

Notice of Requirement

For a public work, being Wainuiomata Regional Park, in
the City of Lower Hutt District Plan

Notice of Requirement and Assessment of Effects on the Environment

Wainuiomata Regional Park in the City of Lower Hutt District Plan




Quality Information

Document: Notice of Requirement

Date 17 January 2025

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Revision History

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			Name / Position	Signature
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5	15.1.2025	Review	Claire McKeivitt, Team Leader Consents Management	
6	16.1.2025	Approval	David Boone, Acting Delivery Director	
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Contents

1.	Form 18	7
2.	Responsibility for the public work	12
3.	Description of the site to which this NOR relates	12
3.1	Location details	12
3.2	Wainuiomata Regional Park	12
4.	Nature of the proposed public work	13
4.1	Definitions of terms used in the proposed designation purpose	13
4.2	Summary of existing park assets and public spaces	15
4.3	Buildings, structures and support structures	15
4.4	Commercial activities and temporary activities	16
4.5	Earthworks	18
4.6	Heritage buildings, structures and areas	18
4.7	Infrastructure	19
4.8	Mana whenua values	20
4.9	Management of contaminated land	20
4.10	Motorised activities on the surface of water bodies	21
4.11	Motorised activities on land	21
4.12	Recreational activities	21
4.13	Residential and visitor accommodation	22
4.14	Restoration activities	22
4.15	Signage	22
4.16	Vegetation management	23
5.	Effects of the public work on the environment	23
5.1	Introduction	23
5.2	Positive effects of designating the public work	24
5.3	Effects of buildings and structures	25
5.4	Effects of earthworks and vegetation management activities	26
5.5	Effects on heritage buildings, structures and areas	28
5.6	Noise effects	29
5.7	Traffic effects	30
5.8	Conclusion	31
6.	Matters to consider under section 171 of the RMA	31
6.1	Part 2	32

6.1.1	Section 6	32
6.1.2	Section 7	32
6.1.3	Section 8	33
6.1.4	Conclusion	34
6.2	Relevant National Policy Statements	34
6.3	Regional Policy Statement	35
6.4	District Plan	35
	Appendix A: List of the land parcels	37
	Appendix B: Location map	38
	Appendix C: Proposed conditions on designation	40

1. Form 18

Notice of requirement by Minister, local authority, or requiring authority for designation

Subject to section 168 and clause 4 of Schedule 1, Resource Management Act 1991.

To: Hutt City Council (HCC)

Wellington Regional Council (GW) gives notice of a requirement for a designation for a public work.

The sites to which the requirement applies is as follows:

Wainuiomata Regional Park

A full description of the site is contained in section 3 of this NOR.

A list of the land parcels is in **Appendix A**, which includes the landowners, legal descriptions, and area of land. **Appendix B** contains a location map including the designation boundary. This clearly shows the location of Wainuiomata Regional Park within the Lower Hutt city area, the main entrances into the park and some of the main park features.

The nature of the proposed public work is:

The proposed public work is a public reserve, managed by GW as a regional park.

The designation is to enable the ongoing operation, maintenance and development activities associated with the Wainuiomata Regional Park. Each designation is intended to allow and support the recreational, restoration, conservation and general park management activities. No additional site development is proposed at the regional park as a particular result of the designation. However, site development may be undertaken in the future in accordance with the purpose of the designation and as provided for in the reserves management plan.

The designation purpose for Wainuiomata Regional Park, shall be –

“Regional Park purposes – recreation, conservation, protection, general park management activities and any other activities permitted in the operative reserve management plan, including but not limited to the development, operation, construction, upgrade, maintenance and repair of parks assets and public spaces.”

A full description of the nature of the proposed public work is contained in section 4 of this NOR. Definitions for the terms used in the designation purpose are included.

The nature of the proposed conditions that would apply are:

The proposed conditions to be placed on the designation are provided in **Appendix C**. These aim to mitigate the potential adverse effects on the environment. The conditions also clearly define the activities that would be exempt from the requirement to submit an Outline Plan to the territorial authority, in line with s176A(2)(b) of the RMA.

The effects that the public work (or project or work) will have on the environment, and the ways in which any adverse effects will be mitigated, are:

A full assessment of environmental effects is contained in section 5 of this NOR.

Section 6 of this NOR contains an assessment of the public work against the relevant matters to be considered under section 171 of the RMA.

Alternative sites, routes, and methods have been considered to the following extent:

Consideration should be given to alternative sites, routes, or methods of undertaking the work if the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that the work will have a significant adverse effect on the environment.

The public work and activities detailed in this NOR will not have significant adverse effects on the environment.

Further, the public work subject to this NOR is an established operating regional park. The public work represents a significant ratepayer investment and has facilities that provide for a variety of recreation, restoration and educational activities in the outdoors. There are no alternative sites for the public work relevant to this NOR.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

Under the Local Government Act 2002 and Reserves Act 1977, GW is enabled to hold, manage and purchase land for regional parks, including Wainuiomata Regional Park. Under the Reserves Management Act, GW is responsible for managing the regional park according to its reserve status.

GW also has responsibility to manage the regional park on behalf of the landowners and ratepayers as public work under the operative reserves management plan in accordance with the Reserves Act 1977. One of the mechanisms to achieve these objectives is the use of designations to protect the Wainuiomata Regional Park as a public work.

A designation reflects the long-term nature of operating Wainuiomata Regional Park, and enables management and restoration works to occur within the park. Designating Wainuiomata Regional Park will identify and protect these assets in Lower Hutt to ensure they remain fully operational and are not affected by inappropriate development. The designation will mean that activities can be easily undertaken as and when required to provide for GW's operational and functional needs within the Wainuiomata Regional Park.

A designation allows GW to take a whole of catchment approach to works, operations and services provided in the regional park, specifically to ensure the ecosystems and habitats, natural character and amenity values, recreational benefits, and cultural and historic heritage sites are protected, restored and managed appropriately. GW is proud of how regional park management activities are undertaken and implemented pursuant to the reserves management plan. GW has no intention or mandate to use this designation to implement major changes or development beyond those identified within the reserves management plan.

Although many of these activities and Wainuiomata Regional Park itself could be provided for in the District Plan via permitted activity rules and standards, the proposed overlays in the Draft District Plan are considered to be too restrictive and unduly limit the standard park management activities able to be undertaken within Wainuiomata Regional Park. Therefore, the designation will provide efficiencies to both GW and HCC in terms of consenting and compliance for activities undertaken in accordance with the designation purpose.

Designating this public work is reasonable and necessary for achieving the objectives of GW, as the requiring authority, in managing Wainuiomata Regional Park.

The following resource consents are needed for the proposed activity and have (or have not) been applied for:

No additional resource consents are proposed to be applied for in relation to the activities contained in this NOR.

In terms of consent requirements under the Natural Resources Plan for the Wellington Region in relation to any ongoing operation, maintenance and development of the regional park, any development will be considered against the relevant provisions in place at the time. These are anticipated to include (as relevant): earthworks and vegetation clearance provisions, discharges to air, discharges to land and water and activities in the beds of lakes and rivers. These provisions are separate to the District Plan provisions, including designations.

The following consultation has been undertaken with parties that are likely to be affected:

There is no mandatory requirement under the RMA to consult with interested or affected parties regarding this NOR. However, GW values its partnerships

with mana whenua and relationships with stakeholders relating to operational works within Wainuiomata Regional Park.

GW participated in several pre-application hui with HCC officers regarding this NOR. Comments (from a consultant planner on behalf of HCC) on a draft NOR were received in November 2024, which have been actioned.

GW is committed to upholding Te Tiriti o Waitangi and its role as kaitiaki of the regional park with mana whenua partners. GW acknowledges Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira as mana whenua of this rohe. The important awa, ngahere, ara, wāhi tapu and landmarks of this rohe that hold significance to mana whenua are acknowledged. GW recognises the strong and enduring connections between tangata whenua and the land, the mauri of the water and ecosystems, and natural resources.

Both mana whenua partners received a copy of the draft NOR in October 2024, and a summary of the implications of the NOR in December 2024. GW and TROTR officers briefly discussed this in an online hui regarding another matter and follow up emails. Advice from the TROTR officer was that Ngāti Toa would generally support PNBST's wishes and comments on the Wainuiomata Regional Park. On 15 January 2015, the TROTR officer confirmed that they do not anticipate any significant concerns with the NOR. TROTR are comfortable that they are informed of any proposed works undertaken under the designation to be communicated through the existing communication between GW and TROTR. While brief conversations with PNBST have been held, no formal comments or response has been received.

Due to the timing of this piece of work, a draft of this NOR has not yet (to GW's knowledge) been provided to Hutt City Council's Mana Whenua Kāhui group. GW understands that this will occur in due course.

