

10 October 2019

Attention: Josie Burrows  
Greater Wellington Regional Council  
Resource Advisor  
Environmental Regulation

By email: josie.burrows@gw.govt.nz

Project Name: Pinehaven Main Works  
Project Number: IZ089000

**Subject: S.92(2) Response to Commissioning of Reviews**  
**File No: WGN200083**

Dear Josie

1. Thank you for your letter dated 24 September 2019 pursuant to s.92(2) of the Resource Management Act (1991) (**RMA**) advising of the intent to commission reports for the Pinehaven Stream Improvements Project notice of requirement (**NOR**) and resource consent application. The letter advised that three peer reviews were being commissioned, relating to:
  - a. The Flood model and Flood Hazard Assessment
  - b. The Erosion and Sediment Control Plan
  - c. The Terrestrial Ecology Assessment
2. These are referred to hereafter as **the peer reviews**. In addition, an assessment from a traffic engineer was also to be commissioned (since one hadn't been previously provided).
3. Wellington Water Ltd (**WWL**) has concerns regarding the use of s.92(2) for the commissioning of the three peer reviews because:
  - a. There is no suggestion (in either the Wellington Water applications or the s.92(2) letter of 24 September 2019) that these effects have the potential to be significantly adverse; and
  - b. Peer reviews and reports are different products. S.92(2) refers to reports. Reviews of reports are a core part of processing an application and the clock should not stop for this work to occur.
4. In relation to the traffic assessment, the traffic effects are not expected to be significant given their temporary nature and hence s.92(2) does not apply.

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5. WWL is currently unsure what the purpose of the traffic assessment is:
  - a. If it is to review the NOR and resource consent application, then Council should commission it as part of its core processing work.
  - b. If it is to be a first principles traffic assessment, then WWL will commission it directly without waiting for a request under s.92(1).
6. On this basis, WWL does not agree with the commissioning of the reports pursuant to s.92(2). As an alternate way forward, WWL suggests that Council withdraw its formal notification of 24 September 2019, and conclude that the application is complete for the purposes of s.88 of the RMA. This will allow public notification to proceed. There is no suggestion in the Council's s.92(2) letter of 24 September 2019 that the Council(s) considers the application to be incomplete.
7. After that the following steps could occur:
  - a. Application is notified.
  - b. The three peer reviews are completed.
  - c. Council issues a section 92(1) request (including a request for a traffic report – if required).
  - d. Notification closes.
  - e. The further information (including traffic report) is provided.
  - f. Section 42(A) process commences.
8. This process will enable the NOR and applications to proceed to public notification, while also ensuring that you have the necessary information for your assessment process.
9. WWL are happy for the reviews to occur, but do not consider these need to be undertaken via s.92(2), which places the application on hold. It does however agree to the peer reviews being undertaken as part of the s.42A process, and requests that the application proceed to notification.
10. In order to expedite the flood model review and to be as cost effective as possible, the expedited modelling review process is agreed and will be commenced with a meeting between Mike Law at Beca (the independent peer reviewer) and the Jacobs modelling team as soon as possible.
11. WWL also requests that the peer review of the Erosion Sediment Control review by Gregor McLean be commenced. Given the project team has already liaised with and provided Gregor the draft ESCP prior to lodgement, it is hoped that his review can be completed fairly quickly. The scope of Gregor's review (included as Attachment 2 to the s.92(2) letter) is accepted. Could you please provide a cost estimate for this review and timeframe for completion?
12. As confirmed in an earlier email (dated 9 October), WWL agrees to the Terrestrial Ecology peer review, at a cost of \$2,500 and that this peer review will be delivered in 2 weeks.

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13. With respect to the traffic peer review by Harriet Fraser, please advise if this is an assessment, in which case, WWL will commission it directly, or a review, in which case, it can be managed via GWRC/UHCC?
14. Could you also please advise whether the s.88 completeness check has been completed and if Commissioners have been appointed? As you are aware, WWL is seeking a hearing in February 2020, and would like to ensure this timeframe is achieved.

Yours sincerely



**Helen Anderson**  
Principal Planner  
(04) 914 8462  
helen.anderson@jacobs.com

Copies to: James Beban – UHCC

Angela Penfold – Senior Planner, Wellington Water

Tristan Reynard – Project Manager, Wellington Water

Eric Skowron – Project Manager, Jacobs

Nicky McIndoe – Kensington Swan