
I hereby give notice that a hearing by commissioners will be held on:

Date: Tuesday, 30 July 2024
Time: 9.30am
Meeting Room: Council Chambers
Venue: Level 2, Henderson Civic Building,
1 Smythe Road, Henderson, Auckland

HEARING REPORT
NOTICE OF REQUIREMENT
WHENUAPAI WASTEWATER SERVICING
SCHEME PACKAGE 1
WATERCARE SERVICES LIMITED

COMMISSIONERS

Chairperson David Hill (Chairperson)
Commissioners Matthew Byrne
Juliane Chetham

Bevan Donovan
KAITOHUTOHU WHAKAWĀTANGA
HEARINGS ADVISOR

Telephone: 09 890 8056 or 021 325 837
Email: bevan.donovan@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the requiring authority or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the requiring authority or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual procedure for a hearing is:

- **the chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The Requiring Authority (the applicant) will be called upon to present their case. The Requiring Authority may be represented by legal counsel or consultants and may call witnesses in support of the application. After the Requiring Authority has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The **requiring authority** or their representative then has the right to summarise the application and reply to matters raised. Hearing panel members may ask further questions. The requiring authority's reply may be provided in writing after the hearing has adjourned.
- **The chairperson** will outline the next steps in the process and adjourn or close the hearing.
- The hearing panel will make a recommendation to the Requiring Authority. The Requiring Authority then has 30 working days to make a decision and inform council of that decision. You will be informed in writing of the Requiring Authority's decision, the reasons for it and what your appeal rights are.

**A NOTIFIED NOTICE OF REQUIREMENT TO THE AUCKLAND COUNCIL UNITARY PLAN
BY WATERCARE SERVICES LIMITED**

TABLE OF CONTENTS		PAGE NO.
Reporting officer's report		5 - 50
Attachment A	<p>Application Material</p> <p>This attachment has not been re-produced in this agenda. The documents are available at this link:</p> <p>https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=253</p>	
Attachment B	<p>Section 92 Requests and Responses</p> <p>This attachment has not been re-produced in this agenda. The documents are available at this link:</p> <p>https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=253</p>	
Attachment C	Specialist's Reports	51 - 110
Attachment D	Copy of Submissions	111 - 128
Attachment E	Revised Conditions	129 – 142
Attachment F	Upper Harbour Local Board Views	143 - 146

Todd Elder, Planner

Reporting on proposed Notice of Requirement for the construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 Project (the Project), which includes a gravity main, pump station, rising main, and associated infrastructure. The reporting officer is recommending the notice of requirement by Watercare, be modified and be subject to the amended and additional conditions.

REQUIRING AUTHORITY: WATERCARE SERVICES LIMITED

SUBMITTERS:	
Page 113	Spedding Land Company Limited ("SLC")
Page 115	Cabra Developments Limited
Page 120	Auckland Transport

**Notice of Requirement under section 168
of the RMA by**

**Watercare Services Limited for the
Whenuapai Wastewater Servicing
Scheme Package 1**

To: Hearing Commissioners

From: Todd Elder, Senior Planner, North West and Islands, Planning and Resource
Consents

Report date: 5 July 2024

Scheduled hearing date: 30 July 2024

Notes:

This report sets out the advice of the reporting planner.

This report has yet to be considered by the Hearing Commissioners delegated by Auckland Council (the council) to make a recommendation to the requiring authority.

The recommendations in this report are not the decisions on the notice of requirement.

A decision on the notice of requirement will be made by the requiring authority after it has considered the Hearing Commissioners' recommendations, subsequent to the Hearing.

Contents

Summary	3
Abbreviations	4
1 Introduction	4
2 Notice of requirement description	8
3 Notification and submissions	10
4 Consideration of the notice of requirement	10
5 Conclusions	44
6 Recommendation and conditions	45
Attachment A: Notice of requirement documents	47
Attachment B: Section 92 Requests and Responses	48
Attachment C: Specialists Reports	49
Attachment D: Copy of Submissions	50
Attachment E: Revised Conditions	51
Attachment F: Upper Harbour Local Board Views	52

