

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



## Restricted discretionary activity

**Application number(s):** LUC60425926 (s.9 land use consent)  
**Applicant:** Watercare Services Limited  
**Site address:** 329 Queen Street, Auckland Central  
Part of Queen Street, Mayoral Drive, Wellesley Street and Victoria Street  
**Legal description:** Lot 1 DP 84867

### Proposal:

To construct an underground tunnel, known as the Part 3 – Part 4 Connector Tunnel, involving:

- Excavation of one temporary shaft in the Greys Avenue carpark at 329 Queen Street to a depth of 5m;
- Establishment of a Construction Support Area in Greys Avenue Carpark;
- Construction of a 34m long, 700mm diameter tunnel from the newly constructed temporary shaft in Greys Avenue Carpark to the Mayoral Drive Shaft.

Resource consent is required for the following reasons:

## Land use consent (s.9) – LUC60425926

### Auckland Unitary Plan (Operative in part)

#### **District land use (operative plan provisions)**

##### *E25 Noise and Vibration*

- Activities that do not comply with a permitted activity standard is a restricted discretionary activity under rule E25.4.1(A2). In this regard:
  - Construction noise will exceed permitted noise levels in Table E25.6.28.1 of 75 dB LAeq by up to 8 dB which is predicted to occur for up to 31 days at the following site:
    - 323-327 Queen Street
    - 329 Queen Street
  - Vibration limits will exceed permitted vibration amenity levels in Table E25.6.30(1) of 2mm/s PPV which is to occur up to 10 days at the following sites:
    - 323-327 Queen Street

- 329 Queen Street

#### *E36 Natural hazards and flooding*

- To construct structures and buildings within the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary activity** under rule E36.4.1(A37).
- Any buildings or other structures within or over an overland flow path is a **restricted discretionary activity** under rule E36.4.1(A42).
- To construct a shaft and pipeline within a floodplain is a **restricted discretionary activity** under rule E36.4.1(A56).

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

- The proposed soil disturbance is a **restricted discretionary activity** under regulation 10. This is because there is asbestos containing material in an unknown quantity present in the demolition fill identified underneath Greys Avenue Carpark which may exceed the adopted health criteria for commercial land use.

## Decision

I have read the application, supporting documents, and the report, recommendations on the application for resource consent and undertaken a site visit. 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, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

## Reasons

The reasons for this decision are:

The reasons for this recommendation are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:
  - E25.8.1(1) – For noise and vibration.
  - E36.8.1(9) – For all other new structures and buildings within the 1 per cent annual exceedance probability (AEP) floodplain.
  - E36.8.1(12A) – For any building buildings or structures including retaining walls located within an overland flow path.

- E36.8.1(17) – For all other infrastructure in areas listed in the heading above (1 per cent AEP floodplain) not otherwise provided for.
  - Regulation 10(3) of Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be avoided, remedied or mitigated and acceptable as:
- a. Given the temporary nature of construction works, adverse flooding effects are sufficiently managed via silt and sediment control measures such that the function of the floodplain and overland flow path will be maintained during construction works. Once construction is complete, the wastewater pipe will be entirely underground, as such, there will be no permanent effects on the flow of the overland flow path and floodplain. Overall, the risk to people, property and the environment from flood hazards will be adequately mitigated.
  - b. With regards to contamination effects, as confirmed by Council's Contamination Specialist, the preparation and implementation of a finalised Contaminated Site Management Plan (CSMP) will sufficiently avoid, remedy or mitigate risks to human health and discharge of contaminants to the environment. The monitoring and contingency actions, as per the conditions of consent below will ensure adverse effects are avoided.
  - c. The proposed construction noise and vibration infringements will be intermittent, short-term in duration and reasonable. All construction works will be managed in accordance with a CNVMP, which includes measures to minimise noise and vibration, including resultant effects, such as through best practice use of equipment, consultation with adjacent receivers and monitoring.
  - d. In terms of positive effects, as described in section 10.2 of the AEE, "*proposed works will enable Watercare to provide for the safe and efficient conveyance of wastewater in the City Centre, which is key to supporting the existing and future well-being of the residents in Auckland*". This is concurred with.
  - e. With reference to s104(1)(ab), 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.
3. In accordance with an assessment under s104(1)(b) of the RMA, and taking into consideration section 13 of the AEE and the reasons in point 2 above, the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular, E25 Noise and Vibration, E36 Natural hazards and flooding and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

In terms of the relevant provisions of Proposed Plan Change 78, the outcomes are similar and no weighting assessment is required.

