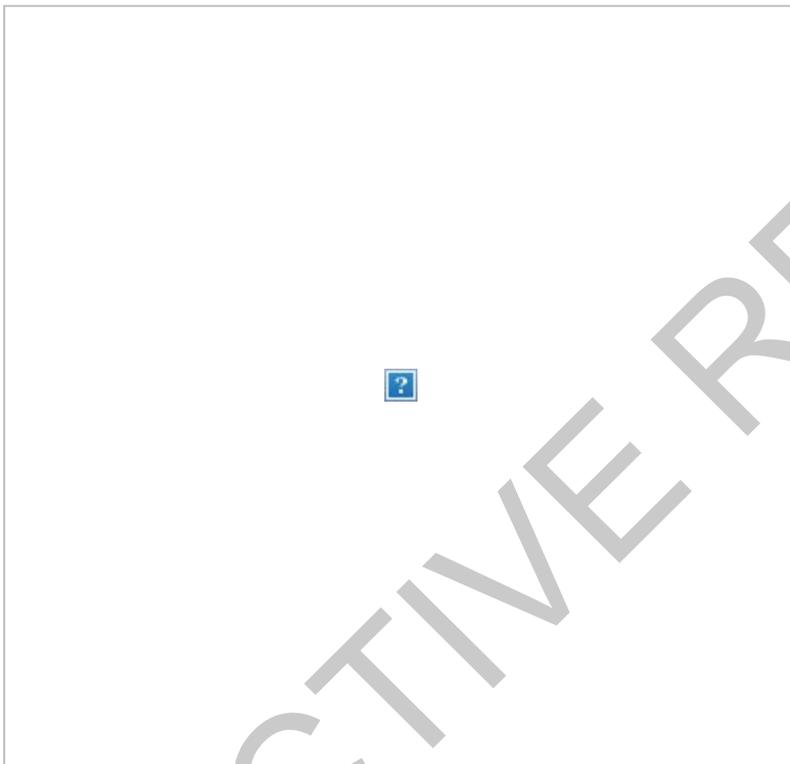
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The revised MfE protocol September 2021 and flow chart (attached) is the Prevalence test is conducted before the Hydrology and soils are tested. The soils and Hydrology are tested if the Prevalence test is uncertain.

Please get in touch if you have questions.
Nga mihi nui
Owen

I work Monday to Wednesday.

Owen Spearpoint (he/him)

[Senior Environmental Monitoring Officer]Kaiāpiha Matua Taiao
Land, Ecology and Climate
GREATER WELLINGTON REGIONAL COUNCIL
Te Pane Matua Taiao
Shed 39, Harbour Quays
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T: 04) 8304418 | Cell 027 285 8083
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Sent: Thursday, 4 August 2022 12:03 PM
To: Owen Spearpoint <Owen.Spearpoint@gw.govt.nz>
Cc: James Luty <James.Luty@gw.govt.nz>; Jude Chittock <Jude.Chittock@gw.govt.nz>
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Ngā mihi

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Sent: Thursday, 4 August 2022 8:02 am
To: Michelle Conland <Michelle.Conland@gw.govt.nz>
Cc: Vaughan Keesing <Vaughan.Keesing@boffamiskell.co.nz>; Hudspith, Ezekiel <ezekiel.hudspith@dentons.com>; Cameron, David <David.Cameron2@stantec.com>
Subject: FW: Titahi Bay coastal wetland identification and effects Method.docx

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Could you please arrange for the review to occur as early as possible next week to enable Vaughan to undertake his fieldwork next week.

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From: Vaughan Keesing <Vaughan.Keesing@boffamiskell.co.nz>

Sent: Wednesday, 3 August 2022 3:56 p.m.

To: llze.Rautenbach@stantec.com

Cc: Peterson, Richard <Richard.Peterson@stantec.com>

Subject: Titahi Bay coastal wetland identification and effects Method.docx

So, folk, as I understand it the next stage is an acceptance or certification by GWRC of my proposed method so here is the method statement

Cheers

Vaughan

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PROACTIVE RELEASE

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To: [Michelle Conland](#); [Paula Hammond](#); [Pam Guest](#)
Cc: [James Luty](#); [Jude Chittock](#)
Subject: RE: Titahi Bay coastal wetland identification and effects Method.docx
Date: Monday, 8 August 2022 11:03:00 am
Attachments: [Titahi Bay coastal wetland identification and effects Method.docx](#)
[8_2021_Process_diagram.png](#)
[image002.png](#)

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Titahi Bay Wastewater discharge to sea potential coastal wetland identification and effects Method.