A draft of this NOR was provided to affected landowners and major stakeholders in October 2024.

GW has a Service Level Agreement with Wellington Water Limited (WWL) regarding the joint management of land and assets within the Wainuiomata/Orongorongo Water Catchment Area, which includes Wainuiomata Regional Park. Caroline Horrox, Planning Contractor to WWL's Land Development and Resource Management teams provided feedback, specifically *"I can see that the new designation doesn't overlap the actual water treatment plant (obviously it overlaps the catchment area). I can't see any issues that the new designation would create for Wellington Water in relation to the operation of the wider water supply designation."* Caroline also requested the boundary of the existing water catchment designation be added to the map showing the boundary of the regional park designation, which has been actioned.

Greater Wellington Regional Council attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

This NOR and the appendices as listed.

Signature of person authorised to sign on behalf of person giving notice

Jack Mace
Acting Environment Group Manager
Greater Wellington Regional Council

Date: 17 January 2025

(A signature is not required if notice is given by electronic means.)

As GW is a local authority, it is a requiring authority. The contact details are provided below.

Table 1: Requiring authority details

Address for service during assessment	Tonkin + Taylor PO Box 2083, Wellington 6011 Attention: Sarah Bevin Phone: 027 511 4877 / 04 806 4905 Email: sbevin@tonkintaylor.co.nz
Address for service during NOR process	Greater Wellington Regional Council – Delivery PO Box 11646, Wellington 6011 Attention: Claire McKevitt, Team Leader, Consents Management Phone: 021 241 8070 Email: claire.mckevitt@gw.govt.nz

2. Responsibility for the public work

GW is responsible for managing regional parks within the Wellington Region. Within Lower Hutt, this includes Wainuiomata Regional Park. This regional park has reserve status and is managed by a reserves management plan prepared and approved under the Reserves Act, being GW's operative Toitū Te Whenua Parks Network Plan 2020-2030 (Toitū Te Whenua)¹.

The Resource Management Act (RMA) expressly states that public reserves under the Reserves Act qualify as 'public works' (refer section 2). Wainuiomata Regional Park subject to this NOR meets the definition of public reserve.

GW is a requiring authority pursuant to section 166 of the RMA and has overriding financial responsibility for this public work, and therefore GW has the power to issue Notices of Requirement (NOR) under section 168 of the RMA. The activities authorised by this NOR for the purposes of the RMA are also provided for, and managed by, the operative reserves management plan prepared and approved under the Reserves Act. GW intends for this NOR and the relevant reserves management plan to complement each other.

The land parcels subject to this NOR are owned by GW.

3. Description of the site to which this NOR relates

3.1 Location details

In the operative District Plan, Wainuiomata Regional Park is zoned General Rural.

Under the draft District Plan (December 2023 version) the entirety of the land within the proposed designation boundary is zoned Natural Open Space Zone.

3.2 Wainuiomata Regional Park

An existing designation WRC10 covers the catchments of the Wainuiomata and Orongorongo rivers, with the purpose 'Wainuiomata – Orongorongo Water Collection and Conservation Area'. Within WRC10, Wellington Water Limited operates regionally significant water supply (intake, transport and treatment) components with support from GW teams for ranging, biodiversity and biosecurity activities. Public access to the Wainuiomata/Orongorongo Water Collection Areas is limited and managed by the Water Collection Areas Management Plan and a public access plan.

No alteration to WRC10 is proposed in this NOR; WRC10 will continue to be the primary designation. However, an additional designation is proposed over a smaller area within the existing WRC10 designation, as a secondary designation to WRC10. The new designation is referred to as Wainuiomata Regional Park (WRP) and is the subject of this NOR.

¹ <https://www.gw.govt.nz/assets/Documents/2022/05/Parks-Network-Plan-2020-30-3.0.pdf>

The WRP covers the Wainuiomata River valley at the entrance to WRC10 which is fully open to public access. The WRP is bound by Hine Park at the south end, the Remutaka Forest Park to the east, and the water catchment area covered by WRC10 to the north and west. It includes the Wainuiomata River lower dam wetlands above the dam. Several short (<2hour) loop walks head through regenerating native bush and a grove of gum trees along the river to visit historic sites related to the water supply and logging since the 1880s.

The following is identified in the operative District Plan within Wainuiomata Regional Park: Significant Natural Resource (SNR) site SNR46 Rimutaka [sic] Ranges and Orongorongo and Wainuiomata Catchments.

The following are identified in the draft District Plan (December 2023 version), and are expected to be carried over into the proposed District Plan, within Wainuiomata Regional Park:

- Heritage buildings and structures: Wainuiomata earth (lower) dam.
- Outstanding Natural Landscapes (ONL): Remutaka Range ONL.

4. Nature of the proposed public work

The proposed public work is a public reserve.

The specific activities that make up the work and are included in this NOR are summarised in the following subsections. The activities are those generally involved in the management, operation, development, construction, maintenance, repair and upgrade of park facilities and public spaces, for recreational, conservation and restoration purposes as permitted by the governing legislation and the operative reserve management plan. These are existing activities with a functional and operational need to be located within this site.

These activities are provided for in the reserve management plan, GW's Toitū Te Whenua Parks Network Plan 2020-2030. This provides the strategic plan for the management and future development of the regional parks, including specific actions and priorities for each park. This also contains a Reserves Act permissions process for proposed activities within the regional parks (Section 8 of Toitū Te Whenua). Toitū Te Whenua does not provide specific details on how GW staff will carry out their management and operational activities; these are set out in this NOR.

The NOR covers activities within the proposed Wainuiomata Regional Park designation boundary regardless of any individual site's inclusion within existing or proposed schedules, overlays and margins in the operative, draft or proposed District Plan.

4.1 Definitions of terms used in the proposed designation purpose

The definitions below are adopted to provide clarity about the terms used in this NOR and understand what (if any) changes or increases in effects would be covered. Unless specifically mentioned otherwise, GW has used the definitions

in the National Planning Standards², including for **building, earthworks, residential activity, sign, structure** and **visitor accommodation**; and the definitions in the Resource Management Act 1991, including for **infrastructure** and **historic heritage**.

Regional park is defined by section 139 of the Local Government Act 2002 as:

*“(a) means land—
(i) owned by a regional council; and
(ii) acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; and
(b) includes land within the meaning of paragraph (a) that is—
(i) reserve within the meaning of section 2(1) of the Reserves Act 1977; or
(ii) otherwise held or administered under the Reserves Act 1977 or any earlier corresponding enactment.”*

Under the Conservation Act 1987, **conservation** means:

“the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations”;

and **protection** means:

“in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes (a) its restoration to some former state; and (b) its augmentation, enhancement, or expansion”.

In relation to park assets (as defined below), the following definitions have been adopted:

Park assets is a collective term for the buildings, structures, support structures, tracks and roads, infrastructure, facilities, amenity areas and resources that make up the public work.

Construction means the creation, use and development of new park assets to an agreed functional and operational condition.

Maintenance and repair mean the works required to keep an existing park asset in an agreed functional and operational condition.

Upgrade means the improvement, addition, alteration, relocation, replacement or increase in dimensions, to bring an existing park asset up to current standards or to improve the functional characteristics of the park asset, provided that the effects of the activity are the same or similar

² <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

in character, intensity and scale as the existing structure and activity.
Excludes maintenance and repair.

For the purposes of this NOR, GW has adopted the definitions provided in the Draft District Plan (December 2023 version) for the following: **support structures, public spaces, recreational activity, restoration, and rural activity.** These may need to be updated as a result of the Proposed District Plan process.

4.2 Summary of existing park assets and public spaces

This NOR encompasses the general management, operation and development, construction, maintenance, repair and upgrade of park assets and public spaces.

Wainuiomata Regional Park's existing facilities include:

- multiple single-use or shared-use tracks and roads of different grades and lengths across the park, including associated structures and signage
- entrances, signage and carparks at Witcher Grove and Hine Road
- the ranger's office including museum and public toilet
- various buildings (workshop, nursery, water supply infrastructure)
- two residential houses
- historic water supply dam structure.

4.3 Buildings, structures and support structures

This NOR provides for the construction, operation, maintenance, repair and upgrade of park assets. This includes internal and external alterations and additions, adaptive re-use, removal, demolition, reconstruction and replacement of existing park assets.

Examples of existing buildings within Wainuiomata Regional Park include toilet blocks, information kiosks, shelters, plant nurseries, huts, visitor hubs, houses, offices, and museums.

Examples of structures in Wainuiomata Regional Park include barriers, bridges, steps, retaining walls, board walks, vehicle crossings, notice boards, picnic tables, stiles, entrance gates, fences, amenity furniture, and structures to house equipment.

