MAY ROAD PROPERTIES LIMITED

APPLICATION FOR RESOURCE CONSENT

&

ASSESSMENT OF ENVIRONMENTAL EFFECTS

TO

RECONTOUR THE SITE TO REDUCE THE EXTENT OF FLOODING

AT

105 MAY ROAD,
105A-109A MAY ROAD,
119 MAY ROAD,
MOUNT ROSKILL,
AUCKLAND 1041

PREPARED BY

BENTLEY&Co
Resource Management Consultants

JULY 2022

TABLE OF CONTENTS

Attachment 1:	Unitary Plan analysis
Attachment 2:	Ecological Assessment prepared by Beca
Attachment 3:	Civil and Stormwater Assessment prepared by Beca
Attachment 4:	Land Contamination Assessment prepared by Beca
Attachment 5:	Record of titles
Attachment 6:	Proposed plans
Attachment 7:	Erosion and Sediment Control Plan prepared by Beca
Attachment 8:	Noise and Vibration Assessment prepared by Marshall Day
Attachment 9:	Geotechnical Interpretative Report prepared by Beca
Attachment 9A:	Geotechnical Factual Report prepared by Beca
Attachment 10:	Draft Contaminated Soils Management Plan prepared by Beca

APPLICATION FOR RESOURCE CONSENT

Form 9

APPLICATION FOR RESOURCE CONSENT OR FAST-TRACK RESOURCE CONSENT

Sections 87AAC, 88, and 145, Resource Management Act 1991

TO: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

1. **MAY ROAD PROPERTIES LIMITED**, c/- Bentley & Co. Limited at the address for service listed below, applies for the following type of resource consent:
   - Land use consent.
   - Water permit.
   - Discharge permit.

2. The activity to which the application relates is as follows:
   1. To recontour the site to reduce the extent of flooding at 105 May Road, 105A-109A May Road, and 119 May Road, Mount Roskill. Without limitation, resource consent has been assessed as being required for the following reasons:

      Auckland Unitary Plan (Operative in part)

      a. The diversion of a stream to a new course and associated disturbance and sediment discharge requires resource consent as a discretionary activity (E3.4.1(A19)).
      b. Dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10 that exceeds 30 days requires resource consent as a discretionary activity (E7.4.1(A26)).
      c. Earthworks with an area greater than 2,500m^2 within the Sediment Control Protection Area require resource consent as a restricted discretionary activity (E11.4.1(A9)).
      d. Earthworks with an area greater than 2,500m^2 require resource consent as a restricted discretionary activity (E12.4.1(A6)).
      e. Earthworks with a volume greater than 2,500m^3 require resource consent as a restricted discretionary activity (E12.4.1(A10)).
      f. Earthworks that do not comply with the requirements of Standard E12.6.2(1) in respect of riparian yards require resource consent as a restricted discretionary activity (C1.9(2)).
      g. Earthworks that do not comply with the requirements of Standard E12.6.2(11) and (13) in respect of the 1% AEP floodplain require resource consent as a restricted discretionary activity (C1.9(2)).
      h. Vegetation alteration or removal within 10 metres of an urban stream requires resource consent as a restricted discretionary activity (E15.4.1(A19)).
      i. Construction activities that do not comply with Standard E25.6.27 (construction noise levels in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone) requires resource consent as a restricted discretionary activity (E25.4.1(A2)).
      j. The discharge of contaminants into air, or into water, or onto or into land not meeting permitted activity Standard E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5 requires resource consent as a controlled activity (E30.4.1(A6)).

k. Impervious surfaces that do not comply with Standard H17.6.3 and exceed 10 percent of the riparian yard area (65% proposed) require resource consent as a restricted discretionary activity (C1.9(2)).

National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

l. Ground disturbance activities on a piece of land that are not provided for as a permitted activity (Regulation 8) or as a controlled activity (Regulation 9) require resource consent as a restricted discretionary activity (Regulation 10).

3. The site(s) at which the proposed activity is to occur is as follows:

105 May Road, Mount Roskill, Auckland 1041

Legal Description: Sec 2 SO 468523 CT 635750

105A-109A May Road, Mount Roskill, Auckland 1041

Legal Description: Lot 1 DP 58697 CT NA14D/603

119 May Road, Mount Roskill, Auckland 1041

Legal Description: Lot 3 DP 40979 CT NA1087/200

The natural and physical characteristics of the site and any adjacent uses that may be relevant to the consideration of the application are detailed within the assessment of environmental effects.

4. The other activities to which this application relates are as follows:

(a) Refer to **Attachment 1**, which describes the other activities that are part of the proposal to which the application relates, and explains how the permitted activities comply with the requirements, conditions, and permissions for the permitted activity so that resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991.

5. No additional resource consents are needed for the proposal to which this application relates.

6. I attach an assessment of the proposed activity's effect on the environment that-

(a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

(b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

7. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

8. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

9. No other information is required to be included in this application by the Auckland Unitary Plan, the Resource Management Act 1991, or any regulations made under that Act.

Signature: May Road Properties Limited
by its authorised agents Bentley & Co. Limited:

……..
Mark Arbuthnot

Date: 07 July 2022

Address for Service of applicant:
C/- Bentley & Co
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Address for Fees/Charges for the application:
May Road Properties Limited
C/- TSA Management Limited
PO Box 26433
Epsom
Auckland 1344

Attn: Hamish Gard
Telephone: (09) 550 1427
Mobile: 021 207 2076
Email: hamish.gard@tsamgt.com

ASSESSMENT OF ENVIRONMENTAL EFFECTS

PROPERTY DETAILS

Site Area:	105 May Road:	1.7835ha
	105A-109A May Road:	1.9164ha
	119 May Road:	0.5650ha
Unitary Plan Zoning:	Business – Light Industry Zone	
Unitary Plan Precincts:	None	
Unitary Plan Overlays:	Quality-Sensitive Aquifer Management Areas Overlay – Auckland Isthmus Volcanic	
Unitary Plan Controls:	Macroinvertebrate Community Index – Urban Arterial Road (May Road)	
Unitary Plan Designations:	ID 9466 – Construction, operation and maintenance of wastewater infrastructure, Watercare Services Limited (54 Roma Road only) ID 1102 – Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Limited	
Other Constraints:	Flooding and overland flow paths	

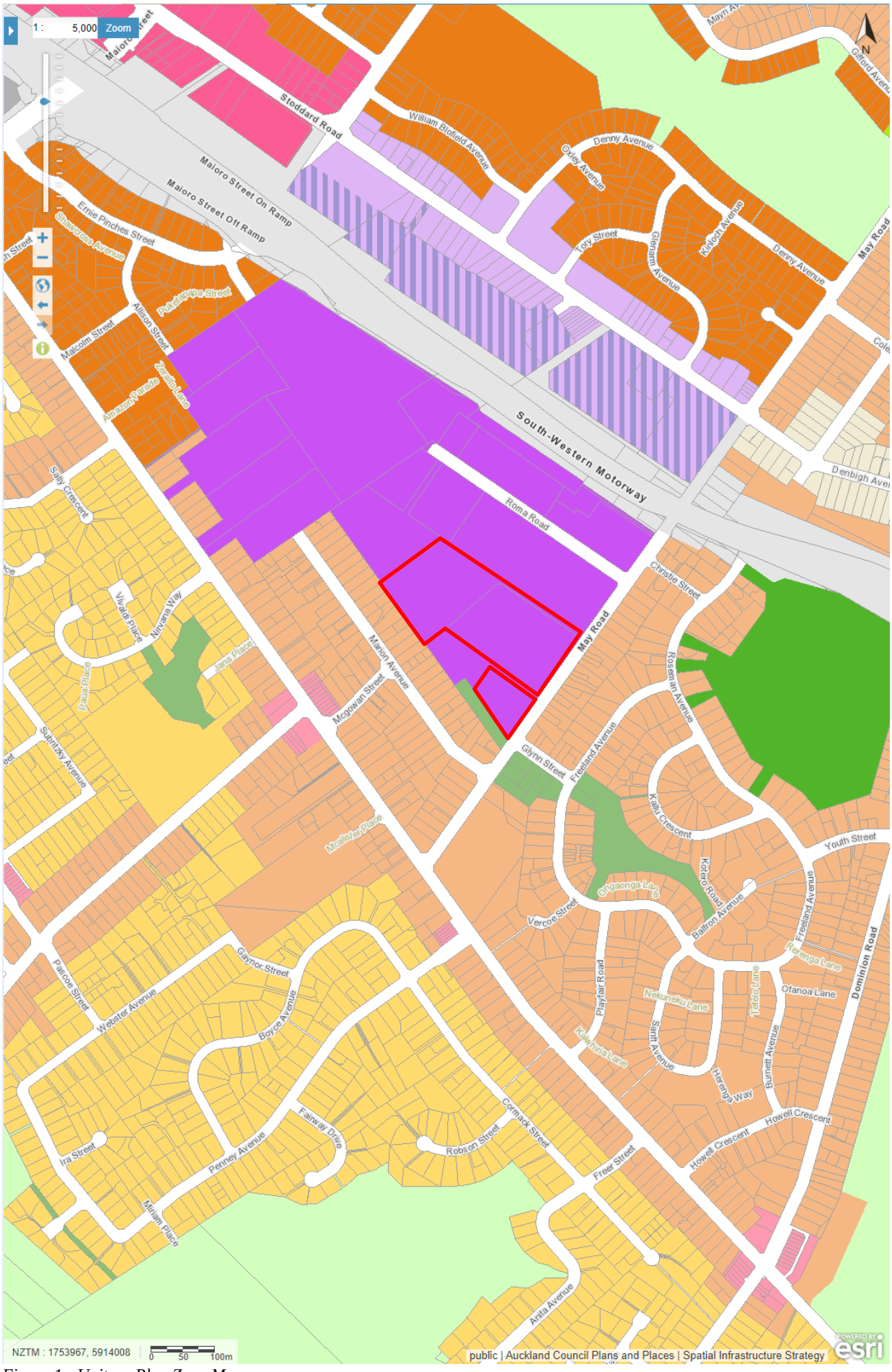


Figure 1 - Unitary Plan Zone Map

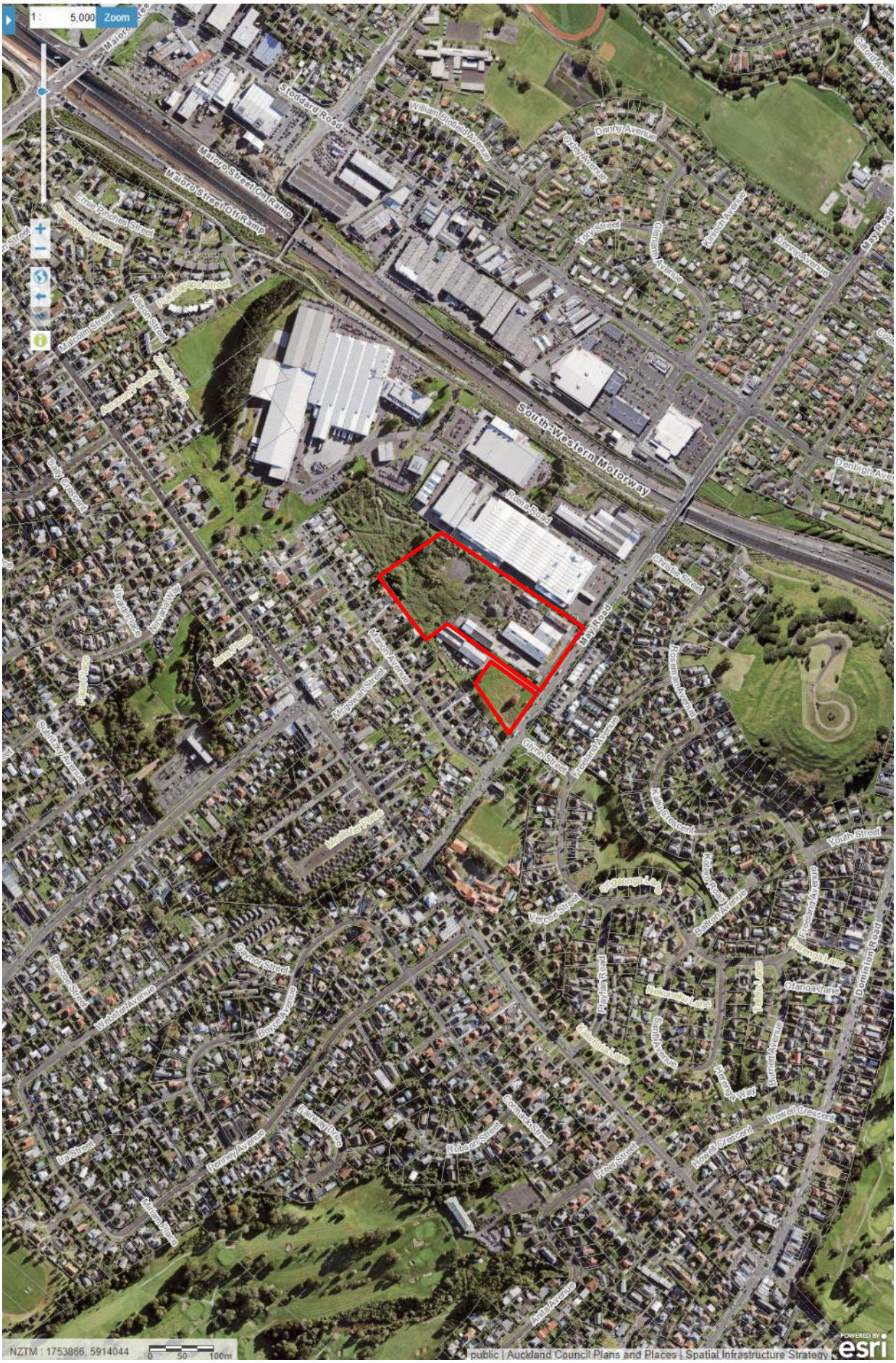


Figure 2 - Aerial Photograph

INTRODUCTION

1. May Road Properties Limited ("**the applicant**"), through its subsidiaries (May 1 Limited, May 2 Limited and May 3 Limited), is the owner of 105, 105A-109, and 119 May Road ("**the site**").
2. One of the major constraints to the redevelopment potential of its landholdings is the extent of the 1% AEP floodplain that applies to the site. The applicant has developed a proposal to recontour its properties to maximise the extent of developable area outside of the floodplain in a manner that does not result in adverse flooding effects on neighbouring properties.
3. To be implemented on a staged basis (with the southern portion of the site recontoured first), the proposal has been designed to integrate with the Watercare Services Limited ("**WSL**") Central Interceptor project on the adjacent land (discussed further at paragraphs 19 to 23 below). Specifically, the recontouring of the site will at all times maintain the flood storage capacity of the site and 54 Roma Road and will repurpose the temporary construction platform that WSL proposes to construct at 105 May Road (thereby reducing the overall extent of land disturbance works that are required to be undertaken).