The background to the development of this specific site methodology is presented in section 2. The proposed method for site survey, analysis and effects determination is as follows.

Section 1 - In brief then the proposed method for this assessment is:

1. View the site in retrolens and look for evidence in the literature of its presence historically.
2. Go to site and view from a vantage point the feature in question (photograph)
3. Determine the heterogeneity of the vegetation, are there 1 or more distinct vegetation communities – roughly map the feature and communities.
4. Check the context and note wider aspects - is the topography and visually present hydrology suggestive of potential wetland?
5. Are there unusual circumstances or effects in play on or influencing the feature?
6. Enter and rapidly assess the vegetation cover dominance and classification (FACU-OBL) - can it be clearly determined to be wetland or dryland?
7. If it cannot be determined- select representative plot positions in each of the identified vegetation communities, several may be required if the communities are variable in cover, record this variability if present.
8. Undertake plot/s placement and species cover percentage cover estimates
9. Using the data and context test exclusions
10. Failure to meet exclusions use the wetland dominance test,
11. If result still ambiguous use the other indicators (noting that given the situation soil cores or soil testing for hydric (in CMA) may not be available or applicable to test.
12. Lastly utilise the prevalence indices.
13. Conclude if a natural wetland under the PNRP and / or the NPS FM
14. Test for significance under policy 23 of the GWRC RPS.
15. Utilise this result to examine NZCPS policy 11 applicability.
16. Use literature, research and similar effects records from experience to determine the likelihood of adverse effects related to the proposed discharge (water level, sedimentation, contaminants), Consider future state up to 2043 and consider also climate change effects.

Section 2. Relevant policies and protocols

GWRC PNRP (Appeals version 2022)

A natural wetland is - a permanently or intermittently wet area, shallow water and land water margin that supports a natural ecosystem of plants and animals that are adapted to wet conditions, including in the beds of lakes and rivers, the coastal marine area (e.g. saltmarsh), and groundwater-fed wetlands (e.g. springs).

Here the PNRP does not distinguish wetland in the CMA as separate as does the NPS FM (2020)

Natural wetlands do not include:

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture that, at 3 September 2020, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling.

In the case of uncertainty or dispute about the existence or extent of a natural wetland, a regional council must have regard to the Wetland Delineation Protocols available at <https://environment.govt.nz/publications/wetland-delineation-protocols/>. This is the Clarkson (2013, 2018) wetlands delineation process also now include in the NPS FM (2020) as MfE wetland delineation protocol (2020).

The definition of a wetland in New Zealand is outlined in the RMA (Resource Management Act, 1991):

“Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”

A ‘Natural Wetland’ is defined in the NPS-FM using the same definition as ‘Wetland’ in the RMA, but with the following exclusions:

(a) *A wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former Natural Wetland); or*

(b) *A geothermal wetland; or*

(c) *Any area of improved pasture that, at the commencement date, is dominated by (that is more than 50 per cent of) exotic pasture species and is subject to temporary rain-derived water pooling.*

A revised definition of the exclusions is proposed by MfE (but not yet confirmed) in the Exposure Draft of the NPS-FM. The anticipated date for confirmation of these changes is around November 2022.

The proposed changes are below:

(a) *a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural wetland as part of giving effect to the effects management hierarchy; or*

(b) *a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or*

(c) *a geothermal wetland; or*

(d) *a wetland that:*

(i) is within an area of pasture; and

(ii) has ground cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species (see clause 1.8)); and