These activities relate to the designation purpose and are provided for by the operative reserve management plan.

Regional Park buildings and structures are constructed on the basis of functional and operational needs, to reduce any impacts on the surrounding environment, and to be fit-for-purpose. As far as practicable, the scale of these is kept to the minimum necessary and is integrated into the landscape.

As discussed in the reserves management plan, the adaptive re-use and re-development of existing buildings and structures within Wainuiomata Regional

Park is also covered by this NOR. These buildings and structures are generally left over from earlier (or continuing) land uses or activities within the park e.g. water supply in Wainuiomata Regional Park.

Building and structures that are identified in the relevant District Plan as having historic heritage values are discussed separately below.

The operative reserve management plan contains actions relating to existing and new park assets, with the proposals currently being worked through including, but not being limited to:

- the redevelopment of existing buildings at/near the ranger's office to incorporate a dark sky education centre and additional public toilets, Wainuiomata Regional Park; and
- the development of a new loop walking track including structures through the lower dam wetland, Wainuiomata Regional Park.

4.4 Commercial activities and temporary activities

This NOR covers commercial activities, events and temporary activities that are consistent with the purpose of the designation, located within all overlays and margins, and include any associated temporary buildings, structures and features within Wainuiomata Regional Park, as provided for and managed by the reserves management plan.

The reserves management plan provides for the following:

- commercial and other activities with low-medium impact or are short-term.
- commercial and other activities with high impact, site sensitivity or longer term;
- non-commercial events for under 30 people;
- non-commercial events for large groups (over 30 people) and formal events (e.g. weddings);
- commercial events and filming;
- non-commercial filming/photography;
- lighting; and
- conferences and meetings in park venues.

These 'Managed' activities are identified as those having possible impacts on core park conservation, cultural and recreation values. Managed activities include formal events, more intensive use of particular places, one-off activities or activities that may present a threat to park values or possible conflict with other visitor enjoyment. Approval for managed activities is through a permit, concession agreement, short-term licence or other agreements issued by a GW park ranger or authorised officer. Activities considered to be high impact require an Assessment of Environmental Effects to be prepared and submitted in accordance with the specific requirements of the reserves management plan.

Appendix Three of the Toitū Te Whenua Parks Network Plan sets out the process for applying for approval for certain types of activities, and includes the following matrix showing the scale of potential activities –

		Low -	Potential IMPACTS on core park values			- High
- Low	BENEFITS for core park values	LOW-IMPACT, LOW-BENEFIT Less relevant to park locations	Military training on-off event	Large-scale film shoot using many vehicles	Car racing event on park road	HIGH-IMPACT, LOW-BENEFIT Stock grazing licence
		Conference events	Sports fishing competition	Pop-up vehicle motor show	Night time lantern festival	Off-road motorcycle event
		Scout jamboree	Wedding	Commercial dog walking	One-off rodeo event	Plantation forestry
		Short, small scale film shoot about birds	Recreation hunting	Kiwi spotting event	Beehives	Large-scale transport museum
		School cross country run	Naturalists walk in the park	Food truck	Drone racing event	Horse grazing licence (recreation)
		HIGH-BENEFIT, LOW-IMPACT Native plant nursery, exercise classes, plein air (outdoor) painting art classes	Orienteering event	Search and rescue training with helicopter	Large-scale music event	HIGH-IMPACT, HIGH-BENEFIT Large scale, long running film shoot
High -						

Figure 4.1: Impact of activities matrix (Appendix Three of Toitū Te Whenua Parks Network Plan)

Other examples of activities authorised through the ‘managed activities’ process described above include:

- a food and coffee truck (approved through a low impact concession, permit conditions address waste);
- Filming related to a small education group (approved through a small scale concession);
- Filming – large scale (approved through a full concession, which may have a large suite of conditions);
- Series of education workshops using park facilities (approved through a concession);
- Series of school holiday programme events (approved through a concession, conditions tailored to specific activities and facilities used);
- Motorsport event using access roads (concession application declined as activity was considered high impact and not suitable for park location).

GW considers the reserve management plan permissions process to be the most appropriate method of managing these activities within Wainuiomata Regional Park.

4.5 Earthworks

This NOR covers all earthworks activities that are consistent with the purpose of the designation, including within all scheduled sites, overlays and margins identified in the relevant District Plan.

Regarding this public work, earthworks activities are generally undertaken to maintain and repair existing park assets, for example: to re-route and maintain tracks, roads and firebreaks; for landscaping of amenity and carparking areas; to install, replace and remove structures or utilities; to clear slips and slumps; and to undertake natural hazard mitigation.

Earthworks activities may be required for the construction and development of new park assets including building platforms, firebreaks to manage fire risks, and the creation of new tracks.

Earthworks are always undertaken on a minimum necessary basis and with the prior input from internal and/or external experts. However, due to the environments found within Wainuiomata Regional Park, earthworks may be required within areas of indigenous vegetation or areas of indigenous biological diversity, or within riparian margins, on slopes exceeding 34 degrees, and in areas with significant cultural or historical values.

Identification and avoidance of known sites and areas of significance to Māori is required prior to any earthworks, and earthworks are undertaken in accordance with a general accidental discovery protocol.

Separately to this NOR, the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 and the Natural Resources Plan for the Wellington Region may apply to these activities.

Under the operative reserve management plan, mining, quarrying or mineral exploration activities are prohibited in Wainuiomata Regional Park and are not included in the public work.

4.6 Heritage buildings, structures and areas

This NOR covers all activities relating to heritage buildings/structures, and buildings and structures in historic heritage areas (as identified in the relevant schedules of the District Plan), that are consistent with the purpose of the designation, including within all overlays and margins.

The activities covered include the:

- a. maintenance and repair of heritage buildings/structures;
- b. internal additions and alterations of heritage buildings/structures;
- c. new buildings, structures and support structures within historic heritage areas;
- d. external alteration or additions and full or partial demolition of non-heritage buildings and structures within historic heritage areas; and

- e. external alteration or additions and full or partial demolition of heritage buildings/structures.

External alterations of or additions to heritage buildings/structures are generally only required to preserve the function of the building/structure, and to ensure public safety. Full or partial removal or demolition of a heritage building/structure would only occur due to public safety concerns. GW would usually choose to fence off an unsafe heritage building/structure and install signage to warn of the risks, rather than demolition. New buildings or structures within historic heritage areas would be developed only where necessary in accordance with the reserves management plan and therefore would be consistent with the purpose of the designation.

In the draft District Plan (December 2023 version), the Wainuiomata lower (earth) dam in Wainuiomata Regional Park is identified as a heritage building/structure.

Separately to this NOR, the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 may still apply to these activities.

4.7 Infrastructure

The activities covered by this NOR are the construction, operation, repair, upgrade and maintenance of new and existing infrastructure that is consistent with the purpose of the designation, including within all overlays and margins.

This includes all infrastructure within the regional park related to the:

- structures for transport on land by cycleways, roads, walkways, or any other means (including carparks),
- telecommunication and radiocommunication networks,
- collection, generation, distribution and conveyance of electricity, gas, water and wastewater, and
- environmental monitoring equipment e.g. aerials, antennas, sensing devices (which also meet the definition of support structures in the Draft Plan).

These activities are generally addressed in the same manner as described in the building, structures and support structures subsections of this NOR. New infrastructure would be developed only where necessary in accordance with the reserves management plan and therefore would be consistent with the purpose of the designation.

Infrastructure related to the collection, treatment and supply of bulk drinking water within Wainuiomata Regional Park is excluded from this NOR, namely the infrastructure related to the primary designation WRC 10 for the Wainuiomata-Orongorongo Water Collection and Conservation Area.

This designation for regional park purposes is intended as a secondary designation where it overlaps designation WRC10.

4.8 Mana whenua values

Taranaki Whānui ki Te Upoko o Te Ika is a collective that comprises people of Te Ātiawa, Taranaki, Ngāti Ruanui, Ngāti Tama and others including Ngāti Mutunga from several Taranaki iwi whose ancestors migrated to the Wellington Harbour area in the 1820s and 30s and who signed the Port Nicholson Block Deed of Purchase in 1839. The Port Nicholson Block Settlement Trust Inc. (PNBST) was established in August 2008 to receive and manage the Treaty settlement package for Taranaki Whānui and represents the iwi for the purposes of the RMA.