4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case, no other matters are considered relevant.
5. In the context of this restricted discretionary activity application for land use, where the relevant objectives and policies and other relevant provisions 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. They also provide a clear framework for assessing all relevant potential effects and 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 consistent with the relevant statutory documents, in particular the Auckland Unitary Plan (Operative in Part) and the actual and potential effects are considered acceptable.

## Conditions

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

1. This consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60425926.
  - Application Form and Assessment of Environmental Effects prepared by Renee Hanarahan titled "*Watercare Services Limited. Queen Street Wastewater Diversion: P3 – P4 Service Connector Tunnel. Assessment of Environmental Effects*", dated 21 May 2024.

Report title and reference	Author	Rev	Dated
Design and Construction Statement	Fulton Hogan	5	23 April 2024
Permitted Activities Assessment	WSP	2	21 May 2024
Assessment of Dewatering Effects Letter	WSP	1	21 May 2024
Construction Noise and Vibration Assessment	WSP	4	13 May 2024
Framework Construction Noise and Vibration Management Plan	WSP	1	16 May 2024
Detailed Site Investigation (DSI)	WSP	3	24 July 2023
Stormwater and Flood Hazard Assessment	WSP	2	10 November 2023
Erosion and Sediment Control Plan	WSP	5	07 May 2024

Archaeological Assessment	Clough & Associates	-	August 2023
Statutory Assessment	WSP	3	27 May 2024

Drawing title and reference	Author	Rev	Dated
Queen Street Wastewater Diversions Proposed Part 3 Main Works and Cross Connection	Watercare	2	05 May 2024

Other additional information	Author	Rev	Dated
S92 Response Letter	Watercare	-	21 May 2024
Applicant proposing conditions	William Hung	-	18 June 2024

**Advice Note:**

*The engineering assessment of this resource consent is limited to an effects-based assessment allowed by the Unitary Plan. Plans approved under Resource Consent do not constitute an Engineering Plan Approval. A separate engineering approval will be required for the design of any infrastructure that is to vest in council.*

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a) The consent is given effect to; or
  - b) The council extends the period after which the consent lapses.
3. The consent holder must pay the council an initial consent compliance monitoring charge of \$780 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs 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(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, should 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(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.*

## **Modifications approval**

4. In the event that any modifications to the preliminary design are required, that will not result in an application under section 127 of the RMA, the following information must be provided to the council:
  - a) Plans and drawings outlining the details of the modifications; and
  - b) any necessary supporting information.

All information must be submitted to, and certified by council, prior to implementation.

### Advice Note:

*All proposed changes must be discussed with council, prior to implementation. Any changes to the proposal which will result in a change in effect will require an application to the council under section 127 of the RMA.*

## **Pre-commencement conditions**

### **Requirement for a pre-start meeting**

5. Prior to the commencement of the construction and the consent holder must hold a pre-start meeting that:
  - a) is located on the subject site;
  - b) is scheduled not less than five (5) days before the anticipated commencement of construction and/or earthworks;
  - c) includes the Council's Compliance Monitoring Team and Development Engineer;
  - d) includes representation from the contractors who will undertake the works.

As part of the pre-start meeting, the consent holder must invite iwi (representatives from Ngāti Whātua Ōrākei, Ngāti Maru, Te Ākitai Waiohū, Ngaati Whanaunga, Ngāti Te Ata, Te Patukirikiri) to undertake a site blessing.

The following matters must be discussed at the meeting:

- The erosion and sediment control measures;
- The construction methodology;
- Onsite audit recording method and final report requirements.

The consent holder must ensure all relevant parties are aware of, and are familiar with, the relevant conditions of this consent.