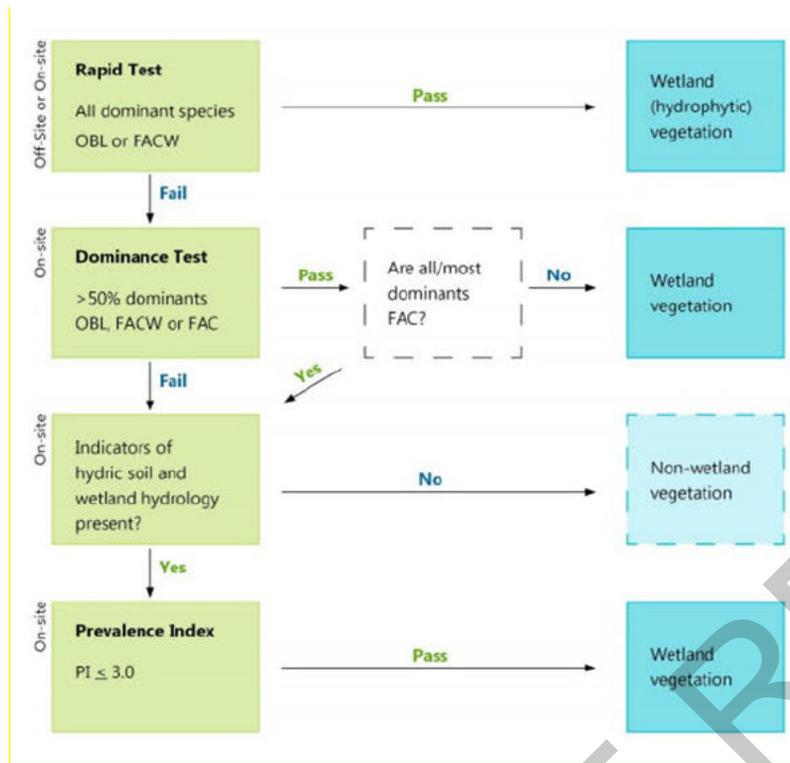
(iii) is not known to contain threatened species

“**Natural inland wetland**” also means a natural wetland that is not in the coastal mariner area (CMA).

Natural wetland assessment

The below flow chart, published in the wetland delineation protocols (Ministry for the Environment, 2020) outlines the pathway for identifying natural wetlands. However, this does not incorporate initial

exclusions from the policy definitions (pasture coverage), so a Pasture Test is carried out following the Rapid Test to determine if the exclusion is met.



The procedure for determining natural wetland status is carried out by establishing broad vegetation communities of a feature and the outer boundaries of a feature and then rapidly visually assessing the dominant species in the communities of the feature, using topography (and hydrology) to assist with these broad areas. Once these areas are identified, three tests (Pasture test, Dominance Index, and Prevalence Index) are conducted to determine wetland viability or otherwise. These tests require at least one representative 2 x 2 m vegetation plot in each established community, whereby the percent cover of all species within the plot is estimated (based on above-ground live biomass). Locations of areas and the delineations which resulted from this are identified in Figure 1.

Each vegetation species identified within a 2 x 2 m vegetation plot is allocated to a prescribed category based on its degree of affinity for water, as described by Clarkson (2013). These categories are:

- **OBL:** Obligate. Almost always is a hydrophyte, rarely in uplands (estimated probability >99% occurrence in wetlands)
- **FACW:** Facultative Wetland. Usually is a hydrophyte but occasionally found in uplands (estimated probability 67–99% occurrence in wetlands)
- **FAC:** Facultative. Commonly occurs as either a hydrophyte or non-hydrophyte (estimated probability 34–66% occurrence in wetlands)
- **FACU:** Facultative Upland. Occasionally is a hydrophyte but usually occurs in uplands (estimated probability 1–33% occurrence in wetlands)
- **UPL:** Obligate Upland. Rarely is a hydrophyte, almost always in uplands (estimated probability <1% occurrence in wetlands)

These categories, in conjunction with percent cover estimates from each plot, feed into the resulting Pasture Test, Dominance Index and Prevalence Index results:

Pasture Test

A Pasture Test considers that if a plot is more than 50% covered in pasture species, it is not considered a “natural wetland”, irrespective of the Prevalence/Dominance outcomes, and no further testing is required, as the area meets the natural wetland exclusion definition. It is noted that ‘pasture’ is currently undefined, but the draft exposure of the NPS-FM provides a restricted list of species which are likely to be the only species considered to be ‘pasture’ once the draft exposure changes are made, and those have been used in this report.

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This test ascertains the “dominant” species following a 50/20 rule, whereby all species are ranked according to their percentage cover, and the highest covering species are sequentially selected until cumulative coverage exceeds 50%. Any other species which comprise at least 20% coverage are also selected. If more than 50% of the dominant species are OBL, FACW, or FAC species, then the “Dominance Test” threshold is met and the area is considered a natural wetland. However, if there is a large FAC species presence, a Natural Wetland status is assigned with caution. In such a case, hydric soil indicators are used using guidance from the hydric soils guide (Fraser et al., 2018), followed by a Prevalence Test (described below) if further ambiguity is present.