Ngāti Toa Rangatira is represented by Te Rūnanga o Toa Rangatira (TROTR), an iwi authority for the purposes of the RMA. A Deed of Settlement between the Crown and TROTR in relation to historical Te Tiriti o Waitangi claims was signed in 2012, and in 2014 the Ngāti Toa Rangatira Claims Settlement Act came into effect. The act includes a Statutory Acknowledgement and Deed of Recognition for specific statutory areas, which doesn't cover any specific areas within the proposed Wainuiomata Regional Park designation.

Sites of significance

The operative District Plan map layers regarding sites of cultural significance is difficult to navigate and does not list many sites (as compared to the Natural Resources Plan or the New Zealand Archaeological Association's ArchSite tool). However, GW understands from experience and past consultation with mana whenua that there are multiple sites of significance throughout the regional parks, including Wainuiomata Regional Park.

With the designation in place, this will mean works undertaken by GW for the purpose of the designation could legally go ahead without PNBST or TROTR involvement in a resource consent process (as no resource consent is required from Hutt City Council).

GW proposes that any works in proximity (e.g. within 15 metres) to a significant site could be managed through the existing communication channels between GW and mana whenua. Alternatively, this process could be formalised by proposing a condition on the designation that any works within e.g. 15 metres proximity of an HCC mapped site of cultural significance is discussed with the relevant iwi prior to commencement of works. GW is happy to be guided on this by the representative iwi authorities.

Further, an accidental discovery protocol condition is proposed in Appendix C.

4.9 Management of contaminated land

There is no known contaminated land within Wainuiomata Regional Park as listed on the Selected Land Use Register (SLUR) for the Wellington Region. However, should a contaminated site be discovered within Wainuiomata Regional Park separately to this NOR, the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to

Protect Human Health (NESCS) may apply to activities within Wainuiomata Regional Park.

4.10 Motorised activities on the surface of water bodies

This NOR covers all motorised activities on the surface of waterbodies that are consistent with the designation purposes, including motorised recreation.

Generally, motorised activities on the surface of waterbodies within a regional park may be undertaken for pest plant and animal control purposes to restore a waterbody. Examples include within the Wainuiomata River lower dam wetland in Wainuiomata Regional Park.

Non-motorised activities on the surface of waterbodies are managed by GW under the reserves management plan.

4.11 Motorised activities on land

In the General Rural Activity Area, the operative Plan states “*No motorised recreational activity shall be permitted except for the enjoyment of those residents on the site and their visitors*”. In the Natural Open Space Zone chapter of the draft District Plan (December 2023 version), motorised recreation is listed as an activity or development which is incompatible with the natural character and amenity values of the Natural Open Space Zone. There are no definitions provided for these activities in the operative or draft District Plans.

This NOR covers all use of motorised vehicles within the park boundaries for all purposes, including park management, access, operational reasons and recreational use (as explained below).

Separate to motorised recreation purposes, motorised vehicles are generally used for management, access and operational purposes including by: GW staff or contractors; mana whenua; Wellington Water Limited or their contractors within Wainuiomata Regional Park; the landowner (where it is not GW), adjoining landowners and their contractors or visitors; by utility companies and their contractors; licensees and lease-holders; and when linked to temporary activities managed by GW under the reserves management plan.

Specifically, regarding motorised recreation, GW manages this activity under the reserve management plan permissions process (section 8) as a concession activity with impacts managed via conditions on that concession.

4.12 Recreational activities

This NOR provides for all leisure and recreation activities, including passive and active recreation. These are provided for and managed by the reserve management plan. The popular recreational activities that GW currently supports in the Wainuiomata Regional Park include walking, running, picnics, and volunteer restoration activities. In addition, specifically within Wainuiomata Regional Park, GW currently supports hunting (by ballot),

swimming, guided tours into WRC10, trout fishing, visitors to the dark-sky place and the historic water supply structures and museum.

The reserves management plan provides the strategic plan for the future development of the Wainuiomata Regional Park, including specific actions and priorities for the park. In this NOR, the construction, use and development of new park assets to support recreational activities are detailed in the relevant subsections relating to buildings and structures, earthworks and vegetation management. Potential off-site impacts of these future activities are addressed in section 5 of this NOR.

4.13 Residential and visitor accommodation

The activities covered by this NOR are residential accommodation and visitor accommodation in existing residential buildings within the designation, and camping as provided for in the reserve management plan.

These activities are undertaken with a focus towards recreational visitors to the park, conservation and restoration activities, park management, and provision for GW staff. These activities are managed by GW under the reserves management plan.

At Wainuiomata Regional Park there are two residential houses. One is currently used by the Park Ranger and the other is used periodically for contract biosecurity staff (hunters). In future, the houses may be used for bookable visitor accommodation focused on recreational visitors to Wainuiomata Regional Park.

4.14 Restoration activities

General restoration and conservation activities across Wainuiomata Regional Park include the remediation of structures that impede indigenous fish passage, pest plant control, pest animal control, and the revegetation of wetland areas and riparian margins.

In Wainuiomata Regional Park, ecological restoration activities are focused on pest plant control, pest animal control (deer and pigs) and revegetation of the lower dam wetland, amongst others.

4.15 Signage

Within the designation boundary, including at park entrances, the activities covered by this NOR includes the operation, construction, upgrade, alteration or replacement of any permanent or temporary signs that are consistent with the purpose of the designation, including within all overlays and margins. These include directional, information and interpretive signs with no limit to the number, size, height or area of signage.

Signage is provided for within the reserves management plan for purposes including wayfinding, orientation and to explain connections; interpretation, education and story-telling; managing events; to identify threats to public

safety, cultural or natural values, or to manage natural hazards; where and when rāhui are in place; and to explain access restrictions.

4.16 Vegetation management

This NOR covers vegetation management activities that are consistent with the purpose of the designation, including within all scheduled sites, overlays and margins identified in the relevant District Plan. The activities can include trimming and partial or full removal of existing vegetation, planting new vegetation, removal of pest species, and maintaining areas for specific purposes e.g. mowing firebreaks.

The removal of indigenous vegetation is generally avoided, and only undertaken when necessary with prior advice from GW's environmental restoration advisors.

Major areas of Wainuiomata Regional Park are identified as having significant values and are managed as under GW's Key Native Ecosystem programme³, including the Wainuiomata/Orongorongo river catchments. The KNE programme aims to protect some of the best examples of native ecosystems in the Wellington region. It achieves this by managing, reducing, or removing threats to their values by pest control, monitoring and restoration activities.

Vegetation removal is generally for the following purposes:

- To address an imminent threat to people or property represented by deadwood, diseased or dying vegetation;
- To ensure the safe and efficient operation of any formed road or track; or
- To provide for maintenance near or alongside a park asset;
- For new recreational tracks;
- For the removal of non-native or pest plant species;
- For the reduction of wildfire risk through the removal of highly flammable vegetation near park assets and alongside firebreaks;
- For customary harvesting;
- For the maintenance of scenic view shafts identified in the reserve management plan; or
- For the management of farm woodlots, including their harvest.

5. Effects of the public work on the environment

5.1 Introduction

The activities covered in this NOR may have actual or potential effects on the environment within Wainuiomata Regional Park, which have been identified as including:

- positive effects of designating the public work;
- effects of buildings and structures;

³ <https://www.gw.govt.nz/environment/our-natural-environment/our-unique-ecosystem-types/key-native-ecosystem-programme/>

- effects of earthworks and vegetation management activities;
- effects on heritage buildings, structures and areas;
- noise effects; and
- traffic effects

The following sections assess the potential effects of the major activities covered in this NOR.

5.2 Positive effects of designating the public work

The public work provides many positive recreational benefits, including connecting people to nature through visiting the park and enjoying walks and other activities, and providing a 'green' part to the wider city views. Access to green areas is proven to provide positive benefits to human health.

The public work provides areas of open space with important recreation, conservation, heritage, cultural and landscape values with high natural character and amenity values. They provide for a range of recreational opportunities that meet the needs of the city and region and provide for activities that are appropriate in the Wainuiomata Regional Park.

GW is committed to the protection, preservation, restoration, enhancement and conservation of significant natural, cultural and historic heritage sites located within Wainuiomata Regional Park. These sites are what encourages visitors to the park and provides the fundamental reasons as to why these specific areas were given reserve status and managed as Wainuiomata Regional Park. This NOR aims to provide for the appropriate use, development, operation and management of Wainuiomata Regional Park to enhance these significant resources and values. GW's aspiration to certify the park as a dark sky place is an appropriate use and development of the natural and physical resources found in this relatively remote location close to the urban centre of Lower Hutt.

The public work provides public and customary access to highly valued coastal and riparian margins, and to areas of high natural character within the city. Maintenance of existing, and creation of new park assets such as tracks, roads, buildings and structures is integral to GW enabling the provision of this access. These activities provide for the social, economic and cultural wellbeing of park visitors and is considered to be an appropriate use and development within the regional park setting. The commercial and temporary activities approved for operation at the park may increase visitors' enjoyment and awareness of the park facilities and may lead to increased patronage at the park over time.