The following information must be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Erosion and Sediment Control Plan listed in Condition 10;

- Construction Noise and Vibration Management Plan (Condition 6)
- Construction Management Plan (Condition 7); and

Advice note:

*To arrange the pre-start meeting required by condition 5 please contact the Council to arrange this meeting or email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz). The conditions of consent should be discussed at this meeting. All information required by the council and listed in that condition should be provided 2 days prior to the meeting.*

## Prior to works commencing

### Construction Noise and Vibration Management Plan

6. The Consent Holder must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the Project, or each stage of the Project, that addresses the management of construction noise and vibration from the works. The CNVMP must be in accordance with the Queen Street Wastewater Diversion Programme: Part 3-Part 4 Connector Construction Noise and Vibration Assessment (Version 4, 13 May 2024) by WSP New Zealand Limited; and the Framework Construction Noise and Vibration Management Plan (Version 1, 16 May 2024) by WSP New Zealand Limited, referenced in Condition 1.

The CNVMP must be submitted to the council no less than ten (10) working days prior to works on that stage commencing for certification by council that the CNVMP complies with the requirements below, as applicable. Construction works must not commence until certification has been received in writing from the council.

The objectives of the CNVMP are to:

- a) Identify the Best Practicable Option (BPO) for the management and mitigation of construction noise and vibration effects.
- b) Identify how Project noise and vibration limits will be met and set out the methods for scheduling and undertaking works to manage disruption.
- c) Ensure engagement with affected receivers and timely management of complaints.

The CNVMP must be prepared by a suitably qualified and experienced practitioner and must set out, as a minimum:

- a) The relevant construction noise and vibration criteria/limits set out in these conditions;
- b) Description and duration of the works, predicted construction noise and vibration levels, anticipated equipment and hours of operation (including specific times, frequency and days when construction activities causing noise/vibration would occur);
- c) The processes to be undertaken including general acoustic management and mitigation measures proposed to be implemented throughout the course of the Project consistent with best practice and the triggers or thresholds for implementing them (if relevant);
- d) Physical noise mitigation measures, including reducing the use of tonal reverse alarms where possible, plant selection and maintenance procedures, orientation of plant and machinery, and site layout. Physical noise mitigation measures shall also include the

following, as required to ensure a BPO approach to the management of noise: setting minimum setback distances from sensitive receivers (dwellings); acoustic screening of the shaft site construction areas; and/or open trenching;

- e) Identification of any buildings particularly sensitive to vibration and noise in the vicinity of the proposed works along with the details of consultation with the land owner(s) of the sites where the sensitive activities are located and any management measures that will be adopted, where practicable, based on this consultation;
- f) Details of noise and vibration monitoring to be undertaken and reporting requirements;
- g) Communication requirements with stakeholders including notice to owners and occupiers of adjacent buildings prior to construction activities commencing on the site;
- h) A complaint management system with contact numbers and e-mails for key construction staff responsible for the implementation of the CNVMP and complaint investigation;
- i) The process for changing, updating, and certifying any changes to the CNVMP; and
- j) Training procedures for construction personnel.
- k) Building conditions surveys if necessary.

The CNVMP must be implemented and maintained by the consent holder throughout the construction period for the Project or relevant Project stage to manage potential adverse noise and vibration effects arising from construction activities. The CNVMP or any specific component of the CNVMP must be updated as necessary and provided to the council for certification prior to being implemented.

Advice Note:

*The council works to a 20-working days from the date of receipt timeframe to certify CNVMPs unless further amendments are required.*

### **Construction Management Plan**

7. The consent holder must prepare a Construction Management Plan (CMP) for the Project. The purpose of the CMP is to set out the detailed management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities and to achieve compliance with the specific conditions of this consent that relate to the matters referred to in Condition 8 (a) to (l) below.

The CMP must be submitted to the council no less than twenty (20) working days prior to works commencing on the Project or stage of the Project (as relevant) for certification that the CMP complies with the requirements of Condition 8 as applicable.

