

# Decision on an application for a resource consent under the Resource Management Act 1991



Restricted discretionary activity

**Application Number:** LUC60397719

**Applicant's Name:** Watercare Services Limited

731 Great North Road, Grey Lynn (Western Springs)

751-773 New North Road, St Lukes (Mt Albert War Memorial Reserve)

9A Rawalpindi Street Mount Albert (Rawalpindi Reserve)

17C Verona Avenue, Mount Albert and the adjoining Road Reserve (Norgrove Avenue)

36 Alberton Avenue, Mount Albert (Lyon Avenue)

118 Mt Albert Road, 10 Camden Road, and 98-102 Haverstock Road, Mount Albert and the adjoining Road Reserve (Haverstock)

**Site Address:**

32B Miranda Street, Avondale (Miranda Reserve)

Whitney Street Road Reserve, New Windsor (Whitney Street)

Dundale Avenue Road Reserve, Blockhouse Bay (Dundale Avenue)

2 Haycock Avenue, Mt Roskill and the adjoining road reserve (Haycock Avenue)

26A Beagle Avenue, Owairaka (Walmsley Park)

54 Roma Road, Mt Roskill (May Road)

660 Richardson Road, Mount Roskill (Keith Hay Park)

Keith Hay Park, Mt Roskill (Frost Road)

39 Frederick Street, Hillsborough (Pump Station 23)

42 Tawariki Street, Ponsonby and the adjoining Road Reserve (Tawariki Street)

Lot 12 Deposited Plan 168863 (Western Springs)

Part Allotment 170-171 Section 10 Suburbs of Auckland and Part Allotment 38 Parish of Titirangi and Defined on Deposited Plan 6763 Part Allotment 38 Parish of Titirangi and Part Allotment 171 Section 10 Suburbs of Auckland Lot 14 Deposited Plan 7029 and Part Lot 15 Deposited Plan 7029 (Mt Albert War Memorial Reserve)

Lot 32 Deposited Plan 41107 (Rawalpindi Reserve)

Lot 13 Deposited Plan 17247 and Lot 15 Deposited Plan 20455 and Lot 1 Deposited Plan 22047 and Part Marked Plantation Reserve Deposited Plan 16371, Road Reserve (Norgrove Avenue)

Section 1-2 Survey Office Plan 34849 (Lyon Avenue)

Section 1 Survey Office Plan 528085 Section 2-3 Survey Office Plan 528085 Section 1 Survey Office Plan 69377 Lot 3 Deposited Plan 334046 Road Reserve (Haverstock)

Lot 90 Deposited Plan 39331 (Miranda Reserve)

Road Reserve (Whitney Street)

Road Reserve (Dundale Avenue)

Lot 79 Deposited Plan 48241, Road Reserve (Haycock Avenue)

Recreation Reserve New Zealand Gazette 1958 (Walmsley Park)

Section 1 Survey Office Plan 468523 (May Road)

Allotment 77 Section 13 Suburbs of Auckland (Keith Hay Park)

Section 108 Survey Office Plan 419816 Section 51 Survey Office Plan 419816 and Section 65-66 Survey Office Plan 421305 (Frost Road)

Lot 1 Deposited Plan 161858 (Pump Station 23)

Lot 37 Deposited Plan 38075 (Tawariki Street)

**Legal Description:**

**Proposal:**

The provision of infrastructure in association with the Central Interceptor Project within overland flow paths and 1% annual exceedance probability floodplains and coastal inundation areas

The resource consent is:

**Land use consent (s9) – LUC60397719**

Auckland Unitary Plan (Operative in Part)

**District**

*Natural Hazards and Flooding*

- The installation of infrastructure within overland flow paths and 1% annual exceedance probability floodplains and coastal inundation areas that is not otherwise provided for, is a **restricted discretionary activity** under Rule E36.4.1(A56).

I have read the application, supporting documents and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (**RMA**) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104 and 104C, the application is **GRANTED.**

## **1. Reasons**

The reasons for this decision are:

1. The application is for restricted discretionary activity resource consent, as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

E36.8.1.(18) – Infrastructure

- a. The functional and / or operational need to locate within the hazard area; and
- b. The risk of adverse effects to other people, property and the environment, including with respect to: public health and safety; impacts on landscape values and public access; management or regulation of other people required to mitigate natural hazard risks; storage or use of hazardous substances; and exacerbation of existing

or creation of new natural hazard risks.