Designating the public work in the City of Lower Hutt District Plan means that the activities required to operate and manage the public work can continue and evolve, providing an important facility for the residents and visitors to Lower Hutt. The designation will also protect Wainuiomata Regional Park land from inappropriate use and development.

In general, designating the public work for the purpose and activities within this NOR will have negligible adverse effects on adjoining residential activity areas due to the relatively remote location of the regional park outside of Lower Hutt urban centres.

GW considers that the benefits and positive effects of the public work designation and activities included in this NOR far outweigh any potential adverse effects on the environment that will or may result from the activity enabled by the designation.

5.3 Effects of buildings and structures

Recreation and open space activities frequently require the development of buildings and structures. Within the Wainuiomata Regional Park, these are generally designed and planned to have an external appearance that maintains the amenity values of the surrounding area e.g. by using low impact designs and muted colour palates, avoiding skyline locations and aligning the building or structure with the contour or form of the land as far as practicable. The operative reserve management plan contains policies to guide this use and development and manage these potential effects.

The activities within this NOR will not increase the risk of effects due to flooding, erosion or natural hazards to people, buildings or structures located within the designated areas. Buildings and structures within the designated areas will not create adverse flood hazard effects for other land, buildings and structures off-site.

Many park facilities are located within the riparian margins due to historical management decisions. GW manages the regional park facilities that are more susceptible to erosion, flooding and natural hazards in a pragmatic way. As far as practicable, the activities are undertaken with a long-term approach incorporating flood and hazard risk, climate change and sea-level rise data in the planning and assessment stages.

Depending on the location and scale, the construction and operation of new buildings may have potential adverse effects on visual amenity, natural character of riparian and coastal margins, and natural character within the coastal environment, and natural features and landscape values. To avoid, minimise or remedy any potential adverse effects, the construction and operation of new buildings must:

- be consistent with the designation purpose and in accordance with the reserves management plan;
- be fit-for-purpose and appropriate for functional and operational needs;
- avoid disturbance of known sites and areas of significance to Māori;
- avoid impacts on historic heritage buildings/structures;
- avoid causing adverse flood hazard effects for other land, buildings and structures;

- be compatible with the natural character, natural features and landscapes, and amenity values of the location;
- ensure the location, size and scale is kept to the minimum necessary and integrated as far as practicable into the landscape; and
- be planned with consideration of long-term potential impacts of climate change, sea level rise and natural hazards.

As the detail of any new buildings are unknown at this time, an Outline Plan requirement will be used to provide, on a case-by case basis, an assessment of the potential effects of each activity and additional conditions for that activity if required. Please refer to proposed condition 2, which specifies an Outline Plan is required for works, unless exempt from this requirement through condition 4. Condition 4 exempts, amongst other matters, new buildings, structures, infrastructure, support structures or signage up to 100m² in area and/or less than 10m in total height.

Further, conditions 5-8 have been proposed to ensure a construction management plan is submitted and implemented with the Outline Plan for the construction of new buildings, structures, infrastructure, support structures, or signage exceeding 100m² in area and/or 10m in total height.

Provided they are consistent with the designation purpose and in accordance with the reserves management plan, the construction of new structures, support structures, infrastructure and signage in all locations, as well as the maintenance, repair, upgrade, replacement or removal of existing buildings, structures, support structures, infrastructure and signage in all locations are considered to have negligible potential adverse effects on visual amenity, natural character, natural features and landscape values, natural hazards and on adjoining residential activity areas. These activities are included in proposed condition 4 that will be exempt from the requirement to submit an Outline Plan.

In regard to commercial activities and temporary activities, these types of activities would generally use existing buildings and structures, or have in place temporary structures such as coffee trailers and kiosks for the duration of the activity on the site. Therefore, these types of activities are considered to have a less than minor effect on the natural character and amenity of the park in respect of buildings and structures.

The provisions of the Building Act 2004 may also apply to these activities.

5.4 Effects of earthworks and vegetation management activities

The Draft District Plan (December 2023 version) identifies riparian margins adjacent to streams and lakes as having natural character values. These general themes in the draft plan are expected to be carried through to the Proposed District Plan. These areas provide public and customary access, while also providing public amenity, recreation, hazard management and ecological values within the city.

Due to the location and nature of the Wainuiomata Regional Park, much of the land would fall into these areas and many activities may have low impacts on natural character. However, due to the general scale relative to the Wainuiomata Regional Park size and environments, the earthworks and vegetation management activities covered by this designation are expected to have minimal environmental effects in terms of landscape, visual and amenity effects.

Depending on location and scale, earthworks and vegetation management activities specifically related to the construction of new buildings, structures, park assets (including tracks and roads), public spaces and amenity areas may have potential adverse effects including: visual amenity; natural character of riparian margins; natural features and landscape values; slope instability and erosion; and damage and disturbance of habitats and ecosystems, including in areas of high indigenous biological diversity.

To avoid, minimise or remedy any potential adverse effects, earthworks and vegetation management activities related to the construction of new park facilities must:

- be consistent with the designation purpose and in accordance with reserves management plan;
- be undertaken with the prior advice from GW or external experts, as required;
- be fit-for-purpose and appropriate for functional and operational needs;
- avoid disturbance of known sites and areas of significance to Māori;
- avoid or mitigate slope instability, erosion and natural hazards;
- ensure size and scale is kept to the minimum necessary and integrated as far as practicable into the landscape;
- be planned with consideration of the long-term potential impacts of climate change and sea-level rise; and
- minimise the area of disturbance of indigenous vegetation.

As the detail of any earthworks and vegetation management activities related to the construction of new park facilities is unknown at this time, an Outline Plan requirement can be used to provide, on a case-by case basis, an assessment of the potential effects of each activity and additional conditions for that activity if required.

Please refer to proposed condition 4, which specifies limits below which earthworks and vegetation management activities would be exempt from the requirement to submit an Outline Plan. These limits have been based on the permitted activity standards in the draft District Plan and are considered to reasonable to ensure the potential effects are less than minor.

Further, condition 8 has been proposed to ensure an erosion and sediment control plan is submitted and implemented with the Outline Plan for

earthworks and vegetation management activities beyond the limits proposed in condition 4.

Provided they are consistent with the designation purpose and in accordance with reserves management plan, earthworks and vegetation management activities required to maintain, repair, upgrade, replacement or remove existing buildings, structures, park facilities, public spaces and amenity areas, including all pest plant control activities, are assessed as having negligible potential adverse effects due to existing use. These activities are included in proposed condition 4 (below the limits specified) to be exempt from the requirement to submit an Outline Plan.

Undertaking earthworks and vegetation management within the parameters set out above will ensure the any damage to the natural environment and habitat values will be minimised (and in the case of invasive weed removal, benefited), and impacts on any features of historical or cultural importance are avoided. Earthworks and vegetation management will be undertaken using the minimum necessary principle, with the exception of pest plant control for restoration purposes. Further, all known sites of special spiritual, historical or cultural significance to Māori will be avoided as far as practicable, with a standard accidental discovery protocol implemented.

These activities are an appropriate use and development to manage the park facilities and protect the natural character and amenity values of the riparian and coastal environments, together with significant indigenous vegetation and significant habitats of indigenous fauna. These activities have low impacts on the visual amenity and landscape values of the areas surrounding the park due to their rural and/or relatively remote locations.

In regard to commercial activities and temporary activities, these types of activities would not generally require earthworks and vegetation activities to be undertaken to support them. These activities generally use existing suitable locations within the park, including adjacent to parking areas or in proximity to existing buildings. Therefore, these types of activities are considered to have a less than minor effect on the natural character and amenity of the park in terms of earthworks and vegetation clearance.

The provisions of the relevant regional plan for the Wellington region may also apply to these activities.

5.5 Effects on heritage buildings, structures and areas

External alterations or additions and full or partial demolition of heritage buildings or structures may have potential adverse effects due to the damage or loss to historic heritage values, with the scale of the potential effects being dependent on the scale of the activity.

As the detail of any external alterations or additions and full or partial demolition of heritage buildings or structures is unknown at this time, an

Outline Plan requirement will be used to provide, on a case-by case basis, an assessment of the potential effects of each activity and additional conditions for that activity if required.

Provided they are consistent with the designation purpose and in accordance with reserves management plan, the following activities are assessed as having negligible potential adverse effects:

- maintenance, repair and internal alterations/ additions to heritage buildings or structures;
- new buildings, structures and support structures within historic heritage areas⁴; and
- external alterations/ additions and full or partial demolition of non-heritage buildings and structures within historic heritage areas.