8. The CMP required by Condition 7 above must include specific details relating to the management of all construction activities associated with the relevant Project stage, including:
  - a) Details of the site or project manager including their contact details (phone, postal address, email address);
  - b) An outline construction programme;
  - c) The proposed hours of work;



- d) Measures to be adopted to maintain the land affected by the works in a tidy condition in terms of disposal / storage of rubbish, storage and unloading of construction materials and similar construction activities;
  - e) Location of site infrastructure including site offices, site amenities, contractor's yards site access, equipment unloading and storage areas, contractor car parking, and security;
  - f) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads and / or other places adjacent to the work site;
  - g) Procedures for ensuring that residents in the immediate vicinity of construction areas are given prior notice of the commencement of construction activities and are informed about the expected duration and effects of the works;
  - h) Means of providing for the health and safety of the general public and for pedestrian management;
  - i) Procedures for the management of works which directly affect or are located in close proximity to existing network utility services (note: this requirement does not apply to the Consent Holder's infrastructure or where written approval has been obtained from the relevant network utility operator);
  - j) A mechanism and nominated stakeholder manager responsible for receiving, addressing and monitoring queries and responding to complaints in relation to the construction works;
  - k) Procedures for the refuelling of plant and equipment;
  - l) Spill management procedures for the storage of hazardous substances.
9. The CMP must be implemented and maintained by the consent holder throughout the entire construction period for the Project or relevant Project stage to manage potential adverse effects arising from construction activities. The CMP or any specific component of the CMP must be updated as necessary and provided to the council for certification prior to being implemented.

### **Sediment/erosion controls**

10. At least ten (10) working days prior to the commencement of any earthworks at the site authorised by this consent, the consent holder must submit a final Erosion and Sediment Control Management Plan (ESCP) for certification by the council. No earthworks activities must commence until the ESCP has been certified. The final ESCP must be in accordance with the approved Erosion and Sediment Control Plans referred to in Condition 1, and in accordance with Auckland Council 'Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)'
11. Any subsequent amendments to the certified ESCP(s) and/or methodology must be provided to the council at least ten (10) working days prior to the proposed amendment and certified prior to any such amendment being implemented.

### **Certification of erosion and sediment controls**

12. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to in condition 10, and prior to the commencement of earthworks activity on the subject site, a suitably qualified and experienced person must provide written certification that the erosion and sediment control measures have been

constructed and completed in accordance with GD05, to Council. Written certification must be in the form of a report or any other form acceptable to the council.

### Notice to neighbours

13. The consent holder must advise all occupants of all neighbouring buildings within 50 m of the temporary shaft, in writing, no less than ten (10) working days prior to these works commencing on the site. The written advice must include a brief description of the works, the expected duration of the works, the predicted noise and vibration levels, the mitigation to be implemented, the working hours, and contact details for any concerns regarding noise and vibration.

### Temporary noise barriers

14. Noise barriers must be installed prior to works commencing and be maintained throughout periods of noisy construction at locations outlined in Figure 6 of the CNVMP referred to in Condition 1 and other localised noise screens identified in the certified CNVMP. The noise barriers must be constructed according to the details described in certified CNVMP and as follows:
- a) a minimum height of 2 m, and higher if practicable to block line-of-sight;
  - b) a minimum surface mass of 10kg/m<sup>2</sup> with material described in the certified CNVMP;
  - c) with no air gaps between palings or blankets and no gap between the ground and the bottom of the fence.

## During works requirements

### Construction hours and noise

15. Noise arising from the construction work activities outside road reserve, with the exception as set out in conditions below, must not exceed limits of 75 dB LAeq, or 80 dB on Saturdays, and 90 dB L<sub>A</sub>max measured 1m from the façade of any occupied building in accordance with the requirements of NZS6803:1999 that is occupied during the works.
- Noise arising construction works must not exceed following noise limits when measured or assessed in accordance with the requirements of NZS6803:1999 that is occupied during the works.

Activity	Address	Noise Limits
Shaft construction at the Greys Avenue Carpark	323-327 Queen Street	83 dB LAeq and 95 dB LAFmax
	329 Queen Street	80 dB LAeq and 90 LAFmax

- The work on road reserves must be carried out in accordance with the certified CNVMP.

