



3 December 2025

Arthur Jacobson

s7(2)(a)

Tēnā koe Arthur,

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

We refer to your official information request dated 14 November 2025, seeking information on consent changes, CEMPs, and enforcement actions related to the Eastern Bays Shared Path project. Your original request included:

1. *A copy of the change to the Consent.*
2. *Copies of CEMPs (or equivalent) allowing 2 Bays/2 Stops and then 3 Bays/3 Stops.*
3. *Documentation in relation to enforcement action taken against/fines levied on the Project Team for operating a third stop prior to approval.*

On 15 November 2025, you wrote to Council again to expand the scope of your request. In that email, you asked for additional information relating to whether the Independent Hearing Panel consent condition of “one bay at a time” was varied, and if so, why. Specifically, you requested:

1. *If Independent Panel Consent Condition of “One Bay at a Time” was not varied - If there was no change to the Independent Panel Consent (your Doc-2) allowing work on only 1 Bay at a time, please supply all correspondence and discussions in relation to why work on up to 4 Bays at the same time (with 3 consequential traffic stops) was appropriate/legal under a consent which specified only 1 Bay at a time.*

2. *If Independent Panel Condition of "One Bay at a Time" was varied - If the Independent Panel Consent (your Doc-2) was varied to allow work on 4 Bays at the same time, please supply a copy of the varied consent(s).*

In this circumstance, please also supply all correspondence and discussions relating to why it was appropriate to move from 1 Bay to 4 Bays at the same time.

Answer:

The Independent Hearing Panel's original consent did not include a condition limiting construction to one bay at a time. The only change relating to construction staging is a section 127 variation issued on 9 July 2025, which approved the use of multiple construction bays. A copy of this decision is attached.

Construction Environmental Management Plans (CEMPs) deal with environmental management and do not authorise bay numbers or traffic stops. Bay numbers and traffic stops are controlled through Traffic Management Plans (TMPs) certified under condition GC.13. No CEMPs authorising 2, 3, or 4 bay operations exist. TMPs held by Council for periods involving multiple stops can be supplied, if requested. We also note that the Alliance has only ever operated up to three concurrent lane closures for project works. Any additional closures observed at times have been related to emergency or unrelated works by other parties, such as weather event tasks or utility providers, and were not part of the certified Tupua Horo Nuku construction staging.

Council holds no documentation because no breach of consent conditions was identified under GC.1, GC.6 or GC.13 in relation to construction staging or traffic stop numbers.

For the additional matters raised in your email of 15 November, the scenario where the consent was not varied does not apply, as a variation relevant to multi-bay construction was granted (RM250100). Council does not hold any correspondence or discussions explaining why this change was made. Under the

LGOIMA, we are not required to create explanations or opinions; only existing records are supplied.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at: [Office of the Ombudsman - Complaints](#), or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website: [Proactive releases - Hutt City Council](#).

Ngā mihi nui



Rebekah van der Splinter

Senior Advisor, Official Information and Privacy

RM number: RM250100
Date: 9 July 2025
Applicant: Hutt City Council
Agent: Tonkin and Taylor Ltd
Address: PO Box 2083
WELLINGTON
Attention: Rubie McLintock

Dan Kellow
Environment and Sustainability
Dan.kellow@huttcity.govt.nz
Our reference:RM250100

APPROVAL OF A CHANGE OF CONDITIONS UNDER S127 AFFECTING RM190124 – EASTERN BAYS SHARED PATH / TUPUA HORO NUKU PROJECT

Council granted the s127 variation for the following reasons:

- For the reasons outlined in sections 5.1, 5.2 and 6.1 of this report, the proposed amendment to condition GC.1 will have less than minor effects on the wider environment and individual persons. Overall, the environmental effects of the proposal are considered to be acceptable.
- While there will be increased waiting time for vehicles the overall construction period will shorten. The increased waiting times are considered reasonable for a construction project of this nature.
- Conditions imposed on the consent under section 108 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the variations to the approved proposal.
- After reviewing amended modelling information council's consultant Transport Engineer has not raised any concerns with the proposal.
- The proposal is consistent with the policies and objectives of the city's operative and proposed District Plan.
- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.
- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