These activities are included in proposed condition 4 to be exempt from the requirement to submit an Outline Plan.

The provisions of the Building Act 2004 and Heritage New Zealand Pouhere Taonga Act 2014 may also apply to these activities.

5.6 Noise effects

In general, the public work is not expected to result in elevated noise levels or noise that may be considered of annoyance by occupiers of neighbouring properties. Further, the Wainuiomata Regional Park environment is a large open space and any activities that are likely to generate noise are also likely to be located some distance from the park boundaries and therefore sensitive receivers.

The activities included in this NOR that are assessed as having negligible potential adverse effects due to noise on adjoining residential activity areas include:

- commercial activities;
- temporary activities, including events; and
- motorised activities on the surface of waterbodies.

These activities are included in proposed condition 4 to be exempt from the requirement to submit an Outline Plan.

GW notes that motorised activities on the surface of waterbodies for the purpose set out in the NOR will have positive effects on the maintenance of indigenous biological diversity within Wainuiomata Regional Park. This is considered an appropriate use and development within the regional park setting.

⁴ Note: There are no historic heritage sites Wainuiomata Regional Park listed within the operative Hutt District Plan or Draft District Plan.

Any potential noise effects from the activities listed above will be mitigated due to the relatively remote location of the Wainuiomata Regional Park outside of Lower Hutt urban centres. GW considers the reserve management plan permissions process (Toitū Te Whenua section 8) to be the most appropriate method of managing these activities within the park.

5.7 Traffic effects

As a public work, this NOR enables GW to create, maintain, operate and manage appropriate infrastructure that supports the transport network within Wainuiomata Regional Park, including road signage, carparking facilities and speed control.

The potential for adverse effects or cumulative effects due to increased traffic on local roads outside of the designation boundary e.g. due to increased patronage of the regional park, is unknown and challenging to predict or assess. In respect of the commercial activities and temporary activities, not all of these activities would result in additional traffic movements to and from the park, as a lot of these activities are incidental to the park's operation (i.e. visitors would be visiting the park anyway, and this specific activity would not be their sole reason to visit).

Where larger-scale commercial activities and temporary activities are proposed for within the Wainuiomata Regional Park, these would require a traffic management plan and/or limits on numbers of people present/participants in the activity as part of the assessment and approval process for concessions and permits under the operative reserve management plan. GW considers the reserve management plan permissions process (Toitū Te Whenua section 8) to be the most appropriate method of managing these activities within the regional park.

With this consideration, the activities included in this NOR that are assessed as having negligible potential adverse effects due to traffic on adjoining residential activity areas include:

- residential activities;
- visitor accommodation, including camping;
- temporary activities, including events; and
- any future development of park facilities e.g. visitor centres, museums and experiences in existing buildings.

These activities are included in proposed condition 4 to be exempt from the requirement to submit an Outline Plan.

Any potential traffic effects from the activities listed above will be mitigated due to the relatively remote location of the Wainuiomata Regional Park outside of Lower Hutt urban centres. Further, GW considers it appropriate to address the potential effects of activities undertaken under the designation relating to

vehicular access, circulation and provision for carparking in the Outline Plan, where required.

The adaptive re-use and multi-utilisation of existing buildings and structures for different park facilities and purposes, in accordance with the reserves management plan, may contribute to future changes in the patronage of the regional park and have flow-on traffic effects. These activities are encouraged as being an appropriate use and development within the park setting and are considered to have negligible traffic effects and positive overall effects.

5.8 Conclusion

As discussed above, multiple areas within the proposed designation areas are identified as having significant natural, cultural and historic heritage values.

GW considers that any adverse effects on natural character, landscape and amenity values, natural hazards, indigenous vegetation and biological diversity, and significant sites can be appropriately managed such that they are less than minor. Many adverse effects related to construction-, earthworks- or vegetation management-related disturbances will be localised, temporary and of short duration. No potential effects have been assessed as having a high potential impact.

Regarding these activities that will continue to be managed by the reserve management plan, GW as the Requiring Authority will still have the overriding financial responsibility for the public work, being the reserve land. GW provides assurance that the potential adverse effects of any activities covered in this NOR can be mitigated via the reserve management plan permissions process and designation managed in such a way that avoids, minimises and remedies adverse effects.

GW considers the activities covered in this NOR to be appropriate and are assessed as having overall less than minor adverse environmental effects. Proposed conditions for the designation are provided to support the mitigation measures and confirm this assessment.

The designations allow GW to take a whole of catchment approach to works, operations and services provided in Wainuiomata Regional Park, specifically to ensure the ecosystems and habitats, natural character and amenity values, recreational benefits, and cultural and historic heritage sites are protected, restored and managed appropriately.

Overall, the actual and potential effects of the designation are considered to be less than minor as the designation reflects the activities already undertaken at these sites.

6. Matters to consider under section 171 of the RMA

GW, subject to Part 2, has considered the effects on the environment of allowing the requirement, having particular regard to any relevant provisions

of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement and a plan or proposed plan.

6.1 Part 2

Part 2 of the RMA sets out the purpose and principles of the Act. The purpose of the RMA (Section 5) is to promote the sustainable management of natural and physical resources. By designating the public work, GW enables the continued management of the use, development and protection of natural and physical resources within the regional park, consistent with the intent of Section 5. These resources will be safeguarded in a way that enables people and communities to provide for their social, economic, and cultural well-being within the city of Lower Hutt.

6.1.1 Section 6

Section 6 matters of national importance considered to be of relevance to this NOR are:

- (a) relating to preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) relating to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
- (f) the protection of historic heritage from inappropriate subdivision, use, and development.

As discussed within this NOR, GW considers the public work to be appropriate to ensure natural character, outstanding features and landscapes, significant indigenous vegetation and habitats, public access, iwi connections and historic heritage within the regional park is protected. Designating the regional park will assist in recognising and providing for these matters of national importance. The designation is considered to be consistent with Section 6 matters.

6.1.2 Section 7

Section 7 identifies a number of “other matters” to be given particular regard. Of relevance are:

- (a) kaitiakitanga
- (ab) the ethic of stewardship
- (b) the use and development of natural and physical resources
- (c) the maintenance and enhancement of amenity values
- (d) intrinsic values of ecosystems
- (f) maintenance and enhancement of the quality of the environment

GW considers the proposal to be consistent with these matters, in particular kaitiakitanga, and the intrinsic values of ecosystems and the quality of the environment, all of which are supported by the presence of Wainuiomata Regional Park. GW's aspiration of making the park a certified dark sky place is an appropriate use and development of natural and physical resources in this relatively remote location close to the urban centre of Lower Hutt.

Ngāti Toa Rangatira has expressed their support in general for the proposed designation and recognise this as a tool for GW to manage their regional park assets. GW has not received comment from Taranaki Whānui in regard to the proposed designation, therefore their views cannot be assessed against the matters of (a) kaitiakitanga or (ab) ethic or stewardship. However, if GW receives comment from Taranaki Whānui during the District Plan review and notification process, further assessment against these provisions can be provided to HCC.

6.1.3 Section 8

Section 8 requires the principles of the Te Tiriti o Waitangi / Treaty of Waitangi to be taken into account. The principles of Te Tiriti, as expressed by the Courts and the Waitangi Tribunal as embodying the spirit of Te Tiriti, are generally considered to be:

1. the concept of partnership to describe the relationship between the Crown and Māori i.e. the obligation on both parties to act reasonably, honourably, and in good faith;
2. the Crown's duty of active protection and obligation to take positive steps to ensure that Māori interests are protected; and
3. the principle of redress i.e. the Crown has a responsibility to take positive steps to remedy past Treaty breaches and grievances Treaty, arising from its duty to act reasonably and in good faith as a Treaty partner.

GW is committed to upholding Te Tiriti o Waitangi and its role as kaitiaki of the regional park with mana whenua partners. GW acknowledges Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira as mana whenua of this rohe, and recognises the many connections and sites of significance to Māori within the regional park boundary.

GW values its partnerships with mana whenua relating to operational works within the Wainuiomata Regional Park. Providing for the park and the activities

undertaken within the park through designations is not considered to raise any particular issues regarding the principles of the Treaty of Waitangi.

GW has not received guidance on this from Taranaki Whānui in regard to the designation. However, if GW receives comment from Taranaki Whānui during the District Plan review and notification process, further assessment against the principles of Te Tiriti can be provided to HCC. Ngāti Toa Rangatira did not comment directly on the proposed designation in regard to the principles of Te Tiriti, but confirmed that they are comfortable to be advised on any proposed works through the existing communication between GW and Ngāti Toa Rangatira.