Summary

Requiring authority	Watercare Services Limited
Notice of requirement reference	Whenuapai Wastewater Servicing Scheme Package 1
Resource consent application	Resource consent application (referenced as BUN60411512) has been lodged for this project and is being reported, heard and determined separately to this notice of requirement.
Reporting planner	Todd Elder, Senior Planner Regional, North, West and Islands, Planning and Resource Consents
Site address	The site the notice of requirement applies to are shown in the designation drawings, attached as Appendix B of the Assessment of Environmental Effects (AEE) (Drawings GIS-4219201-1, GIS-4219201-2, and GIS-4219201- 3). The site and surrounding environment are described in Section 2 of the AEE.
Lodgement date	6 October 2023
Notification date	28 March 2024
Submissions close date	30 April 2024
Number of submissions received	Total: 3

Report Date:

5 July 2024

Reviewed and approved for release by:

Eryn Shields

Team Leader

Regional, North, West and Islands

Planning and Resource Consents

Date:

5 July 2024



Abbreviations

the council	Auckland Council
AT	Auckland Transport
Watercare	Watercare Services Limited
AUP	Auckland Unitary Plan Operative in Part
RMA	Resource Management Act 1991 and all amendments
NPSIB	National Policy Statement Indigenous Biodiversity
NPSUD	National Policy Statement on Urban Development
NES Soil	National Environmental Standard Soil
NES: F	National Environmental Standard Freshwater
NoR	Notice of Requirement for a Designation
OPW	Outline Plan of Works under section 176A RMA
AEE	Notice of Requirement and Application for Resource Consent Whenuapai Wastewater Servicing Scheme Package 1, prepared by BECA dated 8 March 2024
SLC	Spedding Land Company Limited
ITA	Transport Impact Assessment Report
TTatM	Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022
SAP	Site Access Point
CEMP	Construction Environment Management Plan

1 Introduction

1.1 The notice of requirement

Watercare Services Limited (Watercare) as the requiring authority, has lodged a notice of requirement (NoR) for a designation for Whenuapai Wastewater Servicing Scheme Package 1 in the Auckland Unitary Plan (operative in part) (AUP) under Section 168 of the Resource Management Act 1991 (RMA).

This NoR seeks a designation for the construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 Project, which includes a gravity main, pump station, rising main, and associated infrastructure.

The main bulk of the designation is contained in the Brigham Creek Road and Spedding Road block in Whenuapai. It includes a line that proceeds south to Spedding Road, and then heads south east along Spedding Road, terminating at 32 Spedding Road. The designation also crosses Brigham Creek Road and terminates in the vicinity of 30 Tamrio Road in Whenuapai. This designation is ‘Package 1’ of the Whenuapai and Redhill Wastewater Project.

1.2 Locality plan

The general location of the project is shown on Figures 1, 2 and 3 below.



Figure 1: Northern section of Whenuapai Wastewater Servicing Scheme – Package 1 Project



Figure 2: Middle section of the Whenuapai Wastewater Servicing Scheme – Package 1 Project



Figure 3: Southern section of the Whenuapai Wastewater Servicing Scheme – Package 1 Project

Watercare has provided a description of the subject sites in a manner acceptable to Council. Having undertaken a site visit on 8 March 2023, I concur with the description of the site and have no further comments.

The description can be found in the assessment of environmental effects (AEE) submitted as part of the NoR and entitled: Whenuapai Wastewater Servicing Scheme Package 1- Notice of Requirement, Assessment of Effects on the Environment, 8 March 2024, prepared by BECA Limited.

1.3 Notice of requirement documents

The lodged NoR consists of the following documents:

Document Name
<ul style="list-style-type: none"> • Whenuapai Wastewater Servicing Scheme Package 1 – Notice of Requirement Assessment of Effects on the Environment • Appendix A – Design Drawings – GHD Limited and WSP Limited • Appendix B – Designation Boundary • Appendix C – Records of Title • Appendix D – Ecological Impact Assessment Beca Limited • Appendix E – Landscape and Visual Assessment Boffa Miskell Limited • Appendix F – Geotechnical Interpretive Report GHD Limited • Appendix G – Detailed Site Investigation GHD Limited • Appendix H – Erosion and Sediment Control Plan Beca Limited • Appendix I – Assessment of Alternatives • Appendix J – Form 18 • Appendix K – NoR Conditions • Appendix L – District Matters and Permitted Activities • Appendix M – Arboricultural Assessment Arbolab • Appendix N – Noise & Vibration Assessment Marshall Day Acoustic Limited • Appendix O – Traffic Impact Assessment Beca Limited • Appendix P – Records of Engagement • Appendix Q – Functional Needs Assessment

The documents are included in Attachment A

1.4 Section 92 requests and responses

Section 92 of the RMA allows councils to request further information from a requiring authority and/or commission a report, at any reasonable time before the hearing of a NoR.