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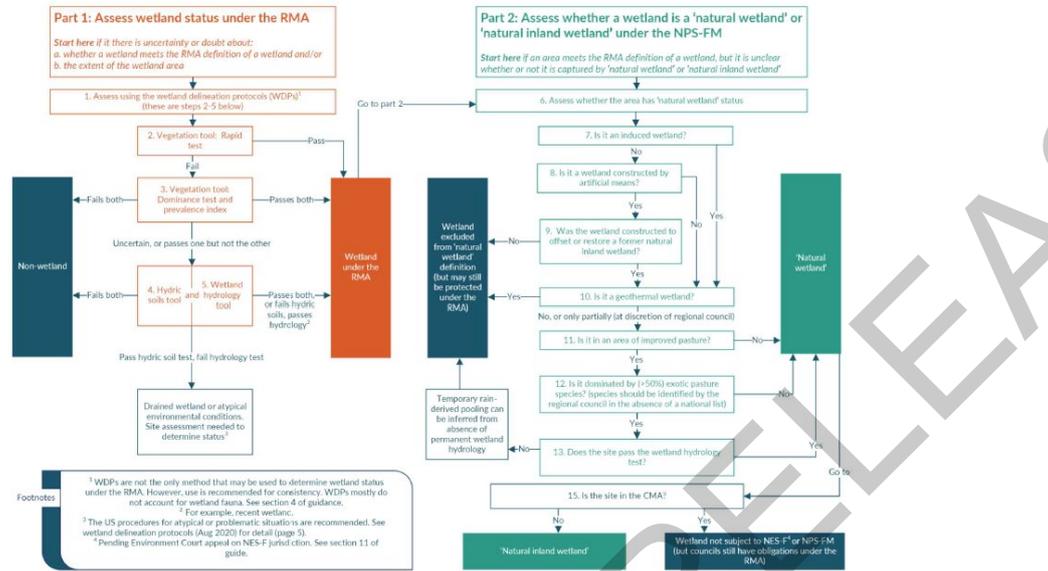
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Prevalence Index

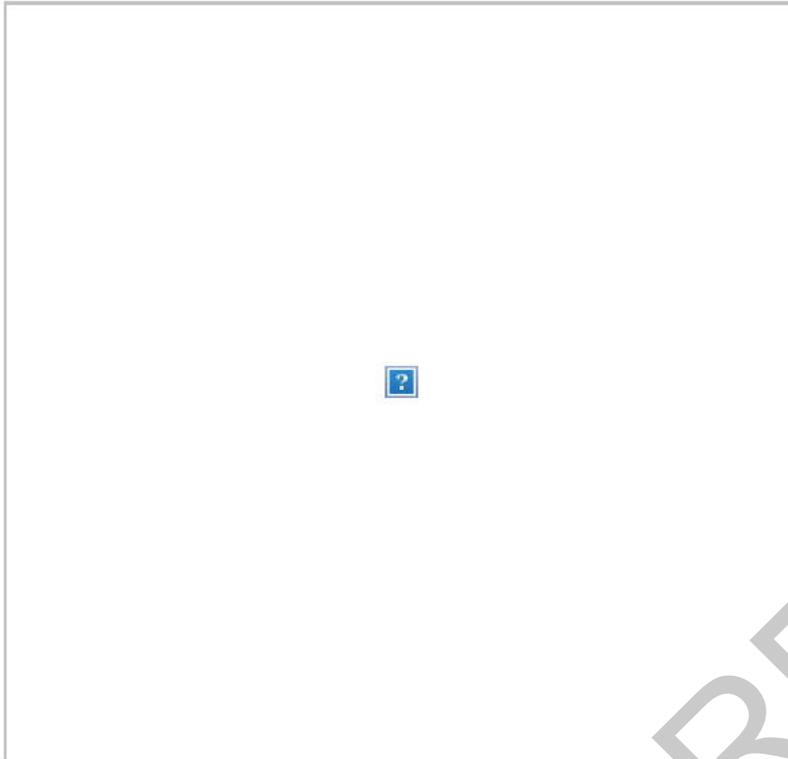
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3.4 A process to assess 'natural wetland' and 'natural inland wetland' status

Figure 1 Assessing 'natural wetland' and 'natural inland wetland' status under the NPS-FM



that meets the RMA definition only.



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[Senior Environmental Monitoring Officer]Kaiāpiha Matua Taiao

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Sent: Wednesday, 3 August 2022 3:56 p.m.
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