SITE DESCRIPTION

4. The site to which the application relates comprises two separate parcels of adjoining land that have a combined area of 4.2649ha and are held under separate ownership (illustrated in *Figure 3* below):

   (a) 105 May Road (1.7835ha).

   (b) 105A-109A May Road (1.9164ha).

   (c) 119 May Road (0.5650ha).

Figure 3: Site location

5. Existing development on the site comprises:

   (a) A construction laydown area at 105 May Road (associated with the use of the construction platform at 54 Roma Road), which is proposed to be modified by WSL to facilitate an extension to the construction platform and the creation of a stormwater offset area to address flooding issues.[1]

   (b) Light industrial activities at 105A-109A May Road, comprising a combination of industrial buildings and associated at-grade storage and parking.

6. 119 May Road is currently vacant and comprises grass and trees.

Vehicle access and roading

7. 105A-109A May Road has two vehicle accesses to May Road, while 105 May Road is accessed informally through the at-grade parking and storage area on 105A-109A May Road. Despite being vacant, 119 May Road has a double-width vehicle crossing located in a central position along the road frontage of this site.

8. May Road is an arterial road and comprises a single lane of traffic in each direction. A dedicated bus lane that operates between the hours of 7.00am and 10.00am (Monday to Friday) is located to the northern side of the carriageway

Ecological values of the site

9. The site includes three watercourses. As illustrated in *Figure 4* below, a permanent stream (a tributary of Oakley Creek) runs along the north-eastern boundary of the site, while an impact reach that currently crosses the centre of the site and flows into this permanent stream. An artificial watercourse has been identified originating from a stormwater pipe beneath 31B Marion Avenue, where water ponds immediately adjacent to the pipe discharge point before flowing diffusely overland for approximately 10m before a defined channel begins.

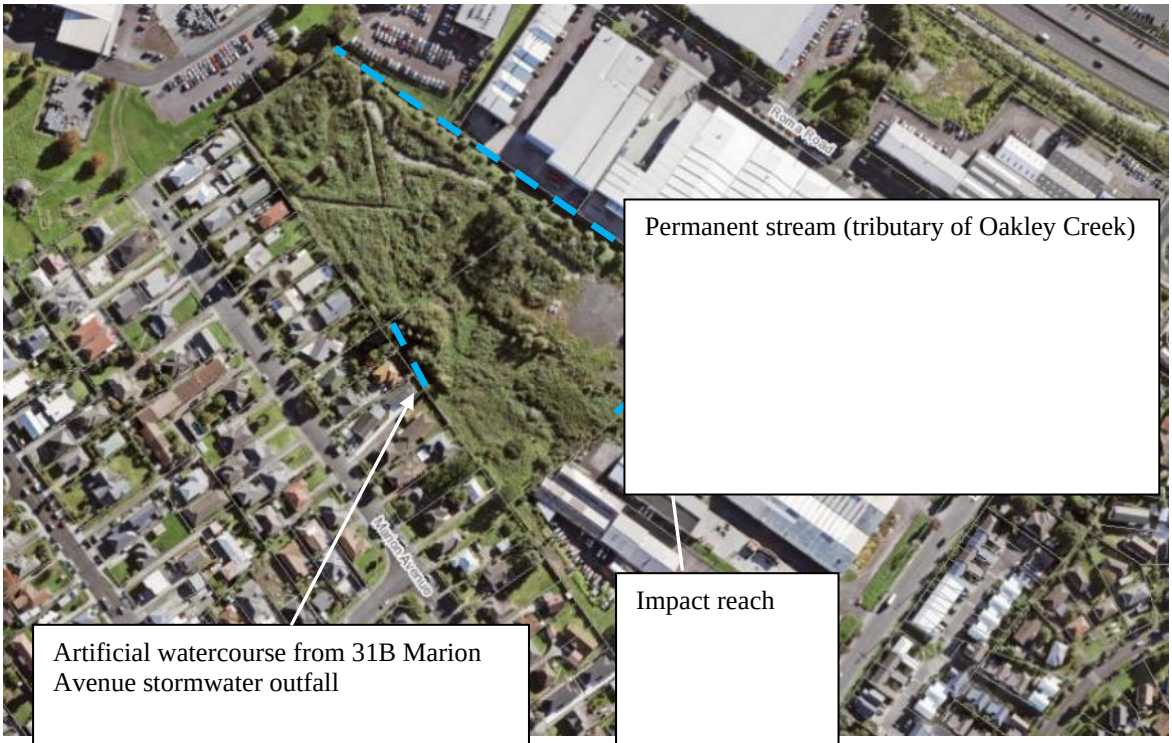


Fig *sh lines)*

[1] W from the applicant, which expires no later than 30 June 2031 (if all rights of renewal are exercised).

10. The tributary of Oakley Creek is described within the Ecological Assessment prepared by Beca (refer to **Attachment 2**) as being a straightened, modified permanent stream that has a width of approximately 1m – 1.5m. Beca has advised that some macrophyte growth is evident within the channel and that the substrate consists of mud/silt/clay with some cobble and boulder sized rocks. The stream has been assessed has having low ecological value, based on limited shading and quality of riparian vegetation, low freshwater fauna diversity, poor habitat provision, poor biogeochemical and biodiversity function, and modified stream morphology/urban catchment.

11. In terms of the impact reach, Beca has described this as also having low ecological value, with limited riparian vegetation, limited habitat heterogeneity, low fish and benthic invertebrate diversity, poor biogeochemical and biodiversity function, and modified stream morphology/urban catchment.

12. The ecological value of the artificial watercourse has been classified by Beca as "negligible" as it contains no upstream connectivity to other streams in the catchment, low value habitat, exotic and weedy vegetation, and a degraded urban catchment.

13. The existing vegetation within the subject site has been described within the Ecological Assessment as being largely dominated by weedy exotic herbaceous species, including species that are classified as regional pest plants (wattle and gorse), and being of negligible ecological value. The current ecological value of the freshwater fauna, avifauna, and lizards present on the site has also been assessed to be low.

14. The Ecological Assessment confirms that there are no 'natural wetlands' (as defined by the National Policy Statement for Freshwater Management 2020) on the site.

Flooding

15. As discussed within the Civil and Stormwater Assessment prepared by Beca (refer to **Attachment 3**), the site and approximately 60ha of upstream catchment drain through open channels that converge at 54 Roma Road before discharging through a pipe to the north.

16. Flood modelling (undertaken by Auckland Council as well by Beca specifically for this application) indicates that much of the site is subject to inundation in extreme rainfall events, with some surrounding properties also affected. The northern portion of the site (including most of 54 Roma Road) acts as a storage basin in extreme events, while the southern portion of the site acts as conveyance for flood flows from upstream of May Road through to the ponding area.

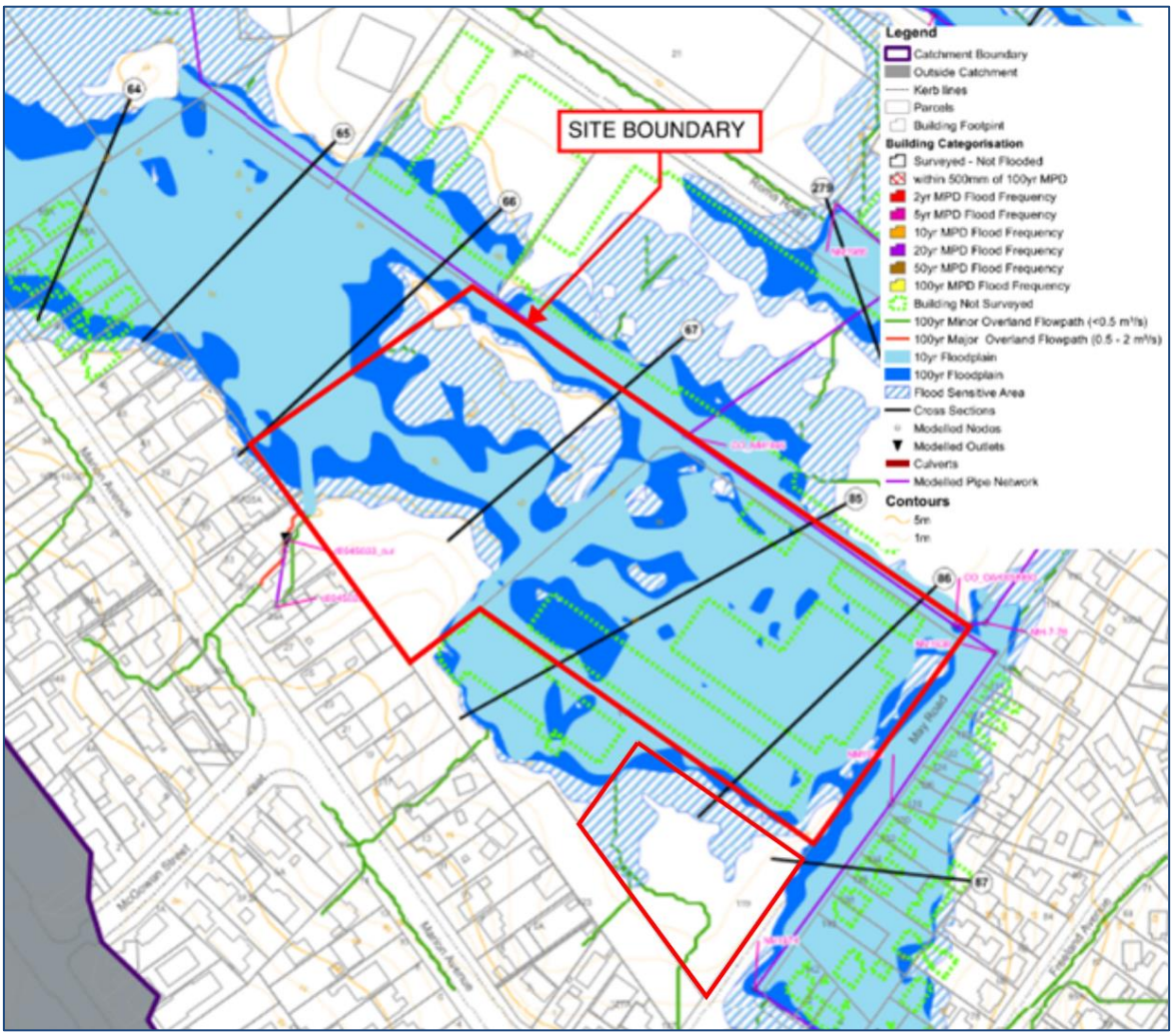


Figure 5 below illustrates the modelled extent of the existing 1% AEP floodplain.

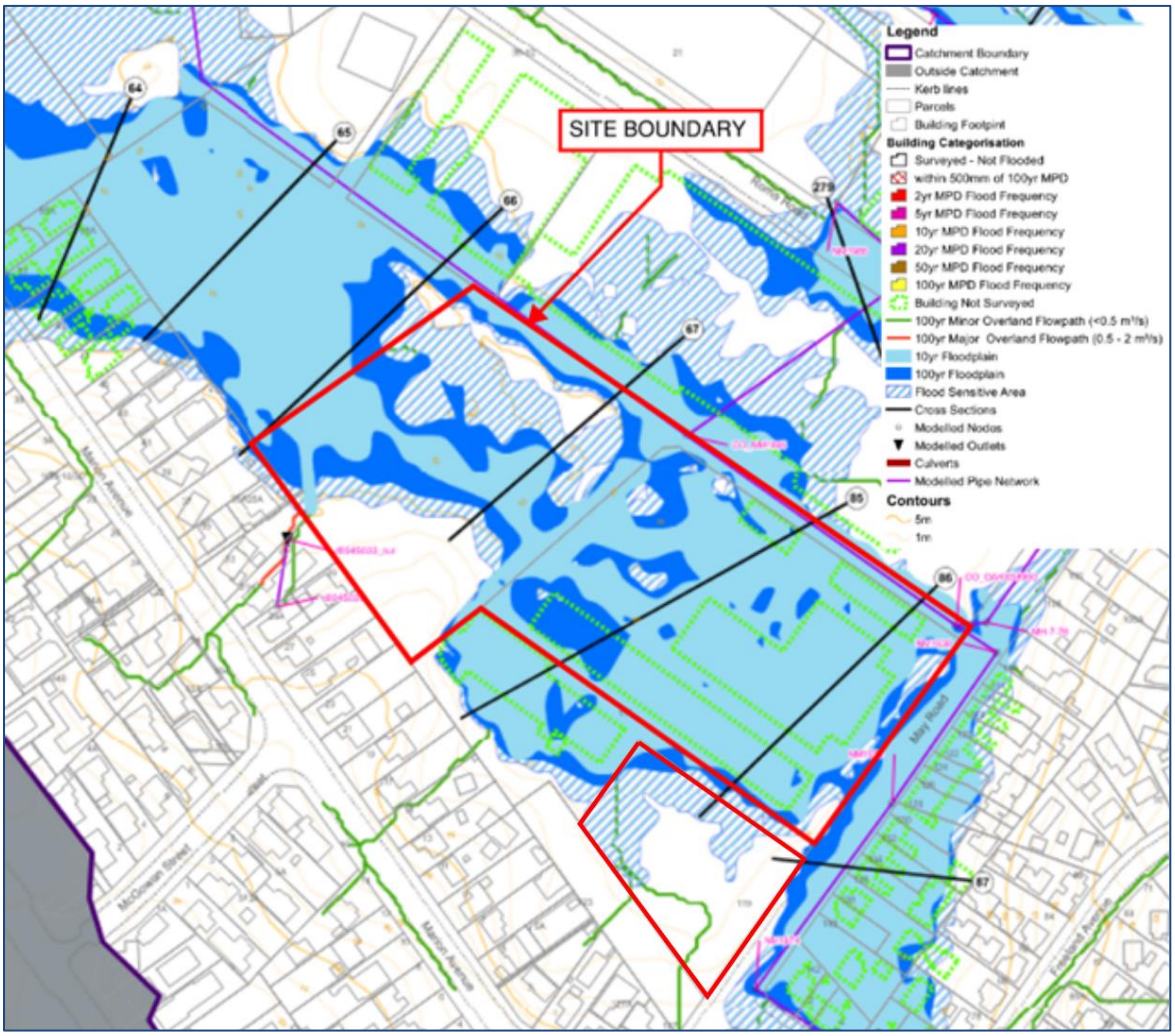


Figure 5: Predevelopment extent of 1% AEP floodplain [image source: Auckland Council's Oakley Creek Flood Model (AECOM New Zealand Ltd, 2016]

Contamination

17. The Land Contamination Assessment prepared by Beca (refer to **Attachment 4**) identifies that the land at 105 May Road, 105A-109A May Road, and 119 May Road is contaminated due to historic industrial activities. Specifically:

    (a) 105 May Road: Buildings on the site were demolished in the mid-1970's and the site has remained undeveloped with a gravel laydown area and vegetation. Historical soil investigations indicate the presence of fill material and soil contamination, including asbestos.