16. Construction works must be restricted to between 7.30am and 6.00pm from Monday to Saturday, apart from where provided in the resource consent application, where outlined in the certified CNVMP, or operationally required to occur outside of these hours (such as open cut work and network tie-in works).

*Advice note:*

*Tunnel boring works are permitted to occur between 7.30am and 7.00pm from Monday to Saturday. The restriction on hours of works does not apply to low noise generating activities, such as, but not limited to, site set up or staff meetings, which may occur outside of these hours.*

### **Construction vibration - structural**

17. All tunnelling and construction works must be assessed against, designed and undertaken to ensure that vibration from the Project does not exceed the guideline vibration limits as set out in German Industrial Standard DIN 4150-3:1999 Standard: Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site.

### **Construction vibration – amenity**

18. The vibration from the construction outside road reserve, with the exception listed in table below, must not exceed 2 mm/s PPV at any building that is occupied during the works.

Activity	Address	Vibration limits mm/s PPV
Pipe jacking	323-327 and 329 Queen Street	2.5 mm/s
Shaft Construction	323-327 and 329 Queen Street	2.5 mm/s

19. All occupants at 323-327 and 329 Queen Street must be advised in writing no less than three days prior to the vibration-generating works commencing; and the written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.

### **Noise and vibration monitoring**

20. The consent holder must engage a suitably qualified and experienced acoustic expert to carry out noise and vibration monitoring:
- a) At the first commencement of vibratory piling, concrete cutting or breaking, compacting adjacent to buildings in the Historic Heritage overlay and any other activities with potential to infringe the noise and vibration limits; and
  - b) When a reasonable complaint is received, or monitoring is requested by Auckland Council; and
  - c) In accordance with New Zealand Standard NZS6803:1999 Acoustics – Construction noise for noise monitoring and German Industrial Standard DIN 4150-3 (1999) Structural Vibration – Part 3 Effects of Vibration on Structures for vibration; and

- d) If noise and or vibration levels are found to exceed the relevant limits, then the work causing the exceedance should stop until mitigation is implemented to ensure the noise and or vibration limits are met.

### **Supervision of Geotechnical Works**

21. All excavations, cut and fills, and drainage works must be carried out under the supervision of a Chartered Professional Engineer experienced in geotechnical engineering and familiar with the Geotechnical Interpretive Report prepared by WSP Revision 1 dated 04 August 2023.

### **General sediment control conditions**

22. All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately and the discharge must be mitigated and/or rectified.

### **Ensure effectiveness of sediment and erosion controls**

23. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the 'Erosion and Sediment Control Plan' by WSP, Revision 2.2, dated 15 September 2023 must be maintained throughout each stage of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to council on request.

### **Prevent sediment-laden water in stormwater/ waterways from roads**

24. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. Roads or footpaths must not be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

#### *Advice Note:*

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:*

- *provision of a stabilised entry and exit(s) point for vehicles*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpits or environpods*

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.*

*It is recommended that you discuss any potential measures with Council who may be able to provide further guidance on the most appropriate approach to take. Please*

contact Council on email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) for more details. Alternatively, please refer to "[GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region](#)".

### **Ensure the quality of fill used on the site is acceptable**

25. All imported fill used must:

- a) comply with the definition for 'cleanfill material' in the Auckland Unitary Plan (Operative in Part) – ([Chapter J1](#) Definitions).
- b) be solid material of a stable, inert nature and
- c) not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

#### Advice Note:

*In addition to the characteristics for imported fill outlined in condition (25), please refer to the relevant [New Zealand Standard \[e.g. NZS 4431:1989 'Code of Practice for Earth Fill for Residential Development'\]](#) to ensure that all fill used is of an acceptable engineering standard.*

*Background contamination levels for the site receiving clean fill referred to by above condition can be found in the [Auckland Council, Technical Publication No. 153, Background concentrations of inorganic elements in soils from the Auckland Region \(2001\)](#)*

### **Ensure machinery does not discharge/spill hazardous substances during earthworks.**

26. All machinery associated with the earthworks activity must be operated in a way, which ensures that spillages of hazardous substances such as fuel, oil, grout, concrete products, and any other contaminants are prevented.