6.1.4 Conclusion

The proposed designation, in providing for the operation and maintenance of Wainuiomata Regional Park, is consistent with the sustainable management purpose in Section 5 of the RMA, providing for the well-being and health and safety of the community. Overall, the proposed designations are consistent with Part 2 of the RMA.

6.2 Relevant National Policy Statements

The **National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)** is relevant to the NOR, in that its objective is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. The application of the NPSIB is limited to terrestrial ecosystems, however provisions relating to promoting restoration and increasing indigenous vegetation cover extend to include natural inland wetlands.

The proposal to designate Wainuiomata Regional Park will assist in ensuring consistency with this NPSIB by providing the mechanism under which GW and its mana whenua partners can recognise, protect and restore indigenous biodiversity. Managing the Wainuiomata Regional Park in an integrated and coordinated way under the designation provides for appropriate development controls. The public work and the associated park management activities are an established activity that should be enabled as the effects of the activity (including cumulative effects) are no greater in intensity, scale, or character over time than at the commencement date; and do not result in the loss of extent, or degradation of ecological integrity. GW considers the use of this land as for regional park purposes as covered in this NOR is consistent with the NPSIB.

The **National Policy Statement for Freshwater Management 2020 (NPSFM)** as amended in October 2024 sets out the objectives and policies for freshwater management based on the fundamental concept of Te Mana o te Wai that refers to the importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and

preserving the balance between the water, the wider environment, and the community.

The relevant NPSFM objectives and policies include: Policy 1 to give effect to Te Mana o te Wai; Policy 2 to actively involve mana whenua and provide for Māori freshwater values; Policy 3 to consider the effects of the use and development of land on a whole-of-catchment basis; Policy 9 to protect the habitats of indigenous freshwater species; and Policy 15 to provide for the social, economic, and cultural wellbeing of park visitors. GW considers this NOR to be consistent with the relevant provisions of the NPSFM.

6.3 Regional Policy Statement

The Regional Policy Statement for the Wellington Region (RPS) is relevant to this NOR. The RPS provides an overview of the resource management issues of the Wellington Region and sets out the policies and methods to achieve integrated resource management of the natural and physical resources of the whole region.

Based on the operative RPS (updated December 2023), the Objectives and Policies relevant to this NOR are limited to those aimed at managing, protecting and restoring the environment, including areas with significant values identified, and providing for recreational activities. These are assumed to have been given effect to within the District Plan, and therefore a full assessment is not required against the operative RPS. In summary, noting the assessment of environmental effects above, the NOR is consistent with the relevant objectives and policies of the operative RPS.

GW notified Proposed Change 1 and Variation 1 (PC1) to the RPS on 19 August 2022. GW gave public notice that it had made its decisions⁵ on submissions on PC1 on 4 October 2024.

The proposed changes were focused on implementing and supporting national direction and addressing issues of regional significance related to freshwater, urban development, climate change and indigenous biodiversity in the Wellington Region. Of relevance to this NOR, PC1 (Decisions version) contains decision-making principles to inform the management of indigenous biodiversity and a new definition for the effects management hierarchy in relation to indigenous biodiversity. It also contains new provisions for hazard risk management and climate change adaptation, the restoration and protection of the region's freshwater, appropriate use and development of land, and new provisions related to vegetation clearance. It is assumed that HCC will give effect to PC1 within the proposed District Plan.

6.4 District Plan

The operative District Plan (DP) contains objectives, policies and rules that provide for recreation activities that do not have adverse effects on adjoining

⁵ <https://www.gw.govt.nz/assets/Plans-policies-bylaws/RPS/241004-Decision-Docs/Decision-version-of-Proposed-Change-1-and-Variation-1-provisions.pdf>

residential activity areas and that are compatible with the characteristics of the land. The DP provides for the protection of significant natural, cultural and archaeological resources and heritage values located in Lower Hutt City and seeks for activities or developments to preserve the natural character, visual amenity values and landscape values of these resources. In summary, noting the assessment of environmental effects above, the NOR is consistent with the relevant objectives and policies of the operative DP.

This NOR has been briefly assessed against the objectives and policies in the Draft District Plan (December 2023 version). The overall themes in the Draft are expected to be carried over into the Proposed District Plan.

The area proposed to be designated as Wainuiomata Regional Park is zoned Natural Open Space (NOSZ) in the Draft District Plan (within the existing WRC10 designation). The NOSZ aims to provide for the operation and development of large parks, reserves and gardens owned and/or administered by Hutt City Council, Wellington Regional Council or the Department of Conservation.

The Draft Plan also identifies areas with overlays relating to natural character, natural features, heritage values and natural hazards, which restrict the level of development permitted within these areas. The NOSZ chapter provides for regional park related activities to an extent, although it appears the overlays further restrict the types and amount of development that could occur within the park. This means that under the current Draft Plan rule framework, some general day to day activities may need to obtain resource consent in order to occur, and as such does not provide the certainty that GW as a Requiring Authority needs.

This NOR is generally consistent with the draft provisions of the Draft Plan. The NOSZ policies seek to provide for appropriate activities and built development designed, located and at a scale that are compatible with the purpose, natural character and amenity values of the zone. In the District-wide chapters, policies provide for the removal of vegetation within coastal margins and riparian margins, in Outstanding Natural Features and Landscapes, and in the Coastal Environment respectively, for specific purposes. Policies also provide for earthworks within the overlays where they are of a scale that protects the identified values of the overlay and are undertaken in a way that avoids any significant adverse effects and avoids, remedies, or mitigates any other adverse effects on the identified values of the area. New use and development, including buildings and structures, are provided for in Natural Features and Landscapes, Natural Hazards and Natural Character chapters.