1. PROPOSAL AND BACKGROUND

The applicant is seeking a change to one condition under s127 of the Resource Management Act 1991. The live resource consent – RM190124 – allows the construction of a shared path along the seaward side of Marine Drive. The shared path also allows the construction of new seawalls that provide greater resilience from storms and waves. In brief the project is a 4.4 km shared (pedestrian/cycling) path to be located on the seaward side of Marine Drive in two sections: (1) between (Point Howard) and the northern end of Days Bay with the southern section between the southern end of Days Bay to the Muritai Road / Marine Parade intersection.

The original application and decision report should be read for further details. I can confirm the environment within which the proposal is taking place has not materially changed since the consents were granted with the exception of the project works that have been completed. Construction work commenced in October 2022.

The original application was processed as a Discretionary Activity. Resource consent was also required from Greater Wellington Regional Council and the applications were jointly notified and determined by Independent Commissioners following a joint hearing. A single decision was issued by the Commissioners. An appeal was lodged, that via Environment Court mediation, altered the conditions imposed by the Commissioners.

The application notes that there have been five design changes to the project since it was granted consent. Four of these changes have been considered by HCC (Monitoring and Enforcement staff) to be in general accordance with condition 1 (GC.1) and as such are not part of this s127 application. The only exception relates to an alteration to the project's footprint. A s127 application was lodged with GWRC in March 2023 and granted in June 2023. This proposal only related to works in the coastal marine area so was outside of HCC's jurisdiction. The s127 resulted in clause (d) being added to GC.1 which is shown below. In this case the proposal is outside of GWRC's jurisdiction.

Because the project is already underway management plans required by various conditions of consent have already been prepared and subsequently certified by HCC. This includes a Traffic Management Plan (TMP) with a revised TMP submitted as part of this application. Condition GC.13 sets out what the TMP is required to include.

The proposed change of condition seeks to amend condition GC.1 which requires the project to be undertaken in general accordance with the original consent application and associated plans and documents. The reason for the change is to allow the construction works to occur in up to three bays at the same time whereas the application, through the AEE and various technical assessments, was predicated on the construction process being limited to off-peak times and staged with a single bay at a time approach. This staged approach formed part of the AEE. For example, the applicant's Transport Assessment states in 5.2 that *"As outlined above, the intention is for the works to be done in stages with contracts being let for one bay at a time on an annual basis. Therefore, disruption to traffic (and other modes) will only be over a short geographical distance, typically with partial closures only, and for a short duration. This approach enables greatly flexibility to adapt and adjust mitigation measures for the range of impacts outlined below."*

It is now proposed to undertake construction works in up to three bays simultaneously including during peak hours (7:30am-9:00am and 4:00pm-5:30pm), as required for the remainder of the Project. The reason for the change is because the construction process has been more complex than anticipated increasing construction times. To keep the overall length of the construction process aligned with the expected completion date working in more than one bay at a time is required.

The construction works require lane closures with only a single lane then available to vehicles moving in both directions. A proposed three bay programme is set out in Table 4.1 of the AEE. The minimum distance between lane closures would be 500m and the application notes that phasing will be important due to the proximity of the closures. Traffic would continue to be managed via the methods set out in the TMP.

The application states “*Undertaking work in three bays simultaneously will generally include the use of three lane closures. It is noted that the start / end of a lane closure may extend into the adjacent bay to ensure compliance with the Site Specific TMPs (SSTMPs), safe sight lines and safe zones for the public. Additionally, there may be instances where two neighbouring bays have construction activities occurring and in these instances, an extended lane closure may be utilised for safety considerations. This would equate to two lane closures at the extended closure¹.*”

To allow for the changes described above the application requests the following change is made to condition GC.1 with underlined text being additional text added to the condition.

Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder:

- a. in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019;*
- b. in response to further information requests; and*
- c. in its evidence for the Hearing Panel.*
- d. in the consent application and associated plans and documents lodged with the Wellington Regional Council on 11/04/23.*
- e. in the consent application and associated plans and documents lodged with Hutt City Council on 3.06.2025 and the further information response provided on 27.06.2025 (HCC reference RM250100)*

2. SITE DESCRIPTION

As described previously the project is a 4.4 km shared (pedestrian/cycling) path to be located on the seaward side of Marine Drive in two sections: (1) between (Point Howard) and the northern end of Days Bay with the southern section between the southern end of Days Bay to

¹ AEE page 9

the Muritai Road / Marine Parade intersection. The area is therefore the formed road edge and beach along the seaward side of Marine Drive. The area is a mixture of legal road, local purpose reserve and coastal marine area.

3. RELEVANT PLANNING RULES AND REGULATIONS

Change of Condition – s127 of the Resource Management Act 1991

The change to condition GC.1, must be assessed in accordance with section 127 of the Resource Management Act 1991 which states:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
 - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (1) *[Repealed]*
- (2) *Sections 88 to 121 apply, with all necessary modifications, as if—*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*
 - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (3A) *If the resource consent is a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area, no aquaculture decision is required in respect of the application if the application is for a change or cancellation of a condition of the consent and does not relate to a condition that has been specified under section 186H(3) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of the Ministry of Fisheries makes a further aquaculture decision.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—*
 - (a) *made a submission on the original application; and*
 - (b) *may be affected by the change or cancellation.*

When determining whether to process a variation to an approved consent as a s127 change of condition, case law² directs that there are three key areas to consider; whether the proposal is for a fundamentally different activity; whether it will have materially different effects; and whether the proposal expands the scope of the original consent.

I consider the requested change is within scope of the approved proposal because the type of adverse effects (temporary traffic delays) fundamentally remain the same.

In accordance with section 127(3) of the RMA 1991, I consider it appropriate to assess any actual and potential effects and will address these via the s95 and 104 assessments below.

Operative District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Provisions relating to the General Business Activity Area, General Recreation Activity Area, and

² *Body Corporate 97010 v Auckland City Council (2000) 6 ELRNZ 183 (HC); this approach was upheld by the Court of Appeal in Body Corporate 97010 v Auckland City Council [2000] 3 NZLR 513 (CA).*

Hill Residential Activity Area, which this proposal falls within are relevant along with provisions in the Earthworks, Transport and SNR Chapters. The proposed change does not result in any new non-compliances with District Plan rules.

Proposed District Plan

On the 6th of February 2025 Hutt City Council notified the Proposed District Plan; this is the result of a full review of the Operative District Plan which came into force in 2005. As such the proposed plan is in the early stages of the Schedule 1 process as public submissions recently closed on 2nd May 2025. While the proposed plan requires consideration with regard to any resource consent decision it is noted that the majority of the proposed plan provisions do not have legal effect whereby only certain rules apply at the time of public notification. The relevant rules which have legal effect are determined by s86B of the RMA and in the case of the proposed plan only relate to the protection of historic heritage which includes new Sites and Areas of Significance to Māori (SASM) identified as category 1 or category 2 and notable trees. The application site is not identified as a site of historic heritage or containing a SASM. There is a SASM in Days Bay but this is opposite where works have already been completed. As such, no rules within the Proposed District Plan are applicable to this application.

National Environmental Standards

The proposal does not require assessment under any National Environmental Standards.

4. PERMITTED BASELINE AND S127

There is no permitted baseline relevant to this proposal.