The council made further information requests and received responses on the dates in the following table.

Section 92 request	Date of section 92 response from Watercare
First request for notification assessment made on 13 November 2023	19 January 2024

A second request for additional information was made on 9 February 2024	8 March 2024
---	--------------

The council's section 92 requests and Watercare's responses are included in Attachment B

1.5 Specialist reviews

The assessment in this report takes into account reviews and advice from the following technical specialists engaged by the council:

Specialist	Speciality
Rue Statham	Ecology
Greg Hall	Development Engineer
Bridget Gilbert	Landscape Architect
Lee Te	Healthy Waters Specialist
Harry Shepard	Transportation Engineer
Rhys Caldwell	Arborist

These specialist reviews are included in Attachment C.

2 Notice of requirement description

2.1 Proposal

Watercare, as the requiring authority, has lodged a NoR for a designation for Whenuapai Wastewater Servicing Scheme Package 1 in the AUP under Section 168 of the RMA.

This NoR seeks a designation for the construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 Project, which includes a gravity main, pump station, rising main, and associated infrastructure.

The main bulk of the designation is contained in the Brigham Creek Road and Spedding Road block in Whenuapai. It includes a line that proceeds south to Spedding Road, and then heads south east along Spedding Road, terminating at 32 Spedding Road. The designation also crosses Brigham Creek Road and terminates in the vicinity of 30 Tamrio Road in Whenuapai. This designation is 'Package 1' of the Whenuapai and Redhill Wastewater project.

2.2 Affected land

No specific land requirement plans have been provided for the NoR. After construction, the only land required is 23A Brigham Creek Road, where the pump station will be located. 23A Brigham Creek Road is owned by Watercare.

Table 8 in Section 6.1 of the AEE contains the legal descriptions of affected parcels, areas, and landowners details for land included in the designation.

The addresses are as follows:

- 32 Mamari Road Whenuapai Auckland 0618
- Roundel Crescent Whenuapai Auckland 0618
- 1/26 Brigham Creek Road Whenuapai Auckland 0618
- 23-27 Brigham Creek Road Whenuapai Auckland 0618
- Tamiro Road Whenuapai Auckland 0618
- 8 Spedding Road Whenuapai Auckland 0618
- 26 Brigham Creek Road Whenuapai Auckland 0618
- 20-22 Brigham Creek Road Whenuapai Auckland 0618
- 31 Brigham Creek Road Whenuapai Auckland 0618
- 28 Brigham Creek Road Whenuapai Auckland 0618
- 15-19 Spedding Road Whenuapai Auckland 0618
- 23A Brigham Creek Road Whenuapai Auckland 0618

2.3 Site, locality, catchment and environment description

Watercare has provided a description of the subject site(s) in a manner acceptable to Council. Having undertaken a site visit on 8 March 2023, I concur with the description of the site and have no further comment.

This can be found in section 2.1 of the AEE submitted as part of the NoR and entitled: Notice of Requirement and Application for Resource Consent Whenuapai Wastewater Servicing Scheme Package 1, prepared by BECA dated 7 March 2024.

2.4 Other designations, notices of requirement and consent applications.

The land within or adjoining the NoR is subject to a number of existing designations and notices of requirement as summarised below:

- a) Designations: Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
- b) Notice of Requirements, Brigham Creek Road Upgrade - Auckland Transport, Designations
- c) Notice of Requirements, Spedding Road Upgrade - Auckland Transport , Designations

- d) Notice of Requirements, Māmari Road Upgrade - Auckland Transport, Designations

3 Notification and submissions

3.1 Notification

The NoR was publicly notified on 28 March 2024.

The closing date for submissions was 30 April 2024.

3.2 Submissions

Three submissions were received from:

- 1) Spedding Land Company Limited
- 2) Cabra Developments Limited
- 3) Auckland Transport

Copies of submissions are included in Attachment D.

The issues raised in submissions are addressed in section 4.2 of this report.