    (b) 105A-109A May Road: This property was historically used by Thermo Polycoatings Ltd for 'plastic coatings of articles' and 'kitchenware non-stick coating applications'. Soil contamination (heavy metals and asbestos) above the background concentrations for Auckland volcanic soils and above the applied environmental and human health criteria were recorded in several samples. Groundwater samples recorded concentrations of dissolved and total metals above the applied environmental criteria. One groundwater sample recorded detectable concentrations of PFAS compounds (PFHxA and PPOA), which are likely to be related to the historical kitchenware activity operating on the site prior to 1980. The recorded concentrations of the PFAS compounds were below the drinking water, environmental and interim trade waste disposal guidelines.

(c) 119 May Road: A warehouse structure was present on the site from the early 1950's until it was demolished in 2006. Property file records indicate that a fuel oil "Above Ground Storage Tank" ("**AST**") was present at the rear of the premises. Fill material comprising silty clay with gravel, cobbles, and traces of buried waste was encountered to a maximum depth of 0.8m below ground level. One soil sample recorded a chromium concentration above the human health and environmental guideline values (although is considered to be a localised exceedance and unlikely to present a significant risk to human health and the environment). Asbestos was also identified in seven soil samples across six locations.

18. An exposure pathway assessment was completed for the soil investigation and identified several potentially complete exposure pathways. These pathways would occur during demolition/construction (earthworks) phases and can be mitigated and managed through the implementation of management controls (discussed in further detail below).

SURROUNDING AREA DESCRIPTION

54 Roma Road – Central Interceptor works

19. The property at 54 Roma Road, owned by WSL, abuts the northern boundary of the site. This property is located on the main tunnel alignment of the Central Interceptor where a connection point to the existing Branch 9A Owairaka sewer (and nearby local reticulation) and a new link sewer (Link Sewer C) will be created. These works are provided for by Designation 9466.

20. Designation 9466 also identifies 54 Roma Road as a construction site for the tunnel, operating as:

    (a) a reception site for the main Tunnel Boring Machine for the southern section of the tunnel (which starts at the Mangere Pump Station Site);

    (b) a launch site for the Tunnel Boring Machine for the construction of the northern section of the tunnel from May Road to Grey Lynn; and

    (c) the main access point for the tunnelling operation, with all excavated material being removed from the tunnel at this location, together with the delivery of construction material.

21. Long term (following the completion of construction works), Designation 9466 enables 54 Roma Road to provide on-going access to the tunnel and the associated "drop shafts" and "stop-log" chamber. An air treatment facility may also be established by WSL at a later date, if required.

22. In preparation for the commencement of tunnelling works at 54 Roma Road, a construction platform has been constructed by WSL (also known as the "**Stage 1 works**"). The consented layout of this platform is illustrated in *Figure 6* below.

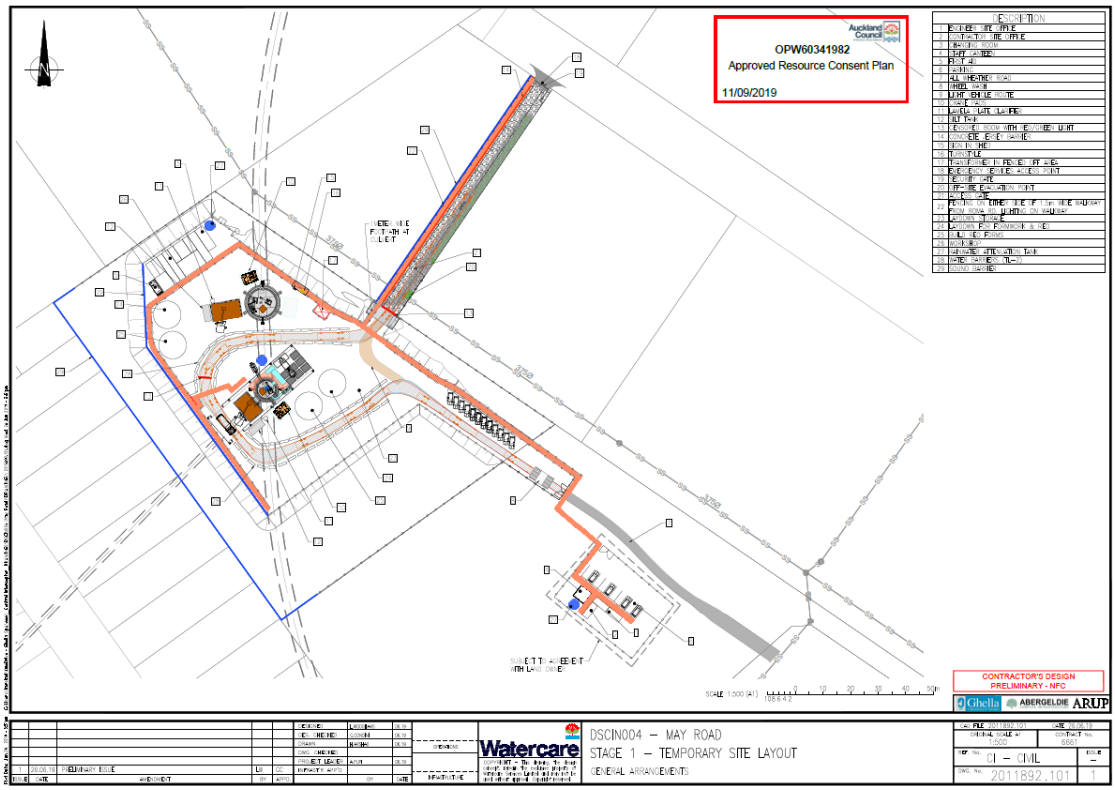


Figure 6: Existing "Stage 1" layout 54 Roma Road

23. To accommodate the construction of the temporary lift shaft and associated car parking, accessways, and site offices, WSL has made an application for resource consent to extend the existing construction platform into the land owned by May Road Properties Limited at 105 May Road (also known as the "**Stage 2 works**"). In doing so, a stormwater offset area will be provided to ensure that any existing flooding on adjacent sites is not increased by the extended construction platform. *Figure 7* below sets out the detail in this regard.

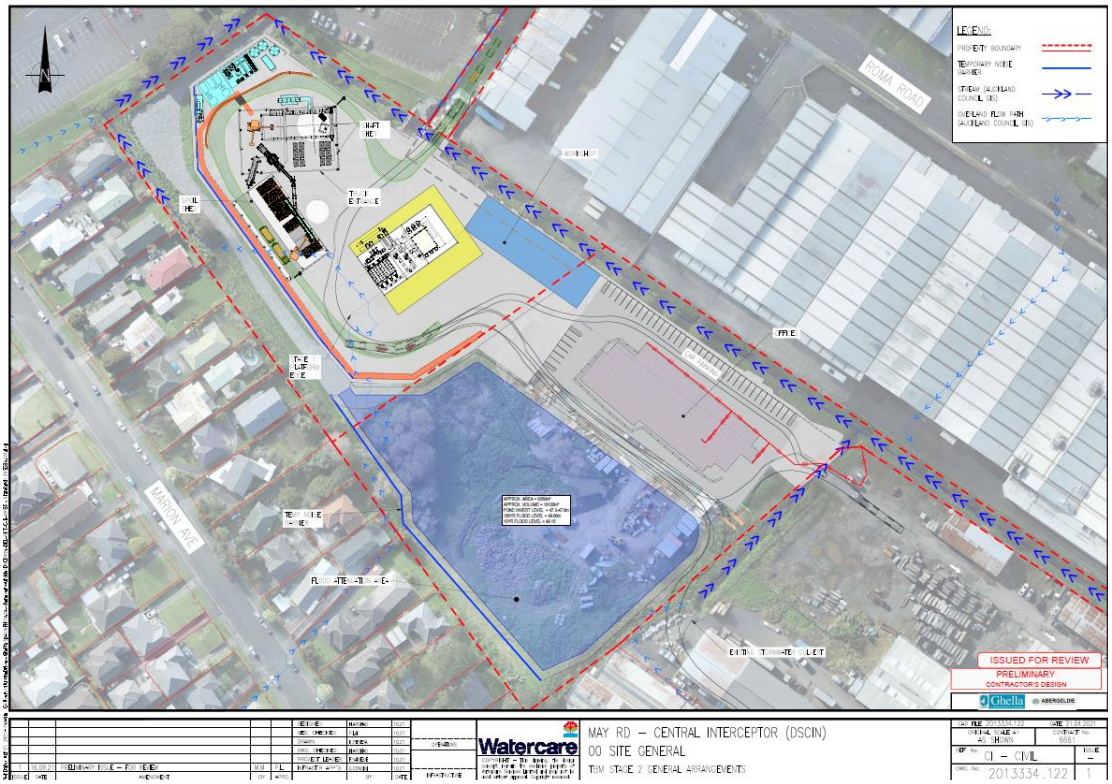


Figure 7: "Stage 2" proposed site layout 54 Roma Road and 105 May Road

24. Following the completion of the construction activities, WSL propose to construct a reduced platform area on 54 Roma Road and reinstate the land at 105 May Road (also known as the "**Stage 3 works**"), as illustrated in *Figure 8*.

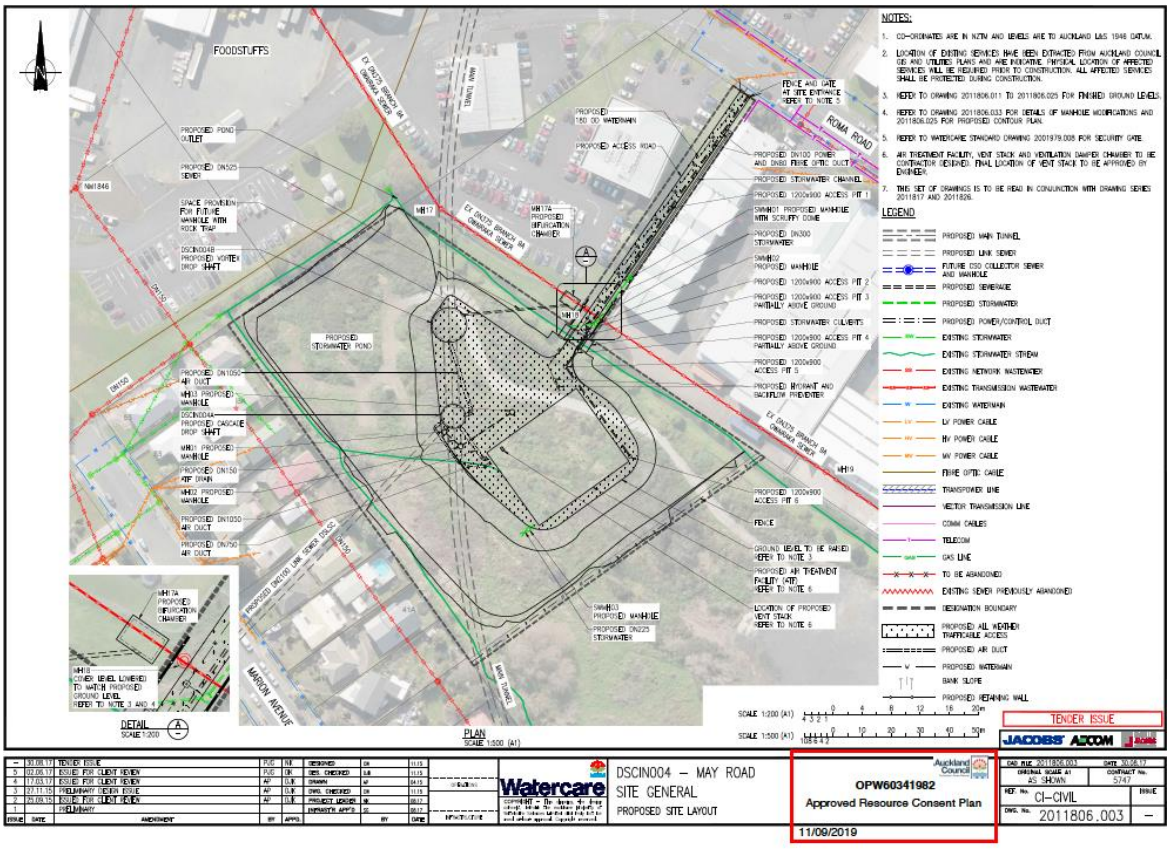


Figure 8: "Stage 3" proposed site layout 54 Roma Road

Other neighbouring development

25. Other development within the immediate vicinity of the site comprises the land that was formerly occupied by the Foodstuffs offices and distribution centre at 60 Roma Road (now owned by Goodman and vacant), office activities located at 58 Roma Road, a number of commercial units located at 38-52 Roma Road, and a 'Gilmours' wholesale activity, located at 101-103 May Road.

26. Abutting the southern boundary of the site, at 111 May Road, is a light industrial activity that is occupied by industrial buildings and at-grade outdoor storage.

27. The land abutting the western boundary of 119 May Road is vacant is a small recreation reserve ("Plantation Reserve"), which is understood to be surplus to Auckland Council's requirements and has been identified as being suitable for disposal under Council's Emergency Budget asset recycling programme.

28. Should council's Finance and Performance Committee approve the disposal of "Plantation Reserve" (119A May Road), the reserve status will need to be revoked. Final revocation of the reserve status will be subject to completing the statutory requirements of the Reserves Act 1977 and Local Government Act 2002.[2]

29. To the east of the site, on the opposite side of May Road, are residentially zoned and occupied terraced dwellings. This area ("Roskill South") is subject to comprehensive redevelopment proposals by Kainga Ora and Piritahi, which includes stormwater upgrades to Freeland

[2] Puketapapa Local Board Open Agenda; 14 August 2020.

Reserve. Similarly, to the west of the site, on Marion Avenue, are residentially zoned and occupied dwellings.

RECORD OF TITLE

30. A copy of the record of titles and registered interests is appended as **Attachment 5** and are summarised within the following analysis.