As per section 127(3) of the Resource Management Act 1991, when assessing a change or cancellation of condition, consideration must be had to “*the effects of the change or cancellation respectively*”. That is, assessment shall focus on the effects arising from the proposed changes; the merits of the proposal as a whole cannot be reassessed.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four-step process that must be followed, and triggers or precludes notification of applications in certain circumstances. The sections below follow the four-step process for public notification (under section 95A) and limited notification (under section 95E).

5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the 4-step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
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Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"> ▪ A controlled activity ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status 	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy properties that are adjacent to Marine Drive within the project area. The adverse effects on the environment are considered to be less than minor for the following reasons:

Temporary Traffic delays

An expert peer review of the traffic delay modelling presented with the AEE questioned some of the assumptions underlying the modelling. This led to a revision of the traffic delay modelling by the applicant and the revised modelling has now been accepted by HCC's independent traffic engineer.

The current construction process results in delays of up to 5 minutes and traffic modelling submitted with the application shows that the estimated peak hour delay should, on average, be less than 6 minutes. The 5-minute threshold is not a consent condition but has been included in the TMP as a delay threshold. I note HCC has a system for categorising traffic delays with 5 – 6 minutes considered an ‘amber’ delay severity and greater than 6 minutes considered a ‘red’ delay severity. The on average less than 6-minute delay modelling is based on having a cumulative closure length of no more than 1000m. The application notes for a variety of reasons, which I accept, that it may not always be possible to have a closure length of less than 1000m so the applicant requests to not have a maximum closure length imposed.

The applicant proposes the following to avoid the closures causing excessive delays:

“It is proposed to update the existing weekly traffic reporting and review process as follows:

- *Include the construction configurations as part of the weekly traffic reporting, so that recorded delays can be assessed against these configurations. This will help identify whether certain cumulative closure lengths are contributing to increased delays.*
- *At the end of the working week, the construction team will communicate to the traffic team the proposed closure lengths for the following working week.*
- *The traffic team will then compare the proposed configuration against historical Google API data for similar configurations, to assess if anticipated delays fall within acceptable limits.*
- *Ultimately, the weekly reporting will incorporate recorded delay data alongside construction configurations. The construction and traffic monitoring teams will work closely to adjust future configurations as necessary. This continuous monitoring approach including the construction configurations will enable better understanding of the impacts on traffic.”*

The above review process is supported as a method of monitoring the impacts of the lane closures.

In regard to vehicle clearance, which is the time available for the last vehicle to be clear of the lane during the all red phase, it will be managed by end of lane detection which is an operational matter set out in the Traffic Management Plan.

The AEE confirms that the current practice of preparing a weekly Temporary Traffic Management Performance Memo will continue and this will inform HCC (Monitoring and Enforcement) if the 6 – minute delay threshold is breached. The updated Transport Effects Assessment states:

“If a delay (caused by construction activities) of six minutes or more is observed during weekday peak hours, the project will reduce the number of bays operated, including during peak hours. This will be followed by an investigation into the reason behind the breaches, and a submission of these reasons and action plan to HCC as per the TMP.

Works will then only recommence in three bays once approval has been provided by HCC³.

I note a revised Traffic Management Plan has also been submitted with this application and this has been assessed by Council's Senior Monitoring and Enforcement Officer. Minor amendments to the TMP have been requested. No concerns have been raised in regard to this proposal subject to compliance with the amended TMP.

Given the above review process and proposed response to excessive delays I consider the applicant is suitably managing the potential traffic delay adverse effects of the proposal and the change in adverse effects is less than minor. In coming to this conclusion, I have also taken into account the revised construction process which means the overall time that construction works are occurring will be reduced. In other words, the adverse effects are being condensed into a shorter period of time.