#### Advice Note:

*In accordance with the above condition, refuelling and lubrication activities associated with earthworks machinery should use methods so that any spillage that does occur can be contained and does not enter the public stormwater network.*

### **Avoid Damaging Assets**

27. Unless specifically provided for by this consent approval, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur, the council must be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition must be met by the consent holder.

#### Advice Notes:

- *Trench reinstatement review is only required if the cover / clearance between the underground service and finished surface is less than 1m. Generally, reinstatement of trenching to be done properly compacting a thin layer of hardfill materials up to 200mm each checking compaction and finally reinstating the road pavement top 400mm to 600mm matching to existing layers and finished surface.*

- *The Consent Holder / their designer should carry out a joint pre-construction inspection of the existing pavement/ footpath, vehicle crossings berms etc. with representative of asset management team and record the condition of the pavement prior to commencement of works on site. Post inspection will be carried out by asset acceptance team or nominated Council engineer with the Contractor before under asset hand-over / vesting process.*
- *The Consent Holder and their Contractor shall protect and maintain all affected public roads, footpath and all other assets in the road corridor including any privately own assets at their own cost until the project is finished.*

## **Contamination**

28. The consent holder must implement the control measures during earthworks in accordance with the Site Management Plan - Queen Street Wastewater Diversion: Part 3 and Part 4 Connection Works (Watercare Services Ltd, 13 February 2024) (CSMP). Any significant variation to the plan must be approved in writing by the council prior to implementation.
29. The consent holder must not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive. Good practice measures, such as those described the Good Practice Guide for Assessing and Managing Dust, Ministry for the Environment (2016) must always be adopted.

## **Soil disposal**

30. All excavated demolition fill within Grey Avenue Carpark must be disposed of to an appropriate licensed landfill facility, which is authorised to accept the levels of contamination. Copies of the disposal dockets for the material removed from the sites must be retained and included into the Work Completion Report required by condition 33.

## **Discovery of unexpected contamination**

31. In the event of the accidental discovery of contamination during earthworks that has not been previously identified, including asbestos material, the consent holder must immediately cease the works in the vicinity of the contamination, notify the council, and engage a Suitably Qualified and Experienced contaminated land Practitioner (SQEP) to assess the situation (including possible sampling) and decide on the best option for managing the material.

## **Post-Works Requirements**

### **Certification of fill quality**

32. Within ten working days following the completion of earthworks, the suitably qualified engineering professional responsible for supervising the works must provide to the council, written evidence that all fill used on the subject site has the characteristics set out in Condition 25. Written evidence must be in the form of a receipt, compaction certificate(s) or similar.

## Works Completion Report

33. The consent holder must, within three months following completion of the earthworks, provide to the acceptance of the council a Work Completion Report, which must include, but is not limited to:
- a. confirmation of performance of any earthworks involving contamination being conducted in accordance with approved plans and consent conditions.
  - b. details and tabulated results of any further soil/water testing and validation testing undertaken and interpretation of the results in the context of the applicable health and environmental criteria.
  - c. any unexpected contamination encountered during excavation and response actions.
  - d. volume of soil excavated from the site, disposed off-site and landfill receipts.
  - e. any complaints received and response during remediation works.
  - f. the final site condition including commentary on potential residual risk.

## 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 the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *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).*
4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
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 at Work Act 2015), 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. *The consent holder is responsible for ensuring that all development and associated works (including mobile plant and scaffolding) complies with the minimum safe distances from overhead electric lines in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) (NZECP34). Resource consent does not confirm compliance with NZECP34. The consent holder should ensure that minimum safe distances are achieved before commencing construction where there are overhead electrical lines nearby.*

You can search your site address at <https://www.ena.org.nz/lines-company-map/> to identify your local lines company.