105A-109A May Road and 119 May Road

Transfer 397686 – Water right (in gross) in favour of Auckland City Council

31. Transfer 397686 provides Auckland Council with the right to convey water over or under the land identified in yellow in *Figure 9* below, and to construct, place or lay and maintain water pipes in connection with the public network.

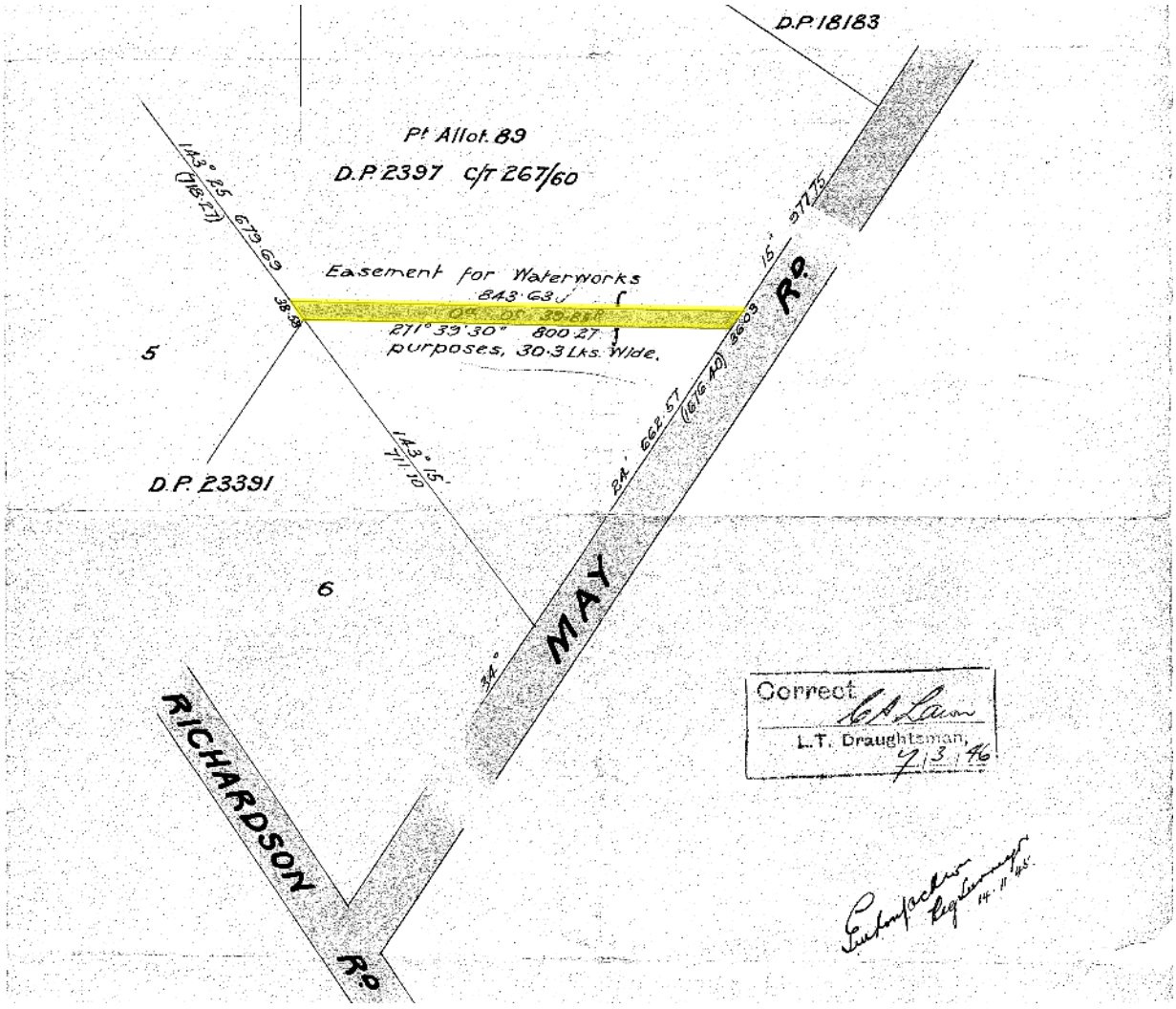


Figure 9: Water right (in gross) over 105A-109A May Road (yellow)

Transfer 611198 – Sewage right over part marked drainage easement on Plan 41825

32. Transfer 611198 provides 119 May Road with the right to lay, use and maintain a drain through, in an under those parts of 119 May Road and 105A-109A May Road identified in blue in *Figure 10* below for the purposes of carrying and discharging sewerage to the public network.

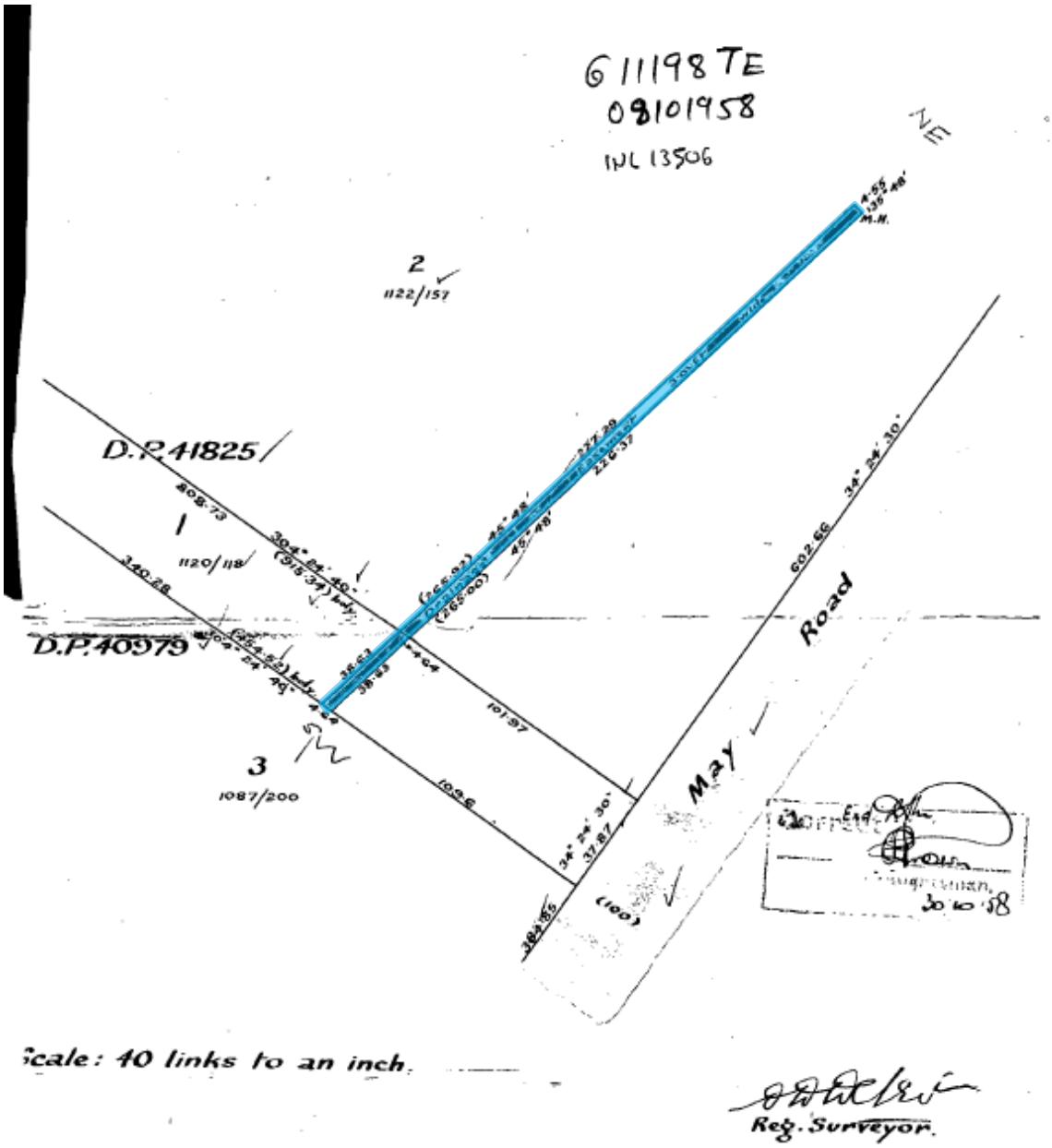


Figure 10: Sewage right over 111 May Road and 105A-109A May Road (blue)

11569516.1 – Compensation Certificate pursuant to Section 19 Public Works Act 1981

33. The Compensation Certificate records the Deed of Lease under the Public Works Act 1981 dated 3rd October 2019 that enables WSL to temporarily occupy 105A-109A May Road, including temporary rights of access over the land for its Central Interceptor Project.

54 Roma Road and 105 May Road

9560247.1 – Compensation Certificate pursuant to Section 19 Public Works Act 1981

34. The Compensation Certificate records the Deed of Lease under the Public Works Act 1981 dated 28th June 2013 that enables WSL to temporarily occupy 105 May Road, including temporary rights of access over the land for its Central Interceptor Project.

Easement Instrument 9492849.3 – Right of Way

35. Right of Way Easement Instrument 9492849.3 provides May Road Properties Limited the full, free, uninterrupted, and unrestricted right to go, pass, and repass on foot or with vehicles,

over, on, and across the Easement Area marked "A" on SO Plan 468523, identified in red in *Figure 11* below.

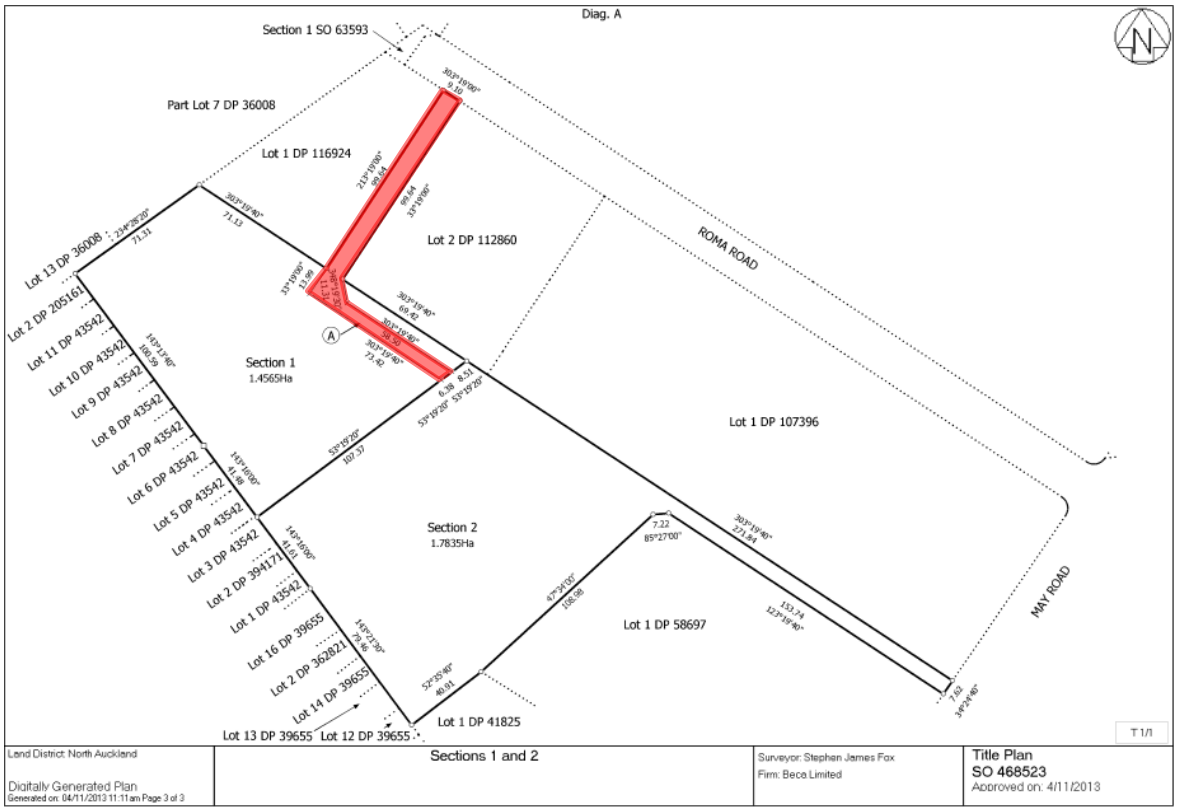


Figure 11: Right of Way easement (red)

DESCRIPTION OF THE PROPOSAL

36. The applicant is seeking resource consent to recontour the site to maximise the extent of developable area of its land holdings at 105 May Road, 105A-109A May Road, and 119 May Road, Mount Roskill, outside of the floodplain.

37. The details of the proposed land disturbance works are set out in detail within the plans that have been prepared by Beca and are appended to this application as **Attachment 6**. In summary, the proposal comprises:

    (a) Earthworks to raise the land out of the 1% AEP floodplain and to establish a stormwater management area.

    (b) The realignment of the impact reach watercourse within the boundaries of the site.

    (c) Enhancements to the in-stream habitat and riparian planting of the permanent stream and realigned impact reach watercourse.

    (d) The disturbance of contaminated soil.

Earthworks

38. The Civil and Stormwater Assessment prepared by Beca (refer to **Attachment 3**) sets out in detail the nature of the proposed earthworks on the site. In summary, relative to the existing levels on the site, the proposed earthworks will comprise 11,710m^3 of cut and 32,470m^3 of fill (gross) over almost all the 4.2649ha site area as follows:

    (a) 11,350m^3 of cut and 8,630m^3 of fill over an area of 17,830m^2 within 105 May Road;

    (b) 290m^3 of cut and 23,270m^3 of fill over an area of 19,160m^2 within 105A-109 May Road;

(c) 70m^3 of cut and 570m^3 of fill over an area of 5,650m^2 within 119 May Road;

(d) cut depths are typically 1m to 1.5m for the lowered floodplain areas, with a deeper cut of 3m to 4m in one location;[3] and

(e) fill depths are typically 1m to 1.5m for the platform and up to 3m to 3.5m where a channel is filled and realigned.

39. The earthworks are intended to be undertaken in two stages, with the southern section of the site (at 105A-109 May Road and 119 May Road) undertaken first, followed by the balance of the site (which will be enabled once WSL vacate 105 May Road by 2031 at the latest).

40. The deepest area where cuts are proposed is located on 105 May Road and is currently being utilised by WSL as a construction laydown area. This area is subject to WSL application for resource consent for the Stage 2 works, which includes similar cuts at this location. The applicant will conduct further investigations and design work following the completion of the WSL Stage 2 works to ensure slope profiles are appropriately designed (and to undertake remedial measures as required).