Recreation effects

The proposal will result in up to three sections of coastline being adjacent to construction works at the same time whereas as approved only one section may have been disturbed by construction works. Any adverse effects associated with this change are considered to be less than minor given the temporary nature of these effects and the long length of the project area resulting in alternative coastline areas, away from construction, being available to the public for recreation activities

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No
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Special circumstances have been defined as circumstances that are unusual or exceptional but may be less than extraordinary or unique. The proposal relates to increasing traffic delays due to a change in construction sequencing. The effects are well understood due to the modelling the applicant has undertaken, which is based on actual rather than predicted traffic counts. The modelling has been peer reviewed by a transport engineer and the findings have been accepted. It is considered that public notification will not reveal any new information relevant to determination.

On this basis, it is not considered necessary to publicly notify the application due to special circumstances.

Conclusion

Public notification is not required.

³ Page 7 Transport Effects Assessment dated 27 June 2025

5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4-step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	No

The proposal is adjacent to Wellington Harbour which is a statutory acknowledgment area and the Port Nicholson Block Settlement Trust were provided a copy of the s127 application. No comments were received. The change from undertaking construction on a single bay to three bays at a time only impacts users of Marine Drive and not the harbour and therefore PNBST are not affected under s95E.

Limited notification is not required under step 1.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for the following, but no other activity: <ul style="list-style-type: none">▪ A controlled activity (other than a subdivision) under the District Plan	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons 'affected' under s95E? <ul style="list-style-type: none">▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary'	No
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected person/s. No persons have given written approval.

Section 127(4)(a) requires that, for the purposes of determining who is adversely affected by the change of condition(s) proposed, the consent authority must consider every person who made a submission on the original application and persons who may be affected by the proposal. The original consent was publicly notified and 200 submissions were received. In accordance with section 95E and section 127(4)(b) I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

- In relation to any one adjacent site/person the effects of two or three bays being worked on at the same time will not increase construction effects such as noise. The separation between construction sites/bays means only one area of construction will impact upon adjacent sites/people and this effect is not increasing.
- The small increase in traffic delays is a temporary adverse effect that will impact people differently depending on their time and frequency of travel along Marine Parade. Even for those most affected, delays due to infrastructure upgrades within the road reserve inevitably occur at times across the road network and are an accepted and unavoidable activity although it is acknowledged that delays are not typically as large as in this case.
- The extension of the delay from a five-minute threshold to a six-minute threshold is considered to result in less than minor effects due to the modest increase in time and temporary nature of the effect. For many people, this delay will be experienced only once or twice per day and a two-minute overall increase in delay is considered a less than minor effect.
- The overall length of the construction process will be shortened so while daily delays will be increased the overall construction period will be shorter.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
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For the reasons outlined under step 4 in section 5.1 I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is not required.

5.3 - NOTIFICATION DECISION

In accordance with the notification steps identified in section 5.1 and 5.2 the application shall proceed on a non-notified basis.

6. DETERMINING THE APPLICATION

Section 104 requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a National Environmental Standard; other regulations; a National Policy Statement; a New Zealand Coastal Policy Statement; a Regional Policy Statement or proposed Regional Policy Statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 - ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT UNDER S104(1)(A)

The proposal is for a discretionary activity, meaning any effects deemed relevant to the proposal can be considered. I consider the assessment and conclusions drawn in s5.1 and 5.2 remain valid for the purposes of the s104(1)(a) assessment and no further assessment is required due to the narrow focus of the requested change.

Conclusion

I consider the actual or potential effects on the environment to be acceptable for the reasons outlined above.

6.2 - ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)

Objectives and Policies of the Operative District Plan

I consider the proposal is consistent with the relevant District Plan objectives and policies identified below:

13.1.3 Objective

To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City.

Policy

a) *To recognise and provide for the:*

- i. need for new and the maintenance and upgrading of existing network utilities;*
- ii. technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and*
- iii. benefits that network utilities provide to the economic, social and cultural functioning of the City.*

b) *To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.*

- c) *To ensure that the provision and operation of utilities that cross jurisdictional boundaries is managed in an integrated manner.*
- d) *To encourage the appropriate use of designations for new network utilities and extensions to existing network utilities that are not designated.*

This most relevant policy is 13.1.3 (b) and the proposal is consistent with this policy as the change in construction methodology allows for the project to be completed more quickly.