4 Consideration of the notice of requirement

4.1 Designations under the Resource Management Act 1991

The RMA provides that the procedures adopted in processing a notice of requirement for a designation are generally those adopted for processing a resource consent application. This includes lodgement, further information requests, notification, receiving and hearing of submissions. In respect of this NoR, all of those procedures have been followed.

The procedure differs from the resource consent process in respect of the council consideration of the NoR. Section 171(1) of the RMA states:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
- (a) *any relevant provisions of—*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*
 - (iii) *a regional policy statement or proposed regional policy statement:*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

- (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

Section 171(1)(a) is addressed in section 4.5 below. Section 171(1)(b) is addressed in section 4.10 below. Section 171(1)(c) is addressed in section 4.11 below. Section 171(1)(d) is addressed in section 4.12 below.

Section 171(1) is subject to Part 2 of the RMA. Part 2 contains the purpose and principles of the RMA. It has been confirmed by the Environment Court that, in relation to a designation matter:

...all considerations, whether favouring or negating the designation, are secondary to the requirement that the provisions of Part II of the RMA must be fulfilled by the proposal.¹

After considering these matters, the council needs to make a recommendation to the requiring authority under section 171(2) of the RMA which states:

- (2) *The territorial authority may recommend to the requiring authority that it –*
 - (a) *confirm the requirement:*
 - (b) *modify the requirement:*
 - (c) *impose conditions:*
 - (d) *withdraw the requirement.*

Reasons must be given for the recommendation under section 171(3) of the RMA. Refer to section 6 below for my recommendation.

4.2 Consideration of submissions

4.2.1 Submission assessment

Submission 01 – Spedding Land Company Limited (SLC)

The submitter generally supports the NoR and does not seek amendments.

The submitter seeks the following relief:

- SLC seeks that the designation be approved as notified.
- SLC also seeks that if there any changes to the designation extent and associated works including the proposed conditions as notified, that the Council and Requiring Authority notify and consult with SLC as soon as possible.

¹ See Estate of P.A. Moran and Others v Transit NZ (W55/99)

Comment:

SLC have indicated that they may change their position in their submission depending on the outcome of any changes recommended by the Independent Hearing Commissioners, and/or decided by Watercare.

There are recommendations to modify the NoR as notified, which are discussed in greater detail below.

Submission 02 – Cabra Development Limited (Cabra)

The submitter generally supports the NoR and does seek amendments.

The submitter seeks the following relief:

- Cabra seeks that the NoR be accepted
- Cabra seeks that Watercare include a condition requiring a “communication and consultation plan”.
- Cabra does not wish to be heard in support of its submissions.

Comment: in regards to the communication and consultation plan, Condition DC9 Construction Traffic Management Plan (CTMP) in accordance with the Council’s requirements for traffic management plans or CTMPs (as applicable) and the Waka Kotahi Code of Practice for Temporary Traffic Management. Specifically, Condition DC9(e) requires Watercare to inform the public and engage with local residents. With amendments made to this condition, as sought by AT and supported by Mr Shepherd (see assessment below) the condition is as follows:

- a. Measures to inform the public and engage with local residents (specifically Spedding Road, Tamiro Road, Joseph Macdonal Drive and Mamari Road residents), local businesses, Timatanga Community School and other sensitive receivers. Contact details for appropriate person(s) implementing the CTMP

In my view, I do not consider an additional consultation plan is required and Condition DC9 manages consultation and engagement appropriately.

Submission 03 – Auckland Transport (AT)

AT generally supports the NoR and does seek several amendments to the designation conditions. These requested amendments to the conditions are provided in a table, in Appendix 1 of AT’s submission and the matters raised are discussed in section 4.3 below.

4.3 Effects on the environment

4.3.1 Effects to be disregarded – trade competition

I do not consider that there are any trade competition effects that should be had regard to. In my view, there are no trade competition matters that need to be addressed.

4.3.2 Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The Environment Court in *Beadle v Minister of Corrections A074/02* accepted that the obligation to apply permitted baseline comparisons extended to notices of requirement for designations. In *Nelson Intermediate School v Transit NZ (2004) 10 ELRNZ 369*, the Court accepted that the permitted baseline must define the “environment” under section 5(2) (b) and (c) and from that section 171(1). When considering the adverse environmental effects of a proposal, the effects may be considered against those from permitted baseline activities. As the effects resultant from permitted baseline activities may be disregarded, only those environmental effects which are of greater significance need be considered.