41. Elsewhere on the site, and to ensure site stability is maintained, all cut slopes deeper than 1m will be subject to specific investigation and stability analyses during detailed design to determine the factors of safety. Cut slopes close to the boundary will assume a 12kPA surcharge loading on the boundary. Factors of safety for long term slopes will exceed 1.5, with temporary cases such as elevated groundwater exceeding 1.3.

42. Indicative staging plans are included within the resource consent drawings that have been prepared by Beca (refer to **Attachment 6**). The precise details of the staging have yet to be confirmed, however will be designed to ensure that the flood storage balance is always maintained. The final staging details of the earthworks will be provided to Council for certification prior to commencement (and a condition of resource consent to this effect is invited).

43. Material is likely to be available from the WSL works at 105 May Road prior to the commencement of the earthworks. Rather than let this material go to landfill, and new material be imported back onto the site at a later date (a costly and inefficient method of undertaking the works), the WSL material will be stockpiled on the site for a temporary period pending the commencement of the platform works, generally less than two years.

44. To manage the effects of the proposed earthworks and stockpiling, the Erosion and Sediment Control Plan prepared by Beca (refer to **Attachment 7**) sets out the methodologies that will be implemented to manage the discharge of sediment-laden water from the site, including:

(a) managing the timing of the earthworks and seeking winter works approvals as required;

(b) providing stabilised access points to the site from May Road;

(c) limiting the length of exposed slopes to reduce the volume of sediment created;

(d) progressive stabilisation and reinstatement of completed earth worked areas;

(e) the control of dust with water control measures;

(f) controlling the manner in which materials are stockpiled on the site, including temporary stabilisation, etc;

(g) the installation of sediment controls such as dirty water bunds, decanting earth bunds, sediment retention ponds, and silt fences and super silt fences;

[3] Relative to existing site levels, noting that the WSL "Stage 2 works" application seeks to undertake excavations with a depth of up to 4m-5m in the same location.

(h) the use of chemical flocculation, to be managed through a Flocculation Management Plan; and

(i) the staging of the earthworks to reduce the area of exposed soils at one time.

45. Works are proposed within the flood plain. Where practicable, works will be undertaken during dry weather windows and will adopt a cut and cover methodology to minimise the associated risk to the environment. This will ensure that effective contingency measures are adopted to enable the site to be temporarily stabilised quickly in the event of inclement weather.

Construction noise and vibration

46. The Noise and Vibration Assessment prepared by Marshall Day (refer to **Attachment 8**) confirms that:

(a) The proposed earthworks are predicted to generated noise levels of up to 10 decibels above the 70 dB LAeq limit at the closest dwellings (33A and 35 Marion Avenue) for 1 – 2 weeks. All other dwellings are located more than 25 metres from the works and compliance is predicted to be achieved.

(b) High noise levels are predicted at the commercial receivers adjacent to the demolition works for 1 – 2 weeks (73 dB LAeq to 85 dB LAeq). This may cause disruption to activities in rooms facing the works, however minimal disturbance is expected to manufacturing/repair works and similar commercial operations.

47. In order to manage the construction noise effects of the activity, the following mitigation measures are proposed:

(a) Temporary noise barriers will be installed to block the line of sight from the earthworks to the ground floor of the dwellings at 33A and 35 Marion Avenue. These noise barriers will enable compliance with the 70 db L_{Aeq} construction noise limit at the ground floor and provide reasonable internal noise levels for ground floor rooms facing the works.

(b) All nearby residential and commercial receivers will be informed of the works prior to commencement, with the times, duration, and contact details provided for complaints and enquiries.

48. Vibration from excavation and demolition works is predicted to readily comply with both the amenity and cosmetic building damage limits of the Unitary Plan and German Standard DIN 4150-3:1999. Vibration from excavation may be perceptible at times but at a reasonable level with prior communications to the closest receivers.

Realignment of the impact reach watercourse and enhancement of in-stream habitat and riparian planting

49. The realignment of the impact reach watercourse and in-stream habitat enhancement and riparian planting proposals are detailed in full within the Ecological Assessment prepared by Beca (refer to **Attachment 2**).

50. In summary, the proposed realignment of the impact reach watercourse involves the infilling of approximately 130m of channel (~40m intermittent stream and ~90m permanent stream) and the creation of approximately 195m of new watercourse. As illustrated in *Figure 12* below, the realigned channel will run around the western edge of the raised earthworks area, and along the western and north-western boundaries of the site.

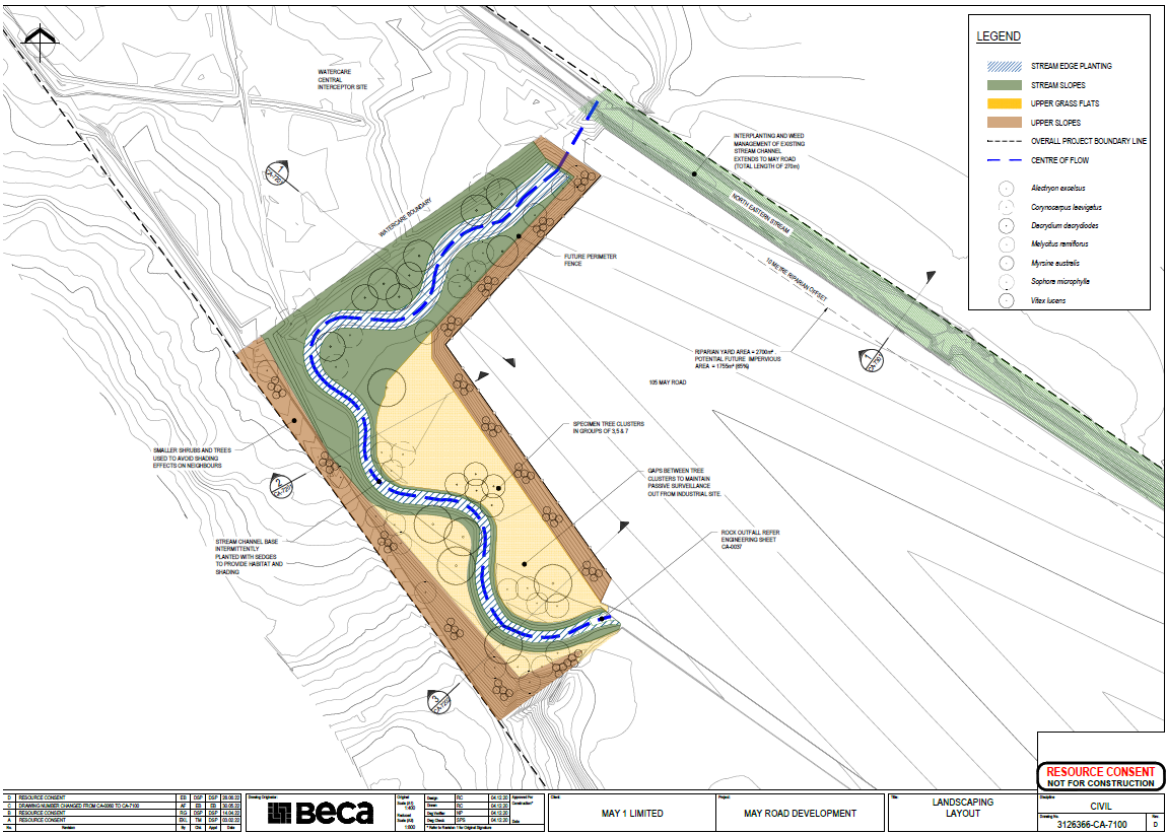


Figure 12: Proposed realignment of the impact reach watercourse

51. The impact reach watercourse realignment has been designed to maintain a natural clay channel, with some embedded boulders to create sections of rock riffles for additional habitat heterogeneity, together with some riprap and structural boulders to stabilise the stream channel, and logs pinned at the channel edge to create additional eel and fish habitat. Riparian planting with coco matting to allow plant establishment in the soil is also proposed along both banks of the channel length. Cross-sections of the typical landscaping are illustrated in *Figure 13* below.

Figure 13: Cross sections of typical impact reach realignment landscaping

52. Works proposed to the permanent stream/Oakley Creek tributary include the removal of a building and earthworks located within 10m of the stream bank, and some restoration planting within the riparian margin.

53. The required 10m riparian yard in the vicinity of the Oakley Creek tributary has an area of approximately 2,700m^2. The proposal seeks to establish 1,755m^2 (or 65%) of impervious surfaces within this area (with the balance comprising restoration planting).

54. The recommendations of the Ecological Assessment are proposed to be implemented to mitigate the ecological effects of the proposed works; namely:

    (a) A Native Fish Management Plan is proposed to be implemented to minimise the potential impacts to native fish associated with the realignment of the impact reach watercourse.

    (b) Erosion and sediment control measures will be implemented to manage the potential discharge of sediment laden water through the filling of the impact reach watercourse.

    (c) Due to the high likelihood of copper skink being present on the site, a lizard management plan will be implemented that will relocate them to an alternative suitable habitat.

    (d) Where practicable, works within riparian areas will be undertaken at times of the year that will minimise disruption to avifauna, fish, and lizards.

    (e) Instream works will be undertaken during low stream flow conditions over the dry summer period, and the new channel will be constructed prior to the diversion of flows.

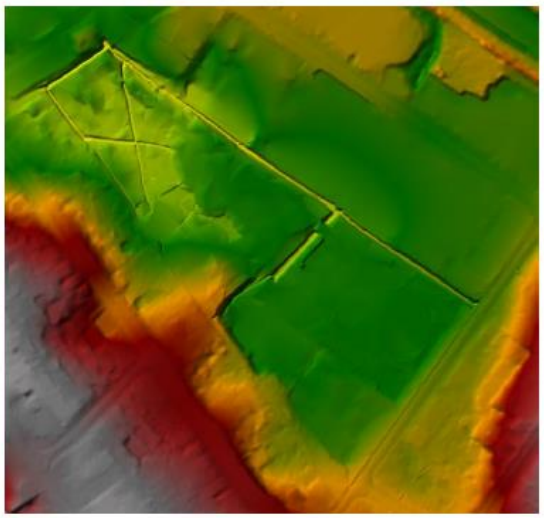
    (f) The realigned impact reach watercourse will be enhanced relative to the existing channel through the creation of meander, and addition of boulders and pinned logged maintaining natural substrates to increase habitat diversity for fauna and geomorphic heterogeneity.

    (g) Riparian planting will incorporate a heterogenous mix of native species typical of the Tāmaki ecological district.

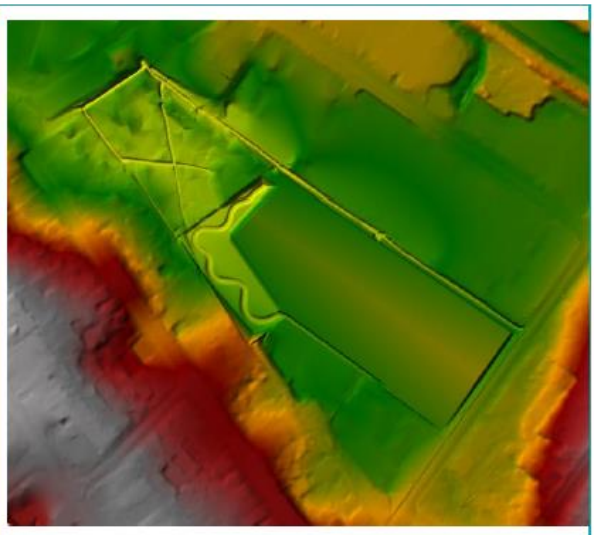
Flooding

55. The Civil and Stormwater Assessment prepared by Beca (**Attachment 3**) confirms that the earthworks have been designed to avoid increasing flood levels at surrounding properties. To compensate for the raised platform areas on the site, the flood storage area is proposed to be recontoured and lowered.

56. *Figure 14* below illustrates the pre-development terrain and the concept earthworks design, together with the predicted flood depths at the surrounding properties. In all cases, flood levels remain the same or are reduced slightly, confirming that the site can be developed to create new platforms without adversely affected flood risk at surrounding properties.



Pre-development terrain



Post-development terrain

Pre-development flood depths >50mm (1%AEP)

Post-development flood depths >50mm (1%AEP)

	10% AEP flood levels		1% AEP flood levels	
	Pre-dev	Post-dev	Pre-dev	Post-dev
A - Downstream	49.13	49.06	49.57	49.53
B - Upstream	51.65	51.64	51.70	51.70
C – North-east	49.35	49.32	49.62	49.57
D – South-west	49.90	49.76*	49.98	49.82*

Figure 14: Pre-development and post-development flood comparison

57. Provision has been made to covey overland flow paths that enter the site (specifically, from a low point on the 111 May Road boundary and from the eastern corner of the site) and direct them towards the flood storage area. The flood modelling undertaken predicts a reduction

in flood level within the majority of 111 May Road at the location of existing buildings. To further address flooding effects on 111 May Road, the proposal will reform the vehicle access to 111 May Road to ensure that overland flow from the road is directed away from its driveway (without this, the modelling demonstrates flood depth increases of up to 140mm could occur along the driveway servicing 111 May Road as a consequence of overland flow entering the site from May Road).

58. Further analysis will be undertaken by the applicant at the detailed design stage to refine the design of the earthworks and flood storage area. Any refinements will be designed so that there is no material change to the consented flooding effects (such as at the 111 May Road driveway) but may reduce the benefits (that is flood level reductions) indicated in this application.

59. Specific consideration has been given to how the proposed works will interact with the future landform at the WSL 54 Roma Road site. Beca has confirmed that provided flood storage is not lost within 54 Roma Road compared to the pre-development situation, a neutral flood effect will be achieved.

Infrastructure

60. Public stormwater services within the site are also proposed to be modified. As illustrated in *Figure 15* below, the existing public stormwater drain which currently discharges to the open drain at the boundary of 105 and 105A-109 May Road is proposed to discharge to the new channel that is realigned around the new platform (refer to plan CA-4301).