In addition, conditions have only been included in relation to those matters.

2. In accordance with an assessment under s104(1)(a) of the RMA, the actual and potential effects from the proposal will be of an acceptable nature and scale in this environment with any adverse effects being less than minor. This is because any resulting adverse effects will be mitigated by:
  - a. the nature and scale of the proposed infrastructure works and the manner in which they will be managed to ensure that:
    - the functionality of the floodplains, coastal inundation areas and overland flow paths within which they will be located will be maintained; and
    - any identified natural hazard risks to the environment and persons will be suitably addressed.
  - b. the positive effects in respect of providing for additional infrastructure that will assist with enabling the implementation of the consented Central Interceptor Project, noting the benefits that will result in terms of improving the capacity of Auckland's wastewater network and reducing overflow events, particularly with respect to urban streams and their coastal receiving environments.
3. In accordance with an assessment under s104(1)(a) of the RMA, there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and / or within the relevant matters of discretion.
4. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant objectives, policies and assessment criteria within Chapter E36 'Natural Hazards and Flooding' of the Auckland Unitary Plan (Operative in Part) for the following reasons:
  - a. The works are associated with the implementation of the Central Interceptor Project, and with its location being fixed, there is both an operational and functional need for the works to be located within within overland flow paths and 1% annual exceedance probability floodplains and coastal inundation areas.
  - b. A majority of the infrastructure works will be underground or flush with ground levels such that they will not increase the physical extent of the floodplain or coastal inundation areas within the areas in which they will be located, nor will overland flows be diverted into areas of the surrounding environment that are currently unaffected by flooding. Where above ground works are proposed, they will either result in no greater effects than could occur as a permitted activity or will be managed, through the provision of a hazard risk assessment and mitigation measures as necessary, to ensure that any resulting adverse effects are suitably addressed. Accordingly, the works will be managed to ensure that increased levels of flood and coastal inundation risk will not result with respect to property, people,

or the environment.

- c. The nature of the works, in that they are located on land with no identified natural characteristics of importance, will not involve the alteration or removal or protected vegetation (at least beyond that consented as part of the overall Central Interceptor Project works) and will be contained within construction yard areas that the applicant either owns or has the right to occupy to undertake the works, ensures that adverse effects on landscape values and public access and safety will not result.
  - d. The proposed works will not involve the storage or use of hazardous substances.
4. In accordance with an assessment under s104(1)(c) of the RMA, there are no other matters that are relevant.
  5. In the context of this restricted discretionary activity application where the objectives and policies in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. As they also provide a clear framework for assessing all relevant potential effects, there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
  6. Overall, the proposal is considered to result in acceptable actual and potential effects and is consistent with the relevant objectives and policies of the Plan and Part 2 of the Act.

## 2. Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

### **Application Documents**

1. The consented development shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60397719:
  - a. Application form and Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited, Job Number 1015172.2000, version 1, dated February 2022.
  - b. Assessment of Environmental Effects Addendum, prepared by Tonkin and Taylor Limited, Job No: 1015172.2000, dated 28 March 2022.
  - c. Further information response letter, proposed by Watercare Services Limited, dated 14 June 2022.
  - d. Further information response letter, proposed by Watercare Services Limited, dated 7 July 2022

- e. Further information response email, from Xenia Meier of Watercare Services Limited, dated 26 July 2022.
- f. Plans as detailed below:

| <b>Drawing No.</b>      | <b>Title</b>   | <b>Prepared by</b>         | <b>Dated</b>    |
|-------------------------|--|----------------------------|-----------------|
| 2011805.024,<br>Issue C | Keith Hay Park – CI Branch Sewer 3 (DSC03) 82 Gravity Sewer Including Manholes MH-04 Overflow Manhole – Plans and Sections | Watercare Services Limited | 13 October 2021 |
| 2011805.026,<br>Issue A | Keith Hay Park – CI Branch Sewer 3 (DSC03) 85 Overflow MH-04 Overflow Outfall – Plan and Sections                          | Watercare Services Limited | 23 October 2020 |
| 2011806.003,<br>Issue F | May RD – Central Interceptor (DSCIN) 00 Site General Proposed Site Layout  | Watercare Services Limited | 11 January 2021 |
| 2011806.006,<br>Issue E | May RD – Branch 9A Owairaka (DSB9A) 82 Gravity Sewer Including Manholes MH-17A Diversion Chamber – Sections                | Watercare Services Limited | 22 January 2021 |
| 2011806.041,<br>Issue B | May RD – Branch 9A Owairaka (DSB9A) 82 Gravity Sewer Including Manholes MH-17A Diversion Chamber – Details                 | Watercare Services Limited | 11 January 2021 |
| 2011806.049,<br>Issue A | May RD – Central Interceptor (DSCIN) 00 Site General Proposed Air Duct from MH-17A to MH-04B Plan and Longitudinal Section | Watercare Services Limited | 11 January 2021 |
| No reference            | Plan showing location of the Keith Hay Works   | No Author                  | No Date         |