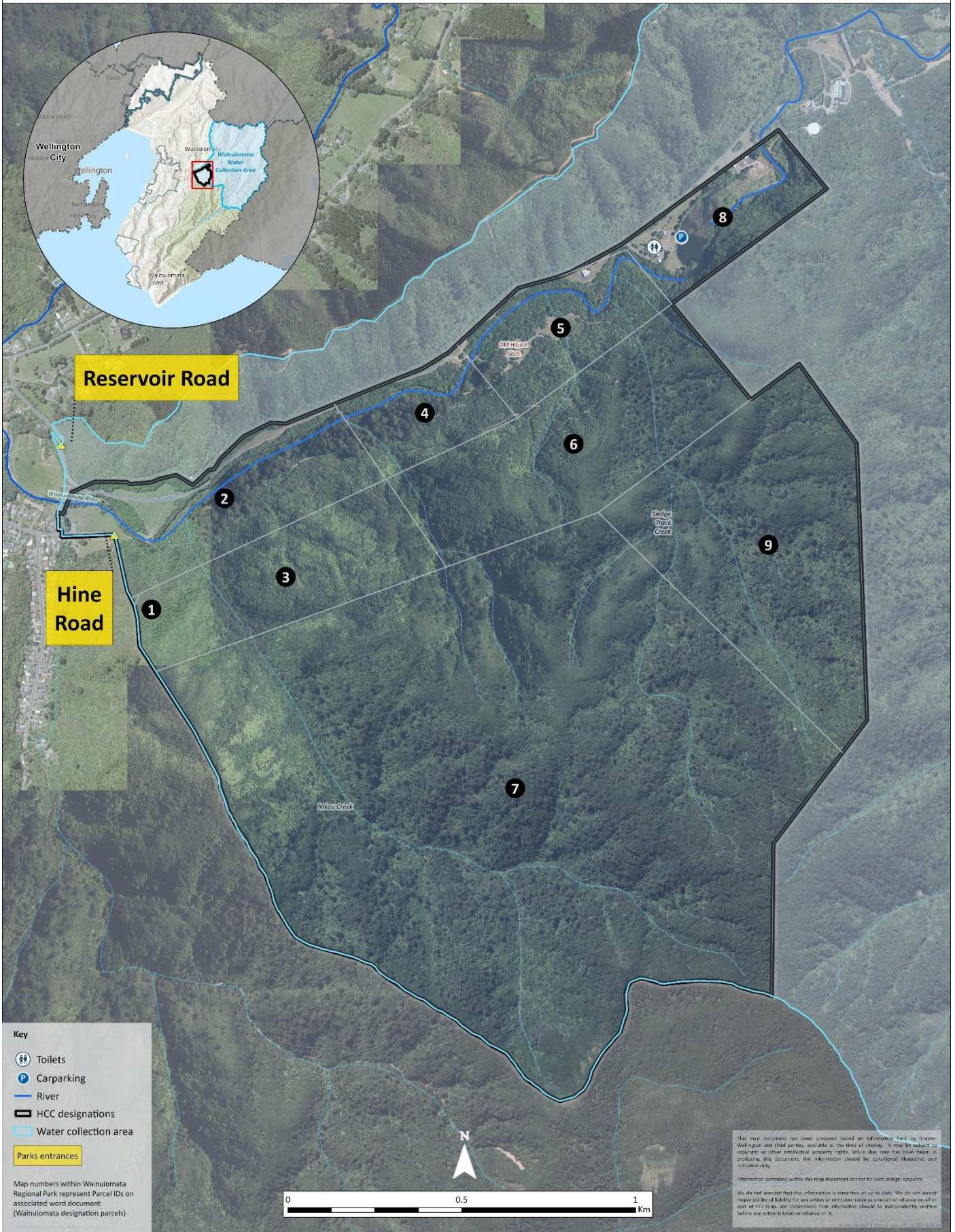
Appendix A: List of the land parcels

Map Key No.	Parcel ID	Legal description	VNZ No.	Area (hectares)	Landowner Names
1	3755276	Part Section 74 Wainuiomata DIST		0.03	Wellington Regional Council
2	4028450	Part Section 34 Wainuiomata DIST		22.63	Wellington Regional Council
3	3867379	Part Section 94 Wainuiomata DIST		22.29	Wellington Regional Council
4	3942295	Part Section 34 Wainuiomata DIST	15890 082 00	12.19	Wellington Regional Council
5	3761661	Part Section 35 Wainuiomata DIST	15890 082 00	16.87	Wellington Regional Council
6	4038313	Part Section 94 Wainuiomata DIST	15890 082 00	33.64	Wellington Regional Council
7	3986361	Section 1 SO 36269		265.10	Wellington Regional Council
8	3957744	Part Section 35 Wainuiomata DIST		13.47	Wellington Regional Council
9	3889685	Section 2 Block XVII Belmont SD		115.84	Wellington Regional Council

Appendix B: Location map

Wainuiomata Regional Park

Proposed designations for HCC District Plan



Appendix C: Proposed conditions on designation

Wainuiomata Regional Park

Definitions used in these conditions:

Building, earthworks, residential activity, sign, structure and visitor accommodation as defined in the National Planning Standards.

Historic heritage and infrastructure as defined in the Resource Management Act.

Construction means the creation, use and development of new park assets to an agreed functional and operational condition.

Maintenance and repair mean the works required to keep an existing park asset in an agreed functional and operational condition.

Park assets is a collective term for the buildings, structures, support structures, tracks and roads, infrastructure, facilities, amenity areas and resources that make up the public work.

Upgrade means the improvement, addition, alteration, relocation, replacement or increase in dimensions, to bring an existing park asset up to current standards or to improve the functional characteristics of the park asset, provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity. Excludes maintenance and repair.

General conditions

1. Any works are to be consistent with the purpose of the designation and be undertaken in accordance with the operative reserves management plan.
2. Before any works are undertaken, an Outline Plan(s) shall be submitted in terms of Section 176A of the Resource Management Act 1991 to Hutt City Council, unless the works are exempt under Condition 4 from requiring an Outline Plan.
3. The Outline Plan(s) shall include those matters required by Section 176A of the Act. All work shall be undertaken in accordance with the Outline Plan(s).
4. The following works will be exempt from an Outline Plan pursuant to section 176A(2) of the Resource Management Act 1991:
 - a. the construction of new buildings, structures, support structures, infrastructure and signage up to 100m² in area and/or 10m in total height;
 - b. the maintenance, repair and upgrade of existing buildings, structures, support structures, infrastructure and signage;
 - c. all earthworks and vegetation management activities required to maintain and repair existing park assets;
 - d. earthworks required to upgrade existing park assets and/or construct new park assets:
 - up to 1,000m² in area per site per 12 month period;

- up to 2m cut/fill height;
 - on land with an existing slope angle of 34 degrees or less, where the 34 degree slope angle is sustained over a distance of at least 3m, measured horizontally – noting that earthworks associated with the repair, maintenance or upgrading of existing buildings or structures used to retain or stabilise earthworks are exempt from this;
- e. vegetation management activities and indigenous vegetation removal required to upgrade existing park assets and/or construct new park assets of up to 200m² in total area per 12 month continuous period per site;
 - f. the maintenance, repair and internal alterations/ additions to heritage buildings or structures;
 - g. new buildings, structures and support structures within historic heritage areas; and
 - h. external alterations/ additions and full or partial demolition of non-heritage buildings and structures within historic heritage areas;
 - i. commercial activities and temporary activities, including events, managed under the operative reserves management plan;
 - j. motorised activities on land and on the surface of waterbodies managed under the operative reserves management plan;
 - k. residential activities within existing houses;
 - l. visitor accommodation within existing houses and camping activities managed under the operative reserves management plan; and
 - m. adaptive re-use and future development of new park facilities within existing buildings.

Note: This condition does not prevent the use of the land for the designated purpose.

Construction Management Plans

5. Prior to construction of new buildings, structures, infrastructure, support structures, or signage exceeding 100m² in area or 10m in total height, the requiring authority shall provide to the Hutt City Council a Construction Management Plan (CMP). The CMP shall include:
 - a. the proposed timeline of the works
 - b. a detailed design and construction methodology of how the works will be undertaken
 - c. Identification of the contractor for the works
 - d. Identification of the experienced person(s) intended to manage the environmental issues on site and identification of a representative to be the primary contact person in regard to matters relating to the works within the site.

- e. the 24-hour contact phone number(s) of the primary contact person to whom complaints and concerns about any of the works within the site are to be referred
 - f. Methods and measures to ensure that appropriately manage dust, rubbish and other materials potentially able to cause damage to the properties adjoining the site.
 - g. Construction activities shall comply with the provisions of NZS 6803:1999 Acoustics – Construction noise. If the provisions of NZS 6803:1999 cannot be met, then the requiring authority shall provide to the Hutt City Council a Noise Management Plan prepared by a suitably qualified acoustic consultant. The plan shall identify all potential sources of noise and include information on how the best practicable option will be adopted for keeping noise to a reasonable level. No work shall commence on site until the Manager has certified in writing that the Noise Management Plan is accepted. All construction works shall be undertaken in accordance with the approved Noise Management Plan.
 - h. Prior to the commencement of construction, the requiring authority shall submit a Traffic Management Plan (TMP) to the Hutt City Council for the approval of the relevant Manager, Hutt City Council. The plan shall outline traffic and transportation requirements relating to the proposed works, and describe the management measures and methods which are proposed, together with any mitigation actions which might be required.
6. No construction works are to be undertaken until the relevant Manager, Hutt City Council, has certified the CMP in writing. No amendment shall be made to any approved CMP without the written approval of the Manager.
7. All construction activities are to be undertaken in accordance with the approved CMP.
8. Prior to undertaking earthworks in excess of those provided for by condition 4, the requiring authority shall provide to the Hutt City Council an Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced person. The ESCP shall:
- a. be prepared in general accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (GWRC, 2021);
 - b. include the following information as appropriate to the scale, location and type of earthworks being undertaken:
 - i. Drawings showing location and quantities of earthworks, contour information, catchment boundaries, and the proposed ESCP measures;
 - ii. A programme for managing exposed areas, including progressive stabilisation considerations and where areas of intermediate cover are used;
 - iii. Supporting calculations for the sizing of erosion and sediment controls;
 - iv. Details of construction methods to be employed, including timing and duration;

- v. Inspections, maintenance and record-keeping requirements for all erosion and sediment controls
9. In the event of an accidental discovery or disturbance of archaeological matter, waahi tapu, taonga or koiwi during the activities authorised under this designation, works in the immediate area or location where the material, artefacts or human remains have been discovered must immediately cease and, within 24 hours, the following parties must be informed:
- a. Port Nicholson Block Settlement Trust (on behalf of Taranaki Whānui Ki Te Upoko);
 - b. Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira);
 - c. Heritage New Zealand Pouhere Taonga;
 - d. New Zealand Police; and
 - e. Hutt City Council.

Further work at the site must be suspended until the appropriate procedures have been completed. Works in the site area shall not recommence until authorised by the relevant person who will consult with mana whenua, Heritage New Zealand Pouhere Taonga staff, the NZ Police (and any other authority with statutory responsibility) to ensure that all statutory and cultural requirements have been met.

Advice Notes:

- Archaeological matter includes any of, but not exclusive to: shells, animal bones (not associated with farming), human bone, dark or burnt soils and charcoal, fire-cracked rocks, artefacts (stone, bone, shell, glass, ceramic, wood), earthworks (terracing, storage pits, trenching), buried structures.
- If human remains are found, the Police should be contacted immediately. All works must cease until advice is given that works can recommence.