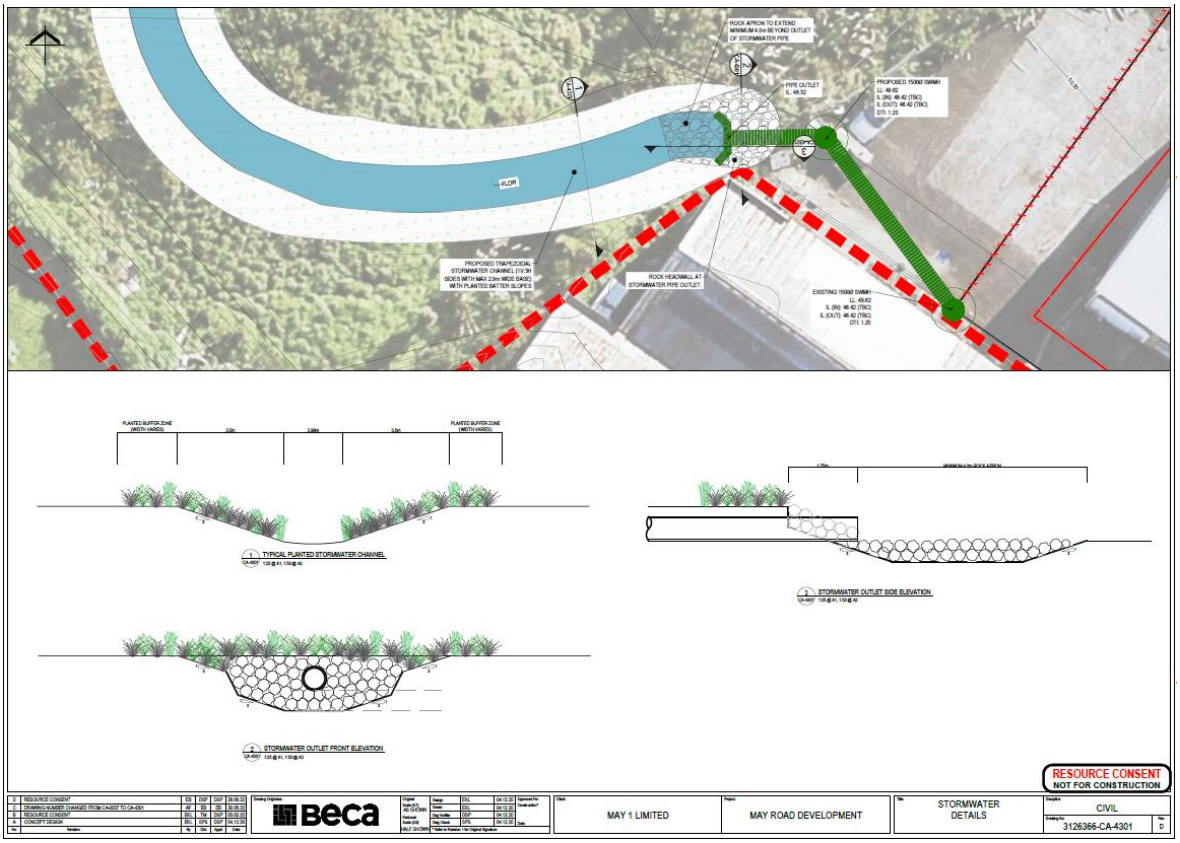


Figure 15: Stormwater outfall layout details

61. A new 1050 dia public stormwater manhole and 300 dia pipe and outfall is proposed to replace the existing stormwater outfall located at 31B Marion Avenue and will convey the existing stormwater discharge to the realigned stream. The proposed outfall will be provided with a precast outlet headwall structure and a riprap apron (1.5m long and 0.9m wide).

62. A 600mm diameter culvert is also proposed to the north of 105 May Road. The culvert will provide connectivity from the realigned stream to the existing watercourse. The culvert is proposed to be constructed to secure the ongoing future vehicle movements between 54 Roma Road and 105 May Road, as required by Right of Way Easement Instrument 9492849.3.

Geotechnical

63. The Geotechnical Interpretative Report prepared by Beca (refer to **Attachment 9**) confirms that a significant thickness of soft, compressible material exists across the site at a shallow depth, meaning that settlement will occur when it is loaded, with the majority of the settlement occurring within 2 years of the final placement of the fill (confirmed by monthly settlement monitoring across the site).

64. Once the engineered fill is placed, shallow foundations are recommended for lightweight buildings, while deep piled foundations are recommended for larger or heavier structures. The future positioning of structures will be planned to avoid spanning the basalt interface (where significant differential settlement can be expected) and in areas best suited for the building typology.

65. Measured groundwater levels at the site vary between 48.75m – 49.66m RL (groundwater levels are expected to increase during the winter months). The proposed stormwater management area will be excavated to a level of 48m – 48.75m RL, while the realigned stream will be excavated to a level of 47.25m – 48.25m RL. The Geotechnical Interpretative Report advises that a groundwater drawdown of approximately 0.5m will be required for the proposed excavation activities.

66. These excavations are likely to encounter groundwater and will require dewatering during the construction phase. The following management measures are proposed:

    (a) Groundwater will be contained within the excavation and not allowed to discharge across the site surface.

    (b) If dewatering is required, the pumped groundwater discharge will be diverted into a retention tank. The groundwater will be disposed to stormwater if laboratory testing of water indicates it is appropriate to do so.

    (c) Alternatively, the pumped groundwater could be discharged to the reticulated wastewater system with prior approval.

    (d) If unexpected groundwater contamination is identified, the area will be isolated so that stormwater can be separated from that generated across the wider site and any dewatering will be tested prior to disposal.

67. Permanent dewatering is not required, with the stormwater management area and stream designed to accommodate standing/permanent water.

Contamination

68. The Land Contamination Assessment prepared by Beca (refer to **Attachment 4**) identifies several potentially complete exposure pathways that would occur during demolition/construction (earthworks) phase of the development. As contaminants include heavy metals, asbestos and PFAS, all soil disturbance will therefore be undertaken in accordance with the management procedures set out in the draft Contaminated Soils Management Plan ("**CSMP**") that is appended to this application as **Attachment 10**.

69. The draft CSMP sets out the management measures that are to be implemented to minimise risk to human health and the environment that may occur as a result of the works, and includes:

(a) General management procedures, including ensuring that all personnel involved in the works are familiar with the document and its requirements.

(b) Site management procedures, including procedures for excavating contaminated soil (stockpiling, transport and disposal, and re-use).

(c) Health and safety requirements, including PPE and personal and equipment decontamination.

(d) Management measures for PFAS impacted soil (excavation procedures and re-use).

(e) Procedures for unexpected contamination discovery.

Lapse date of consents

70. As discussed, the earthworks are intended to be undertaken in stages, with the southern section of the site (at 105A-109 May Road) undertaken first, followed by the balance of the site (which will be enabled once WSL vacate 105 May Road by 2031 at the latest). A lapse date of 10 years is therefore sought to ensure that sufficient time is provided to complete the works, should WSL exercise all of their rights of renewal on 105 May Road.

REASONS FOR THE APPLICATION

71. An analysis of the proposal against the relevant provisions of the Unitary Plan has been undertaken and is appended to this application for resource consent as **Attachment 1**. Without limitation, resource consent has been assessed to be required for the following reasons:

Auckland Unitary Plan (Operative in part)

- The diversion of a stream to a new course and associated disturbance and sediment discharge requires resource consent as a discretionary activity (E3.4.1(A19)).
- Dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10 that exceeds 30 days requires resource consent as a discretionary activity (E7.4.1(A26)).
- Earthworks with an area greater than 2,500m^2 within the Sediment Control Protection Area require resource consent as a restricted discretionary activity (E11.4.1(A9)).
- Earthworks with an area greater than 2,500m^2 require resource consent as a restricted discretionary activity (E12.4.1(A6)).
- Earthworks with a volume greater than 2,500m^3 require resource consent as a restricted discretionary activity (E12.4.1(A10)).
- Earthworks that do not comply with the requirements of Standard E12.6.2(1) in respect of riparian yards require resource consent as a restricted discretionary activity (C1.9(2)).
- Earthworks that do not comply with the requirements of Standard E12.6.2(11) and (13) in respect of the 1% AEP floodplain require resource consent as a restricted discretionary activity (C1.9(2)).
- Vegetation alteration or removal within 10 metres of an urban stream requires resource consent as a restricted discretionary activity (E15.4.1(A19)).
- Construction activities that do not comply with Standard E25.6.27 in respect of construction noise levels require resource consent as a restricted discretionary activity (E25.4.1(A2)).
- The discharge of contaminants into air, or into water, or onto or into land not meeting permitted activity Standard E30.6.1.1; E30.6.1.2; E30.6.1.3; E30.6.1.4; or E30.6.1.5 requires resource consent as a controlled activity (E30.4.1(A6)).

- Impervious surfaces that do not comply with Standard H17.6.3 and exceed 10 percent of the riparian yard area (65% proposed) require resource consent as a restricted discretionary activity (C1.9(2)).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- Ground disturbance activities on a piece of land that are not provided for as a permitted activity (Regulation 8) or as a controlled activity (Regulation 9) require resource consent as a restricted discretionary activity (Regulation 10).

72. Overall, resource consent is required as a **discretionary** activity.

ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS

73. As a discretionary activity, Council can consider any relevant effect associated with the activity. Having regard to the reasons for which resource consent is required, the actual or potential effects of the activity are considered to relate to:

    (a) Earthworks.

    (b) Groundwater.

    (c) Flooding.

    (d) Ecology.

    (e) Construction noise and vibration.

    (f) Contamination.

    (g) Mana Whenua values.

74. The following analysis is provided in respect of these matters.

Earthworks

Site management procedures

75. With the exception of the volume of earthworks and stockpiling of material within the riparian yard and the floodplain (discussed further below), the proposal achieves compliance with all applicable standards that are contained within E11.6.2 and E12.6.2 of the Unitary Plan. As set out within **Attachment 1** of this application for resource consent:

    (a) the land disturbance works will be managed to ensure that, after reasonable mixing, they will not result in: the production of conspicuous oil or grease films, scums, or foams or floatable or suspended materials; any conspicuous change in the colour or visual clarity; any emission of objectionable odour; the rendering of fresh water unsuitable for consumption by farm animals; or any significant adverse effects on aquatic life.

    (b) best practice erosion and sediment control measures will be implemented for the duration of the land disturbance and for the stockpiling of material;

    (c) dewatering of excavations will be undertaken in accordance with best practice and will not result in the discharge of untreated sediment laden water to any stormwater reticulation system or water body;

    (d) the land disturbance works will not result in any instability of land or structures beyond the boundary of the property where the land disturbance occurs;

    (e) the land disturbance works will not cause malfunction or result in damage to network utilities;

(f) there works are well separated from any publicly accessible spaces, and will not cause an obstruction, or harm, to the public;

(g) measures are proposed to be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance;

(h) there are no Transpower NZ Ltd electricity transmission line poles or transmission lines towers near the site; and

(i) only cleanfill material will be imported and utilised as part of the land disturbance.

76. With reference to the above standards, it is considered that the proposed earthworks and associated stockpiling of material will not generate any significant adverse effects on the environment.

77. The site management procedures that are proposed as part of the Contaminated Soils Management Plan confirms that Erosion and sediment controls will be installed by the appointed Contractor prior to the commencement of earthworks activities on the site and will be designed in accordance with Auckland Council Guideline Document 05 (GD05) "Erosion and Sediment Control Guide for land disturbing activities in the Auckland Region". This will ensure that the measures to be implemented are suitable for the nature of the works that are proposed.

78. The Contaminated Soils Management Plan confirms that stormwater runoff will be maintained onsite and allowed to infiltrate into the ground wherever possible to reduce the volume of water and material discharged from the site.

79. These measures are considered to be sufficient to ensure that the adverse effects of the land disturbance activities and stockpiling on the adjacent stream environments will be appropriately mitigated.

Land stability

80. The Geotechnical Interpretative Report prepared by Beca (refer to **Attachment 9**) confirms that given the contour of the site, slope stability is not considered an issue unless the proposed slopes are steepened during earthworks. The applicant proposes to undertake further investigation and design work on the excavations at the detailed design stage to ensure that site stability is maintained. With the measures proposed, ground settlement effects are limited to the subject site (and do not extend into neighbouring properties).

Accidental discovery protocol

81. The proposal will be undertaken in accordance with the accidental discovery protocols that are contained within Standard E11.6.1 and Standard E12.6.1 of the Unitary Plan. This will ensure that should sensitive material be discovered during the earthworks stage of the development, appropriate procedures will be in place to avoid, remedy or mitigate the adverse effects in this regard.

Treatment of stockpile materials on the site

82. All excavated material will be required to be disposed of at an appropriately licensed facility. All stockpiling of material will be undertaken in accordance with best practice (for example, ensuring that they are located away from property boundaries) to ensure that they do not generate effects beyond the boundaries of the site, and will be addressed through the implementation of a land management plan.

Staging of works

83. The works are proposed to be undertaken in stages, with the southern section of the site progressed first, and the northern section of the site completed when WSL vacate 105 May

Road (which will occur no later than 30 June 2031). Indicative staging plans are included within the application; the precise details of which will be confirmed at the detailed design stage. However, the staging will be designed to ensure that the flood storage balance is always maintained, and at all times, the earthworks will be progressively stabilised so as to ensure that the extent of land being worked on at any given time is minimised.

Positive effects enabled through the land disturbance

84. The earthworks will maximise the extent of developable area outside of the floodplain in a manner that does not result in adverse flooding effects on neighbouring properties. In doing so, the proposal will facilitate the efficient ongoing use of this land.

85. In addition, rather than let material that is likely to be available from the WSL works at 105 May Road go to landfill, and new material be imported back onto the site at a later date (a costly and inefficient method of undertaking the works), the WSL material will be stockpiled on the site for a temporary period pending the commencement of the platform works, generally less than two years. This will have the positive effect of reducing waste (landfill) and construction traffic associated with the proposal.

Groundwater

86. The dewatering of the groundwater will occur for the earthworks period only, after which, groundwater may be present within the excavated stream and/or the stormwater management area (depending on seasonal fluctuations on levels). The Geotechnical Interpretative Report prepared by Beca (refer to **Attachment 9**) confirms that:

    (a) The dewatering will not adversely affect surface water bodies, which are all located outside of the zone of calculated drawdown.

    (b) A 0.5m drawdown is anticipated during the construction period. Given the ECBF is a low yield material, the dewatering is unlikely to adversely affect any existing lawful groundwater takes (if any).

    (c) Any changes to groundwater levels will be less than 0.5m and are not expected to change the overall flow and direction of groundwater.

    (d) In respect of ground settlement on existing buildings, structures, and services:

        a. Dewatering anticipated to facilitate the construction works are considerably smaller than those estimated for the Central Interceptor works.

        b. Drawdown induced consolidation settlement resulting from 0.5m of dewatering is expected to be negligible and well within the range previously assessed, but not realised, by the Central Interceptor construction activities.

        c. Neighbouring existing structures are founded on ECBF residual soils or in areas where surrounding investigations suggest have minimal peat present and are located at elevations above observed groundwater levels or below the excavation depth/anticipated drawdown level.