13.1.4 Objective

To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.

Policy

- a) *To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.*
- b) *To manage effects on health and safety by ensuring network utilities are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.*
- c) – f) are not relevant.

Objective 14A 3.2

Adverse effects from the construction, maintenance and development of the transport network on the adjacent environment are managed.

The effects stemming from the construction and upgrade works are being suitably managed by conditions of consent, primarily through the actions outlined in the Transport Management Plan and therefore the application is considered to be consistent with objective 13.1.4.

Conclusion

As assessed in section 5.1, 5.2 and 6.1 of this report, the adverse effects of the proposal will be acceptable subject to compliance with conditions, and it is considered that the proposal is consistent with the Operative District Plans objectives and policies.

Objectives and Policies of the Proposed District Plan

I consider the proposal is consistent with the relevant Proposed District Plan (PDP) objectives and policies identified below:

The PDP has introduced new definitions and the shared path and seawall would fall within the definition of 'infrastructure' which includes "*structures for transport on land by cycleways, rail, roads, walkways, or any other means:*". The most relevant objective and policies are as follows:

INF-02 Adverse effects of infrastructure

The adverse effects of infrastructure on the environment are effectively managed while recognising the functional needs and operational needs of infrastructure.

INF-P2 Provide for infrastructure

Provide for infrastructure by:

- 1. Enabling safe, resilient, effective, and efficient operation, maintenance, repair, minor upgrade, or decommissioning of infrastructure,*
- 2. Providing for other upgrades to, and the development of new infrastructure, and*
- 3. Enabling investigation and monitoring activities associated with infrastructure operations.*

For the reasons given in relation to the ODP objectives and policies, the proposal to undertake the construction work more intensively is considered to be consistent with the PDP objectives and policies.

Conclusion

As assessed in section 5.1, 5.2 and 6.1 of this report, the adverse effects of the proposal will be acceptable subject to compliance with conditions, and it is considered that the proposal is consistent with the Proposed District Plans objectives and policies.

6.3 - ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, New Zealand Coastal Policy Statement or regional policy statement or proposed regional policy statement that regard must be had given this proposal only relates to a change in the construction scheduling and not the works themselves.

6.4 – PURSUANT TO S104(1)(C) ARE THERE ANY OTHER MATTERS RELEVANT AND REASONABLY NECESSARY TO DETERMINE THE APPLICATION?

I consider there are no other matters relevant and reasonably necessary to determine the application.

6.5 - PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991.

6.6 - SUBSTANTIVE DECISION

In accordance with s127 and s104B I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s108 and s220.

7. CONDITIONS OF RESOURCE CONSENT

The additional text to condition GC.1 is underlined. The amendment to condition of RM190124 is now as follows:

Condition GC.1

Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder:

- (a) in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019;
- (b) in response to further information requests; and
- (c) in its evidence for the Hearing Panel.
- (d) in the consent application and associated plans and documents lodged with the Wellington Regional Council on 11/04/23.
- (e) in the consent application and associated plans and documents lodged with Hutt City Council on 3.06.2025 and the further information response provided on 27.06.2025 (HCC reference RM250100).

Processing Planner:



Dan Kellow
Resource Consents Planner (contractor)

Peer reviewer:



Anna Martin
Resource Consents and Compliance Manager

Application lodged: 3 June 2025
Application paid: 5 June 2025
Further information requested: 10 June 2025
Further information received: 27 June 2025
Application approved: 9 June 2025
No of working days taken to process the application: 14

8. NOTES:

- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- In accordance with section 120 of the Resource Management Act 1991, the applicant, consent holder, on the application or review of consent conditions may appeal to the Environment Court against the whole or any part of this decision by the consent authority.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Advice note from Heritage New Zealand: Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: huttcity.govt.nz/Services/Roads-and-parking/Vehicle-crossings/