In *Lloyd v Gisborne District Council [2005] W106/05*, the Court summed up the three categories of activity that needed to be considered as part of the permitted baseline as being:

1. What lawfully exists on the site at present
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e., without having to obtain a resource consent (see for example *Barrett v Wellington City Council [2000] CP31/00*)
3. Activities which could be carried out under granted, but as yet unexercised, resource consents.

The AEE does not include a section on permitted baseline but usefully provides a list of permitted activities in Appendix L.

Application of the permitted baseline approach is optional depending its merits in the circumstances of the NoR being considered. For this NoR, the project expands over a large area of Whenuapai with some of the works occurring in wetlands or within the 1% AEP. Therefore, I do not consider that the permitted baseline approach should be applied as it will offer relatively limited assistance in the context of assessing this NoR.

4.3.3 Effects that may be disregarded – written approvals.

Any effect on a person who has given written approval for the NoR may be disregarded if it is appropriate to do so.

The following written approvals have been provided.

Table 1

Address	Legal Description	Owner/Occupier	Date
31 Brigham Creek Road	Engkun Trustee Limited	Owner	30 March 2023

Watercare have provided a record of engagement in Appendix P of the AEE.

4.3.4 Positive effects

The AEE describes the positive effects of the NoR, which are summarised as:

“The gravity main, pump station, rising main and break pressure chamber are key components of the Whenuapai wastewater infrastructure network, which will service up to 10,200 dwellings to 2041, providing for future housing provisions to enable Auckland to continue to grow. The scheme is required to accommodate the wastewater needs of anticipated and future growth (refer to Section 1 and Appendix I).

Enabling urban development opportunities has positive community and economic benefits and will contribute towards alleviating the existing housing shortage in Auckland.”²

I generally agree with this assessment of the positive effects of the NoR.

4.3.5 Adverse effects

Effects on the environment are addressed in section 7 of the AEE. The following discussion addresses effects in the same order that they are addressed in the AEE with additional matters at the end. The relevant specialists reports are referred to and are included in Attachment C. Submissions have also been considered and are referred to where relevant.

Ecological Effects

Application

Watercare has provided a ‘Ecological Impact Assessment’ (“EIA”) prepared by Ms Kimberley D’Souza of BECA Limited, dated 4 September 2023, in support of its NoR.

The EIA confirms that the site’s contain the following features:

- a) Terrestrial Vegetation: Outlining that the Project site comprises a mix of indigenous and exotic species. It also contains common weed species with one ‘At Risk—Declining native species.’ Ms D’Souza summarises that the vegetation in both stream locations has a ‘Moderate’ ecological value.
- b) Terrestrial Fauna: The EIA outlines the following Terrestrial Fauna
 - i. Bats – Long-tailed bat activity was recorded at two locations along the Totara Creek corridor, approximately 300m from the works at the closest point. The EIA outlines that Long-tailed bats have a conservation status of ‘Threatened – national critical’. The EIA outlines that the ecological value of any bats present is assessed as ‘very high’.

² Section 7.2 of the AEE

- ii. Lizards—The EIA states that there is no record of native lizards in the site area, when the databases were reviewed. In 2021, only the exotic plague skink was present. The EIA does identify the site as suitable habitat for potentially containing the native copper skink and ornate skink, which are recorded as being ‘At Risk—Declining’. The EIA concludes that no formal survey for lizards has been undertaken within the areas proposed for vegetation clearance. For this reason, the EIA has taken a conservative approach and the ecological values are assessed as ‘High’.
- iii. Avifauna - the EIA states that several common indigenous and exotic bird species were observed within the site or have been recorded as observed. The ecological values of the bird species present were recorded as ‘low’ in the EIA due to the dominance of introduced and non threatened species.