    (e) As the proposal seeks to control flood risk, there is no potential for surface flooding beyond the boundaries of the site.

    (f) As negligible long-term changes in groundwater levels are anticipated, no cumulative effects are anticipated.

    (g) The Contaminated Soils Management Plan contains appropriate controls to manage the effect of any discharge of groundwater containing sediment or contaminants.

    (h) Given the very small drawdown that is proposed, no specific monitoring and reporting is considered to be necessary.

87. Having regard to the analysis of Beca, I am of the opinion that the adverse effects of the take of groundwater on the environment or on any person will be less than minor.

Flooding

88. An assessment of the flood risk effects of the proposal has been undertaken by Beca within the Civil and Stormwater Assessment that is appended to this application as **Attachment 3**. In summary:

    (a) Much of the site is subject to inundation in extreme rainfall events with some surrounding properties also affected. The northern portion of the site (and most of the adjacent WSL land at 54 Roma Road) acts as a storage basin in extreme events, while the southern portion of the site acts as conveyance for flood flows from upstream of May Road through to the ponding area.

    (b) The results from modelling the 100-year, 10-year and 2-year ARI events confirm that the site can be redeveloped as proposed without increasing flood levels at surrounding properties in a range of events.

    (c) There is no increase in flood risk to surrounding properties as a result of the works.

    (d) A small reduction in flood risk will occur in the:

        a. downstream area (45 to 55 Marion Avenue, 54 and 60 Roma Road) by 70mm in the 10% AEP event and 40mm in the 1% AEP flood event;

        b. upstream area (110 to 142 May Road) by 10mm in the 10% AEP event and no change in the 1% AEP flood event;

        c. north-east area (Gilmours) by 30mm in the 10% AEP event and 50mm in the 1% AEP event; and

        d. south-west area (parts of 111 May Road) by 140mm in the 10% AEP event and 160mm in the 1% AEP event.

89. The flood modelling undertaken predicts a reduction in flood level within the majority of 111 May Road at the location of existing buildings. To further address flooding effects on 111 May Road, the proposal will reform the vehicle access to 111 May Road to ensure that overland flow from the road is directed away from its driveway (without this, the modelling demonstrates flood depth increases of up to 140mm could occur along the driveway servicing 111 May Road as a consequence of overland flow entering the site from May Road).

90. Having regard to the analysis of Beca, and the mitigation proposed, it is considered that the flood risk effects on people, property, or the environment will be less than minor. No persons are considered to be adversely affected to the extent that could be considered minor or more than minor.

Construction noise and vibration

91. Marshall Day has undertaken an assessment of the construction noise and vibration effects of the proposal on the environment (refer to **Attachment 8**). In summary:

> **Dwellings**
>
> The noise effects at the dwellings that are predicted to receive noise levels that exceed the noise limits are considered acceptable based on the short duration (1 – 2 weeks) and provided communication is undertaken prior to the works commencing. The highest noise levels are received at the first floors which would be annoying for some occupants and conversations may require a raised voice. However, the recommended noise barriers would control noise at the ground floor to a reasonable level, and occupants may choose to stay on the ground floor during the closest works.

> Receivers on Marion Avenue within 50m of the works should be informed of the times and durations, and provided with a phone number/email to direct complaints.
>
> **Commercial Receivers**
>
> The predicted noise levels at the closest commercial receivers may cause disruption to noise sensitive activities in rooms facing the works (e.g. offices in the manufacturing buildings). We expect minimal disturbance to manufacturing/repair works and similar commercial operations.
>
> These receivers should be informed of the times and duration of the demolition works so sensitive activities can be planned to avoid these periods. They should be provided with a phone number/email to direct complaints.

92. The analysis of Marshall Day also confirms that vibration from excavation and demolition works is predicted to readily comply with both the amenity and cosmetic building damage limits, and that while vibration may be perceptible, it will remain within a reasonable level with prior communications to the closest receivers.

93. With the mitigation measures recommended by Marshall Day in place, the adverse construction noise and vibration effects of the activity on the environment are considered to be less than minor. No persons are considered to be adversely affected to the extent that could be considered minor or more than minor.

Ecology

94. The effect of the proposal on the ecological values of the impact reach and permanent stream habitats has been assessed within the Ecological Assessment prepared by Beca (refer to **Attachment 2**). Consistent with the recommendations of Beca, the adverse effects are proposed to be mitigated through the measures identified at paragraph 54 above.

95. These measures are located as close as practicable to the subject area of the works, and the mitigation will improve the existing vegetative qualities of the area as well as the natural values, including the ecological function of the subject area.

96. The proposal is required to ensure that a suitable building platform, outside of the 1% AEP floodplain, is provided to facilitate the future redevelopment of the land. There are no other practicable alternatives to the diversion of the impact reach to its new course that do not involve its piping, culverting, or reclamation, noting that the overall ecological values of the impact reach are significantly enhanced as a consequence of the proposal.

97. The proposal also seeks to establish 65% impervious surfaces within the 10m riparian yard area of the Oakley Creek tributary (10% is provided for as a permitted activity by Standard H17.6.3). The purpose of this maximum impervious area control is to support the function of riparian yards and in-stream health, while the corresponding policy (H17.3(8)) seeks to ensure that the adverse effects of the impervious area on water quality, water quantity, and amenity values are avoided or mitigated.

98. The analysis of Beca confirms that with the proposed mitigation measures in place, the overall level of ecological effects will range between:

    (a) "Very low" in relation to: loss and modification of in-stream habitat; loss of existing vegetation cover; potential injury and/or mortality of native freshwater species; reduction in stream ecological function; and temporary disturbance to birds).

    (b) "Low" in relation to potential injury and/or mortality of lizards.

    (c) "Net Gain" in relation to: in-stream enhancement of the permanent stream/tributary of Oakley Creek; and enhancement via riparian plantings.

99. Overall, having regard to the analysis of Beca, it is considered that the adverse effects on the ecological values of the stream environments will be less than minor, noting that the proposal will have the positive effect of resulting in a "Net Gain" in relation to the enhancement of the tributary of the Oakley Creek. No persons are considered to be adversely affected in this regard.

Contamination

Adequacy of the detailed site investigation

100. The DSI has been undertaken and reported in general accordance with the Ministry for the Environment (MfE) Contaminated Land Management Guidelines No. 1 – Reporting on Contaminated Sites in New Zealand (2011) and MfE Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis (2011). It is specific to the proposal, and adequately characterises the contaminants located on the site to enable an assessment of the effects on human health to be undertaken.

How the activity must be managed, monitored, and reported on

101. The Land Contamination Assessment prepared by Beca identifies three potentially complete exposure pathways which can be mitigated through the implementation of specialist controls (via the implementation of the draft CSMP) during the proposed land disturbance works, including:

(a) a summary of human health controls for health and safety planning/training requirements, personal protective equipment, and personal monitoring;

(b) a summary of responsible parties to the land disposal works;

(c) a summary of environmental controls for odour, dust, noise, spoil stockpiling, and spoil disposal; and

(d) procedures for encountering unknown contamination

102. Specific to the management of PFAS impacted soil, additional excavation procedures will be implemented (set out within the draft CSMP). As there are presently no off-site disposal locations available for such material, PFAS impacted soils will be retained on site, and where concentrations warrant further action, soils will be stabilised or treated. Stabilised/treated soils will be placed above the mean water table and below an area of hardstand, with the location recorded, and future management requirements identified.

103. In addition to the above, the Contractor will be required to actively monitor the earthworks for contamination indicators or hazardous materials, and implement the actions set out within the draft CSMP in consultation with a suitably qualified and experienced practitioner should such material be identified.

104. As discussed within the Land Contamination Assessment, full remediation of the site is not proposed, and the procedures within the draft CSMP are sufficient to manage the risks related to the proposed soil disturbance such that a separate Remedial Action Plan is not considered necessary.

105. These measures are considered to be sufficient to ensure the protection of the environment and human health for the duration of the ground disturbance works.

Transport, disposal, and tracking of soil and other materials

106. The draft CSMP confirms that soils will be required to be disposed of at appropriately licensed landfills. Landfill acceptance of excavated material will be obtained prior to works commencing, and the Contractor will retain copies of all disposal receipts/documentation.

107. The excavation, handling and off-site removal of the material is proposed to be managed as follows:

(a) materials requiring excavation for disposal to a licensed landfill or reuse at another commercial location shall be excavated and loaded directly into trucks where possible (limiting stockpiling);

(b) all trucks will be covered before leaving the site and any soils brushed off wheels to avoid tracking onto public roads; and

(c) the Contractor shall maintain a register of soil movements and records such as location of excavation, disposal location, quantity of material and off-site weighbridge documents.

108. These measures are considered to be sufficient to ensure that the transport, disposal, and tracing of soil and other materials will be appropriately managed to protect the environment and human health.

Mana Whenua values

109. The subject site contains no identified areas of special spiritual, historical or cultural significance to Mana Whenua as recorded in the Unitary Plan. Due to the close relationship between the proposed works and the Central Interceptor works, Mana Whenua were engaged through the Watercare Mana Whenua Kaitiaki Manager's Forum, which engages with mana whenua on projects in the Auckland region.

110. The WSL "Stage 2 works" application was added to the Mana Whenua Kaitiaki project list in April 2021 and was updated in December 2021 to include the May Road Properties Limited proposal. While Te Ākitai Waiohua, Ngaati Whanaunga, and Ngāti Te Ata expressed an interest in the Watercare "Stage 2 works" application, no response was received in relation to the May Road Properties Limited proposal.

NOTIFICATION ASSESSMENT

Section 95A Public Notification of Consent Applications

111. Section 95A of the RMA prescribes the steps in order to determine whether to publicly notify an application for a resource consent.

Step 1: Mandatory public notification in certain circumstances

112. The application does not meet any of the criteria within section 95A(3) that would otherwise require public notification of the application pursuant to section 95A(1), specifically:

(a) the applicant does not request that the application be publicly notified;

(b) public notification is not required under section 95C; and

(c) the application is not jointly made with application to exchange reserve land under the Reserves Act 1977.

Step 2: If not required by step 1, public notification precluded in certain circumstances

113. Step 2 determines whether any part(s) of the proposal are to be precluded from public notification.

114. Each activity for which resource consent is required is not subject to a rule or national environmental standard that precludes public notification pursuant to section 95A(5)(a).

115. The activity is not an activity that is precluded from public notification pursuant to section 95A(5)(b).

Step 3: If not required by step 2, public notification required in certain circumstances

116. The application does not meet any of the criteria within section 95A(8) that would otherwise require public notification of the application pursuant to section 95A(1). Specifically:

(a) there are no relevant rules in the Unitary Plan which require the application to be publicly notified; and

(b) having regard to the preceding analysis it is considered that the actual or potential adverse effects of the activity on the environment will be no more than minor.

Step 4: Public notification in special circumstances

117. There are no special circumstances in relation to the application that warrant the application being publicly notified.

118. 'Special circumstances' are those that are unusual or exceptional, but they may be less than extraordinary or unique. If the plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

119. Circumstances which are 'special' will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to 'special circumstances' it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

120. Having regard to the preceding analysis, it is considered that the effects of the activity on the environment will not result in a situation that can be described as out of the ordinary or giving rise to special circumstances under section 95A(9) that would justify notification of the application.

Section 95B Limited Notification of Consent Applications

121. Section 95B of the RMA prescribes the steps in order to determine whether to give limited notification of the application.

Step 1: Certain affected groups and affected persons must be notified

122. Pursuant to section 95B(2), there are no affected protected customary rights groups or marine title groups, and pursuant to section 95B(3) the proposed activity is not on or adjacent to, or may affect land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

123. The application does not meet any of the criteria within section 95B(6) that would otherwise require limited notification of the application pursuant to section 95A(1). Specifically:

(a) there are no relevant rules in the Unitary Plan which require the application to be limited notified; and

(b) the application is not for a controlled activity or a prescribed activity and is therefore not precluded from limited notification pursuant to section 95B(6)(b).

Step 3: If not precluded by Step 2, certain other affected persons must be notified

124. The proposal does not involve a boundary activity or prescribed activity in respect of section 95B(7).

125. With reference to section 95B(8), having regard to the preceding analysis it is considered that the potential adverse effects generated by the proposal on any person will be less than minor.

Step 4: Further notification in special circumstances

126. For the reasons discussed above, there are no special circumstances that exist in relation to the application that warrants notification of the application to any other persons not already determined to be eligible for limited notification under section 92B(10).

SECTION 104 ASSESSMENT

127. Subject to Part 2 of the RMA, when considering an application for resource consent the Council must, in accordance with section 104(1), have regard to the following:

> (a) any actual and potential effects on the environment of allowing the activity; and
>
> (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
>
> (b) any relevant provision of –
>
> (i) a national environmental standard:
>
> (ii) other regulations:
>
> (iii) a national policy statement:
>
> (iv) a New Zealand coastal policy statement:
>
> (v) a regional policy statement or proposed regional policy statement:
>
> (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

128. These matters are considered within the following analysis.

Any actual or potential effects on the environment of allowing the activity (section 104(1)(a))

129. The actual and potential effects on the environment have been addressed within the preceding analysis, where it was concluded that any adverse effects on the environment will be no more than minor. The proposal will have the positive effect of maximising the developable extent of the site (outside of the floodplain) to the benefit of Auckland's economy in a manner that does not adversely affect neighbouring properties and enhances the ecological values of the site.

National Environmental Standards (section 104(1)(b)(i))

130. The proposal involves the disturbance and disposal of soil on the site in a manner that does not comply with the permitted standards of Regulation 8(3) of the NES. A DSI report has been prepared by Beca Limited, and having regard to the preceding analysis, the measures that are to be implemented by the application are considered to be sufficient to ensure that the potential adverse effects of the proposal on human health can be mitigated to the extent that they are less than minor in nature.

Other Regulations, National Policy Statements, New Zealand Coastal Policy Statement, Regional Policy Statement or Proposed Regional Policy Statement (section 104(1)(b)(ii)-(v))

131. There are no other Regulations, National Policy Statements, New Zealand Coastal Policy Statements, or Regional Policy Statements directly relevant to the consideration of these applications for resource consent.

A Plan or Proposed Plan (section 104(1)(b)(vi))

132. Section 104(1)(b)(vi) of the RMA requires that regard is had to any relevant provisions of a plan or proposed plan.

Auckland Unitary Plan (Operative in part)

133. The following analysis is provided in respect of the objectives and policies of the Unitary Plan that are directly relevant to the consideration of the activity.