Vector network: <https://www.vector.co.nz/personal/help-safety/near-our-network/building-near-overhead-lines>

Counties Energy network: <https://www.countiesenergy.co.nz/forms/close-approach-permit>

### **Accidental Discovery**

7. *If, at any time during site works, sensitive materials (koiwi/human remains, an archaeology site, a Māori cultural artefact, a protected NZ object, contamination or a lava cave greater than 1m in diameter) are discovered, then the protocol set out in standards E11.6.1 and E12.6.1 of the Auckland Unitary Plan (Operative in Part) is required to be followed. In summary these are:*
- a) *All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed.*
  - b) *The consent holder must immediately advise Council, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.*
  - c) *If the discovery contains koiwi, archaeology or artefacts of Māori origin, representatives from those Iwi groups with mana whenua interest in the area are to be provided information on the nature and location of the discovery.*
  - d) *The consent holder must not recommence works until the steps set out in the above-mentioned standards have been followed and commencement of works approved by Council.*
8. *Should the proposed enabling works result in the identification of any previously unknown sensitive materials (i.e., archaeological sites), the requirements of the Accidental Discovery rule [E26.5.5.1.] set out in the Auckland Unitary Plan Operative in part (updated 10 December 2021)) shall be complied with.*

### **Discovery of post-1900 archaeological sites**

9. *In the event that any post 1900 subsurface features associated with early 20th century settlement activity be exposed during works associated with the Part 3 Queen Street Wastewater Diversion Project, the consent holder should ensure that:*
- a) *The consented works are halted while an archaeologist is called in to assess the features.*



- b) *The features are recorded and analysed in accordance with current archaeological practice.*
- c) *A report on any features exposed should be provided by the project archaeologist to Auckland Council's Heritage Unit for inclusion in the Auckland Council Cultural Heritage Inventory.*

### ***Heritage New Zealand Pouhere Taonga Act 2014***

10. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.*

*According to the Act (section 6), archaeological site means, subject to section 42(3) – any place in New Zealand, including any building or structure (or part of a building or structure), that –*

- 1) *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
- 2) *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- 3) *includes a site for which a declaration is made under section 43(1).*

*It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and obtain the necessary Authorities under the Act should these become necessary because of any activity associated with the consented works. Contact Heritage New Zealand Pouhere Taonga – 09 307 0413 / [archaeologistMN@historic.org.nz](mailto:archaeologistMN@historic.org.nz).*

### ***Protected Objects Act 1975***

11. *Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

*According to the Act (section 2), taonga tūturu means an object that –*

- (a) *relates to Māori culture, history, or society; and*
- (b) *was, or appears to have been –*
  - (i) *manufactured or modified in New Zealand by Māori; or*
  - (ii) *brought into New Zealand by Māori; or*
  - (iii) *used by Māori; and*
- (c) *is more than 50 years old.*

*The Ministry of Culture and Heritage administers the Act. Tāonga may be discovered in isolated contexts but is generally found in archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 about modifying an archaeological site should be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.*

*It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during an archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the fieldwork undertaken in connection with the investigation.*

*Under section 11 of the Act, newly found taonga tūturu are Crown-owned in the first instance until the Māori Land Court determines ownership. Contact the Ministry of Culture and Heritage – 04 499 4229 / [protected-objects@mch.govt.nz](mailto:protected-objects@mch.govt.nz).*

***Including Unrecorded Archaeological Sites within the Cultural Heritage Inventory***

- 12. If any unrecorded archaeological sites are exposed because of the consented work, then these sites should be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holder should prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the council within one (1) calendar month of the completion of work on the site.*
- 13. The consent holder will be responsible for ensuring all necessary permits, such as Corridor Access Requests (CAR) permits for construction within the road corridor are obtained from Auckland Transport. See Auckland Transport's website [www.aucklandtransport.govt.nz](http://www.aucklandtransport.govt.nz) for more information.*



Dr Lee Beattie

**Duty Commissioner**

9 July 2024

## Resource Consent Notice of Works Starting

Please email this form to **monitoring@aucklandcouncil.govt.nz** at least **5 days** prior to **work starting** on your development or post it to the address at the bottom of the page.

<b>Site address:</b>				
<b>AREA (please tick the box)</b>	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

<b>Signature:</b> Owner / Project Manager (indicate which)	<b>Date:</b>
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

### **SAVE \$\$\$ minimise monitoring costs!**

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.