### **Consent Lapse**

2. Under section 125 of the RMA, this consent will lapse 10 years after the date it is granted unless:
- the consent is given effect to; or
  - the Council extends the period after which the consent lapses.

### **Monitoring Charges**

3. The consent holder must pay the Council an initial consent compliance monitoring charge of \$1,044 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

#### Advice Note:

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

### **Aboveground Infrastructure**

4. The aboveground infrastructure provided for under this consent must not exceed 100m<sup>2</sup> in area.

## **Before Construction Starts**

### **Works Details**

5. Other than with respect to the details provided for the Keith Hay Park and May Road sites, as per the plans referenced in condition 1, a minimum of 10 days prior to the commencement of any works authorised by this consent, the consent holder must submit plans to the Council for written certification. These plans must detail the works proposed, and must include, as a minimum: a site location plan; a smaller-scale works plan (of the works area); an elevation plan(s) (for above ground works); a cross section plan(s); and a details plan(s). No works authorised by this consent can commence until written certification from Council is provided.

### **Hazard Risk Assessment**

6. For those works where:
  - a. above ground infrastructure is proposed and is less than 10m<sup>2</sup> in area but does not comply with Standard E36.6.1.9.(1);
  - b. above ground infrastructure is proposed and is between 10m<sup>2</sup> and 100m<sup>2</sup> in area;
  - c. the entry or existing point of an overflow path into a site is diverted and / or its capacity is reduced;

the consent holder must submit a hazard risk assessment (**HRA**) to the Council for certification. The HRA must be submitted a minimum of 10 days prior to the commencement of the associated works and must be proportionate to the identified

hazard risk and nature of the hazard.

The HRA must include the following details, as relevant:

- a. The type, frequency and scale of the natural hazard and whether adverse effects on the infrastructure will be temporary or permanent;
- b. The consequences of a natural hazard event in relation to the proposed activity;
- c. The potential effects on public safety and other property;
- d. Details on any exacerbation of an existing natural hazard risks or creation of a new natural hazard risks and any necessary mitigation details;
- e. Details on whether any infrastructure located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, coastal storm inundation or shoreline retreat;
- f. The design and construction of infrastructure to mitigate the effects of natural hazards;
- g. The effect of structures used to mitigate hazards on landscape values and public access; and
- h. Any measures and/ or plans proposed to mitigate the natural hazard or the effects of the natural hazard.

### **Works Modifications**

7. In instances where works have commenced and amendments are required to the details submitted under condition 5, and if relevant, condition 6, the consent holder must submit amended drawings and / or a HRA to address the necessary amendments. The need to cease works until such time that the amended documents are available will be at the discretion of the Council's Monitoring Officer taking into consideration the nature and scale of the subject works.

## **Following Completion of Construction**

### **Completion of Works**

8. Where a HRA has been prepared and certified by condition 6, the consent holder must notify Council in writing of the completion of the works and any necessary mitigation measures within 30 days of completion. Upon review of this notification, the Council will, within 20 days, inform the consent holder of its acceptance of the works or detail any further mitigation measures that are necessary to address hazard risks. Any additional mitigation measures identified must be implemented by the consent holder within 20 days of the notification to do so or at a time otherwise agreed to, in writing, with the Council.

## Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with conditions of consent, "the Council" refers to the council monitoring inspector unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.
3. Manhole lids may require waterproofing to minimise surface water ingress into the network.
4. For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.

### Delegated decision maker:

Name: Colin Hopkins  
Title: Principal Project Lead  
Premium Resource Consents

Signed:



Date: 29 September 2022

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