Chapter E3 – Lakes, rivers, streams and wetlands

134. With regards to the proposed modifications to the impact reach watercourse and works within the riparian area of the Oakley Creek tributary within the site, the relevant objectives of the Unitary Plan are concerned with protecting Auckland's streams from degradation and permanent loss (Objective E3.2(1)), and restoring, maintaining and enhancing streams (Objective E3.2(2)). Related to this, where significant residual adverse effects on streams that cannot be avoided, remedied or mitigated are offset where this will promote the purpose of the Resource Management Act 1991 (Objective E3.2(3)).

135. This is to be achieved by managing the effects of activities on streams by avoiding where practicable or otherwise remedying or mitigating any adverse effects on streams, and where appropriate restoring and enhancing streams (Policy E3.3(2)). Restoration and enhancement actions are also enabled (Policy E3.3(3)), where they: (Policy E3.3(4))

(a) are located as close as possible to the subject site;

(b) are 'like-for-like' in terms of the type of freshwater system affected;

(c) preferably achieve no net loss or a net gain in the natural values including ecological function; and

(d) consider the use of biodiversity offsetting as outlined in Appendix 8 of the Unitary Plan.

136. The Unitary Plan also requires activities to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects in, on, under or over the beds of streams on the mauri of the freshwater environment, and Mana Whenua values in relation to the freshwater environment (Policy E3.3(5)).

137. Consistent with these policy outcomes, the preceding analysis has confirmed that the proposed stream realignment has been limited to the minimum amount required to enable the practical and efficient development of the site, and that the mitigation works:

(a) are located adjacent to, and within the same catchment as the subject area;

(b) are proposed greater than for a 'like for like' basis in terms of the area proposed, and will improve the existing vegetative qualities of the area;

(c) will ensure that there will be no net loss in natural values, including the ecological function of the subject area;

(d) will improve the overall freshwater environment (noting that Mana Whenua has did not provide comment in relation to the proposal when consulted).

138. The loss of river extent and values is also required to be avoided (Policy E3.3(18)) unless the Council is satisfied:

(a) there is a functional need for the activity in that location; and

(b) the effects of the activity are managed by applying the effects management hierarchy.

139. Consistent with this policy, the proposal will not result in a net loss of river extent and will enhance the overall ecological and freshwater values of the stream environment on the site.

140. The revegetation of the riparian margins of the streams on the site is also consistent with the outcomes that are sought by Policy E3.3(15), which seeks to protect riparian margins of streams from inappropriate use and development, and promote their enhancement through all of the following:

(a) safeguarding habitats for fish, plant and other aquatic species, particularly in streams with high ecological values;

(b) safeguards their aesthetic, landscape and natural character values;

(c) safeguards the contribution of natural freshwater systems to the biodiversity, resilience and integrity of ecosystems; and

(d) avoid or mitigate the effects of flooding, surface erosion, stormwater contamination, bank erosion and increased surface water temperature.

141. Having regard to the preceding analysis, it is considered that the proposal will promote all of these outcomes.

142. Overall, it is considered that the proposal is consistent with the objectives and policies of Chapter E3 of the Unitary Plan.

<u>Chapter E7 – Taking, using, damming and diversion of water and drilling</u>

143. Policy E2.3(23) of the Unitary Plan is considered to be directly relevant to the proposed groundwater diversion, which requires that:

(a) the proposal avoids, remedies or mitigates any adverse effects on:

i. scheduled historic heritage places and scheduled sites and places of significance to Mana Whenua; and

ii. people and communities.

(b) the groundwater diversion does not cause or exacerbate any flooding;

(c) monitoring has been incorporated where appropriate, including:

i. measurement and recording of water levels and pressures; and

ii. measurement and recording of the movement of ground, buildings and other structures.

(d) mitigation has been incorporated where appropriate including:

i. minimising the period where the excavation is open/unsealed;

ii. use of low permeability perimeter walls and floors;

iii. use of temporary and permanent systems to retain the excavation; or

iv. re-injection of water to maintain groundwater pressures.

144. The Geotechnical Report prepared by Beca has taken these matters into consideration and has concluded that the proposal will result in negligible effects on groundwater flows within

the receiving environment, and that ground settlement issues will be of cosmetic significance to infrastructure within the site, and negligible beyond the boundary of the site.

145. Having regard to the analysis of Beca in respect of this matter, it is considered that the proposal is consistent with the policies of the Unitary Plan that relate to groundwater disturbance.

Chapters E11 and E12 – Land disturbance (regional and district)

146. The objectives of the Unitary Plan that relate to land disturbance provide for land disturbance which is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment (Objectives E11.2(1) and E12.2(1)), and which minimises sediment runoff (Objective E11.2(2)) and achieves soil conservation (Objective E11.2(3)).

147. The policies that implement this objective require that:

(a) land disturbance is avoided where practicable (or otherwise remedied or mitigated) on areas where the natural and physical resources have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character (Policy E11.3(1) and E12.3(1));

(b) land disturbance is managed to (Policy E11.3(2)):

i. retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;

ii. manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;

iii. avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

iv. maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.

(c) the amount of land being disturbed at any one time in managed to (Policy E12.3(2)):

i. avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;

ii. avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

iii. maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering;

(d) land disturbance is enabled for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety (Policy E11.3(4) and E12.3(3));

(e) the impact on Mana Whenua cultural heritage that is discovered by land disturbance is managed by (Policy E11.3(3) and E12.3(4)):

i. requiring a protocol for the accidental discovery of koiwi, archaeology and artefacts of Māori origin;

ii. undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and

iii. undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated;

(f) earthworks are designed and implemented with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles (Policy E11.3(5) and E12.3(5));

(g) earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures (Policy E11.3(6) and E12.3(6));

(h) demonstrate where the land disturbance is likely to result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with (Policy E11.3(7)):

a. any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:

(i) high recreational use;

(ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiapure, rahui or whakatapu areas;

(iii) the collection fish and shellfish for consumption;

(iv) maintenance dredging; or

(v) a downstream receiving environment that is sensitive to sediment accumulation;

b. adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and

c. the receiving environment's ability to assimilate the discharged sediment being taken into account.

(i) the quality of fresh and coastal water bodies across the region and the effects of land disturbance on water quality and receiving environments are monitored (Policy E11.3(8)).

148. The proposal is consistent with the objectives and policies of the Unitary Plan as they relate to (district) land disturbance activities. The land disturbance activities:

(a) are not located within an area that has been scheduled under the provisions of the Unitary Plan;

(b) have been minimised to the extent that it primarily relates to the establishment of a suitable building platform to facilitate the management of the overland flow path and floodplain on the site;

(c) will facilitate the future development of the land, which will in turn provide for the economic wellbeing of the community;

(d) will not be undertaken within any identified wāhi tapu or kaimoana gathering areas, and will contain procedures in terms of protocols for accidental discovery;

(e) recognise the nature of the ground conditions and has taken into account the engineering requirements in this regard;

(f) will ensure the stability and safety of surrounding land, buildings and structures;

(g) will be managed to ensure that significant adverse effects are avoided in terms of the discharge of sediment laden water from the site; and

(h) will be managed to ensure that significant adverse effects on water quality will be avoided.

149. Having regard to the above matters, it is considered that the land disturbance activities will be undertaken in a manner consistent with the outcomes that are envisaged by the relevant objectives and policies of Chapters E11 and E12 of the Unitary Plan.

Chapter 15 – Vegetation management and biodiversity

150. The Unitary Plan seeks to maintain and enhance ecosystem services and indigenous biological diversity values, particularly in sensitive environments and areas of contiguous indigenous vegetation cover, while providing for appropriate subdivision, use and development (Objective E15.2(1)). The objectives also seek to restore and enhance in areas where ecological values are degraded, or where development is occurring (Objective E15.2(2)).

151. Of direct relevance to the proposal, Policy E15.3(2) seeks to manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services.

152. Policy E15.3(3) of the Unitary Plan only encourages offset mitigation to be provided where there are significant residual adverse effects that cannot be avoided, remedied or mitigated.

153. As discussed within the preceding analysis, the residual adverse effects of the vegetation removal have been assessed by Beca to be "negligible" to "low" as opposed to "significant", offset mitigation is not required to be provided. That said, consistent with the environmental outcomes of Policy E15.3(2) of the Unitary Plan, the adverse effects are appropriately mitigated through the provision of significant replacement riparian planting.

154. Consistent with the requirements of Appendix 8 of the Unitary Plan, the proposed landscaping incorporates indigenous vegetation within the project area. The size and location of the planting has been determined with reference to the ecological function of the catchment and is considered appropriate for its intended purpose.

155. Beyond this, and having regard to the analysis of Beca, the proposal is not considered to result in the type of adverse effects that are required to be avoided by Policies E15.3(9) or E15.3.(10) of the Unitary Plan. Specifically:

(a) The proposal will not result in non-transitory or more than minor adverse effects on threatened or at risk indigenous species, the habitats of indigenous species that are at the limit of their natural range or which are naturally rare, or threatened or rare indigenous ecosystems and vegetation types.

(b) The proposal will not result in any regular or sustained disturbance of migratory bird roosting, nesting and feed areas that is likely to noticeably reduce the level of use of the area for these purposes.

(c) The proposal does not involve the deposition of any material that would adversely affect the natural and ecological functioning of the area.

(d) The biodiversity values of the area will not be fragmented to the extent that its physical integrity is lost.

(e) The proposal will not result in significant adverse effects on the extent of indigenous vegetation within the coastal environment, or the habitat for indigenous and migratory species, or the overall ecological function of this part of the coastal environment.

156. Having regard to the above matters, the proposal is considered to be consistent with the objectives and policies of the Unitary Plan as they relate to vegetation management and biodiversity.

Chapter E25 – Noise and vibration

157. In respect of the potential construction noise and vibration effects that will be generated by the construction activities, the objective of the Unitary Plan enables construction activities that cannot meet noise and vibration standards where the duration, frequency and timing are controlled to manage adverse effects (Objective E25.2(4)).

158. This is to be achieved by avoiding, remedying or mitigating the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to:

(a) the sensitivity of the receiving environment; and

(b) the proposed duration and hours of operation of the activity; and

(c) the practicability of complying with permitted noise and vibration standards.

159. For the reasons that have already been discussed within this assessment of environmental effects, it is considered that the construction noise and vibration effects on the environment can be managed to ensure that are appropriate in the context of the neighbouring receivers. To this end, it is considered that the proposal is consistent with the objectives and policies of the Unitary Plan in this regard.

Chapter E30 – Contaminated land

160. The objective of the Unitary Plan in respect of contamination is to manage the discharge of contaminants from contaminated land into air, or into water, or onto or into land to protect the environment and human health and to enable land to be used for suitable activities now and in the future (Objective E30.2(1)).

161. This is to be achieved by (Policy E30.3(2)) requiring the use or development of land containing elevated levels of contaminants resulting in discharges to air, land or water to manage or remediate contamination to a level that:

(a) allows contaminants to remain in the ground, where it can be demonstrated that the level of residual contamination is not reasonably likely to pose a significant adverse effect on human health or the environment; and

(b) avoids adverse effects on potable water supplies; and

(c) avoids, remedies or mitigates significant adverse effects on ecological values, water quality, human health and amenity values.

162. In doing so, Policy E30.3(2) requires a range of matters to be taken into account, including the physical constraints of the site and operational practicalities; the financial implications of the investigation, remediation, management and monitoring options; the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land; and whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from the site to prevent adverse effects on the environment.

163. Having regard to the analysis of Beca, and the nature of the likely contaminants that are present on the site, it is considered that the implementation of best practice site management procedures is sufficient to ensure that the proposed ground disturbance works do not result in the type of adverse environmental effects that Policy E30.3(2) of the Unitary Plan is

concerned with. For this reason, the proposal is consistent with the objectives and policies of the Unitary Plan in this regard.

Chapter E36 – Natural hazards and flooding

164. In terms of the objectives and policies that are relevant to flooding and overland flow paths, the Unitary Plan seeks to enable subdivision, land use and development where the risks of adverse effects from natural hazards to people, buildings infrastructure, and the environment are not increased overall, and where practicable are reduced (Objective E36.2(2)). Furthermore, the function and conveyance of floodplains and overland flow paths are required to be safely maintained (Objective E36.2(5)).

165. This is to be achieved by ensuring that development does not accelerate or exacerbate the effects of natural hazards or expose vulnerable activities to the effects of natural hazards (Policy E36.3(4)), and by requiring new buildings that contain vulnerable activities to be located outside of the 1% AEP (Policy E36.3(13)). The function of overland flow paths are also required to be maintained to ensure that stormwater runoff from the site can occur safely to the receiving environment (Policy E36.3(29)), and that the capacity of the overland flow paths are maintained in a manner that does not result in damage to property or the environment (Policy E36.3(30)).

166. Having regard to the analysis of Beca, it is considered that the proposal is consistent with these objectives and policies, insomuch that the activity has been designed not to accelerate or exacerbate the effects of flooding on the site or on neighbouring properties (and in some instances will reduce the effects of flooding on neighbouring properties).

Chapter H17 – Business – Light Industry Zone

167. Relevant to the proposal to increase the extent of impervious area within the riparian yard, the objective of the Unitary plan seeks to manage the adverse effects on the natural environment within the zone and on the amenity values of neighbouring zones (Objective H17.2(3)). This is to be achieved by restricting maximum impervious areas within the riparian yard to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated (Policy H17.3(8)).

168. Consistent with the outcome that is intended by this objective and policy, the preceding analysis has confirmed that despite the increase in impervious area within the riparian yard, overall, the proposal will have positive effects on water quality, water quantity and amenity values.

Any other matter that the consent authority considers relevant and reasonably necessary to determine the application (section 104(1)(c))

169. There are no other matters considered to be directly relevant to the consideration of the application for resource consent.

Part 2 of the RMA

170. It would be neither necessary nor helpful for Council to have recourse to Part 2 of the RMA in considering the application. To have recourse to Part 2 will not add anything to Council's evaluative exercise of the application because:

(a) the Unitary Plan was competently prepared recently;

(b) there have been no amendments to Part 2 since the development of the Unitary Plan; and

(c) the plan sufficiently anticipates the effects of the proposal.

CONCLUSION

171. May Road Properties Limited is seeking resource consent to recontour the site to maximise the extent of developable area of its land holdings at 105 May Road, 105A-109A May Road, and 119 May Road, Mount Roskill, outside of the floodplain.

172. The adverse effects of the activity on the environment have been assessed to be less than minor, and no persons have been identified as being affected to a minor or more than minor extent.

173. The proposal has been assessed to be consistent with the Auckland Unitary Plan (Operative in part) as well as the purposes and principles of the Resource Management Act 1991.

174. It is therefore considered appropriate that Council grant consent to the proposal as sought on a non-notified basis.

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