Specialist Assessment

Mr Rue Statham, Auckland Council’s ecological specialist, has undertaken a review of the requiring authority’s AEE, associated technical report, and the submissions received. Mr Statham’s technical memo (refer to Attachment C) covers the following ecological matters:

- *The current ecological values of the site and receiving environment.*
- *The actual and potential environmental effects of the proposal.*
- *The adequacy of the effects management proposed.*
- *Conclusions and recommendations.*

Mr Statham considers that:

- a) *The sensitive environments that I would consider as present on site is the riparian margin of both Slaughterhouse and Sinton Streams that runs through or adjacent to the project area. There are also three individual wetlands that are in or near to the project area, not three as the report states, although only two will be directly affected by the proposed work.*
- b) *Generally, the terrestrial habitats have been described accurately and I agree in that regard with the EclA.*
- c) *The potential effects associated with this Notice of Requirement (NoR) for terrestrial ecological matters include effects on riparian vegetation, loss of wetland habitat and indigenous fauna.*
- d) *The adverse effects associated with this Notice of Requirement (NoR) for the construction and operation of the pumpstation facility.*

- e) *The ecology assessment does not include any on-site investigations and heavily relies on desktop analysis of fauna values. I note that the desktop analysis is incomplete and excludes localised records of critically endangered long-tailed bat (*Chalinolobus tuberculatus*).*
- f) *Consent are sought separately for any project works requiring a regional resource consent such as vegetation removal. A separate Ecological Impact Assessment report has been prepared by Beca, which assesses ecological effects associated with regional matters.*
- g) *E26.4.3.1(A92) Tree alteration or removal of any tree greater than 4m in height and / or greater than 400 mm in girth (open space zone) is a Restricted Discretionary Activity.*

Mr Statham partially agrees with the EIA assessment and conclusion regarding the ecological values. Mr Statham raises the following matters regarding the assessment:

- *Whether or not the EIANZ guidelines are a useful tool in classifying ecological value to habitats or species continues to be debated.*
- *Splitting out fauna attributes from terrestrial vegetation values, whilst disregarding other biological and environmental factors does not, in my opinion, robustly define 'ecological value' of any given area. However, there is no consensus on the definition of ecological value and the criteria for its assessment .*
- *No site-specific surveys have been carried out (e.g. for fauna), how then can an ecologist rely primarily on assumptions to determine any given ecological value, and by extension the magnitude of effects? The ecological value of habitat or a species may differ considerably given the presence of either a single animal or plant versus dozens or more occurrences. Furthermore, vulnerability, fragmentation, connectivity, and resilience of habitats also provides important consideration in the 'value' of habitat.*
- *Biodiversity classification, e.g. significant ecological area status can be downgraded using EIANZ guidelines, such as the 'moderate' ecological value attributed to the terrestrial vegetation, even though both Slaughterhouse and Sinton Streams meet Significant Natural Area criteria, and potentially have At-Risk – Declining fauna within the vegetation.*
- *EclA Tables 3 & 4 "Potential injury and/or mortality to native terrestrial fauna from vegetation clearance in the open space zone" does not include effects on herpetofauna, only assessing adverse effects on lizards through noise and dust.*
- *Furthermore, neither table includes magnitude of effects assessment for habitat loss, due to the pending regional consenting pathway. However, the loss of habitat and the effects on fauna will occur within the designation area as a result of the proposed works.*
- *The EclA does not address wetland ecological value even though wetlands are habitat for avifauna and have botanical value.*

- *In my opinion the EclA and the assessment provided, using the EIANZ guidelines, is incomplete for the NOR application.*
- *The application states that future vegetation removal is associated with the installation of the pipeline, and that the vegetation removal will extend further than Open Space zones subject to additional consenting requirements.*
- *Conditions have been proposed that directly relate to terrestrial ecology, I address this below in Section 6.0 (In Mr Stratham’s assessment).*
- *The application recommends conditions pertaining to the mitigation of adverse effects on wildlife only but not for mitigation of vegetation loss.*
- *The EclA has not addressed where lizard relocation can/will be carried out, suitable available habitat and whether landowner approval (LOA) for relocations is required. Noting that the project include Open Space zoned land and would require specific and separate Local Board LOA should this be optioned.*
- *The EclA does not address the adverse effects of the construction and operation of the pumpstation facility. Noise and lighting are known to have adverse effects on the behaviours of bats and of their prey. “Unlit urban bushland remnants are important refuges for high bat diversity. Preventing light penetration into unlit bushland patches and corridors remains essential to protect the urban bat community”, Haddock et al. (2019) .*
- *Bat appropriate lighting guidance has been produced in the United Kingdom and Australia . New Zealand has yet to fully address this issue, but the positioning (e.g. direction), wavelength, luminosity and intensity of lighting is important.*
- *As previously stated, bats are known to inhabit the area, I do not agree that another survey is required. The DOC protocols are primarily directed at incidental / accidental discovery, and do not contain sufficient detail as to the specific methodologies necessary for the physical inspection of target trees and roost features.*
- *The proposed management of adverse effects and proposed conditions, except for ‘avifauna’, are not in my opinion proficient, as they have not proposed suitable conditions relating to fauna on site, nor do they realise the complexities of the work involved.*
- *I agree that fauna management is required, and I will provide, in my opinion, a more suitable condition, that encompasses and best reflects the appropriate content of an ecological management plan, so that the effects of vegetation removal and operation of the facilities, as they relate to fauna, can be considered during the build of the pipeline and associated works / structures.*

Mr Statham has made a number of recommendations in his section 6 of his technical memo, and makes the conclusion that:

- the Applicant has failed to fully appreciate the effects of the construction and operation of facilities and utilities within the designation area;
- the Applicant has not proposed and/or practically workable conditions that will manage effects on wildlife or habitat; and

Mr Statham states that he can support the NoR, as there is regional and local necessity for the works to progress. Mr Statham has therefore made a number of recommendations to the conditions to support this position. Specifically Mr Statham has recommended the inclusion of an Ecological Management Plan (EMP) the text of which is included in Attachment E.

Submissions

There were no submissions that related to ecological effects.

Planning Assessment

I rely on the expertise of Mr Statham in regard to his conclusion and recommendations within his assessment of the NoR.

I agree with Mr Statham that an Ecological Management Plan (EMP) condition is required to address the concerns raised by Mr Stratham.

The project will affect two wetlands . This is addressed in greater detail below under Land Disturbance Effects and in the RPS, NPS, and NES discussions. In partitl relates to the ‘functional requirement’ for the project to pass through the wetland. Issues are raised below regarding ‘Appendix Q Functional Need Memorandum September 2023,’ which are expanded in greater detail below.

I note that amended conditions recommended below by some of the other specialists (including landscape, arboriculture, land disturbance/development engineering) also address some of the ecological issues raised by Mr Stratham. Conditions DC24, DC25, DC26,DC27, DC28, DC29, DC30, DC31, DC32, DC33, DC34 have been replaced by a new DC23.

Landscape and Visual Effects

Watercare has provided a ‘Landscape and Visual Assessment Report’ (“LVAR”) prepared by Mr Tom Lines of Boffa Miskell Limited dated 16 August 2022. The LVAR was prepared in support of the NoR.

The LVAR provides a description of the existing landscape, both in terms of the project areas, being ‘Gravity Main’, ‘Pump Station’ and ‘Rising Main’. With respect to these project areas, I highlight the following key points from the LVAR:

Gravity Main:

- *This area is broadly located across rural residential agricultural land on the northern side of Brigham Creek Road, in addition to a small area to the south of Brigham Creek Road. Residential and farm buildings tend to be focused along the northern interface with Brigham Creek Road*
- *Open pasture areas are the predominant characteristic within this project area and can be broadly described as three fields (between 8,000 m² and 14,000 m²) which meet established exotic shelterbelts and the margins of Slaughter House Stream. This stream forms the northern extent of the project area and flows from east to west before discharging into Brigham Creek. The stream itself has a natural channel bed and its riparian margin supports a mix of native and exotic vegetation*
- *The portion of the project area to the south of Brigham Creek Road is characterised by an open pasture field. A natural wetland has been identified within the open pasture area. The wetland has formed within a small overland flow path depression which slopes towards Sinton Stream (a small stream which drains into the larger Totara Creek). This wetland is dominated by exotic vegetation and the Ecological assessment⁸ considers that the wetland has low ecological value.*
- *The viewing audiences of the receiving environment are considered to be a combination of private and public viewing audiences.*
- *It is considered that the agricultural fields do not contain high landscape value and any effects will be localised resulting low temporary adverse effects. Temporary effects in relation to works within the Brigham Creek Road Corridor are also anticipated to be low.*
- *It is considered that the temporary effects upon the wetland through opencut trenching will therefore be moderate-high.*
- *A limited area of riparian margin planting associated with the Slaughter House Stream may require some removal which is considered to result in temporary moderate adverse effects*

Pump station:

- *The receiving environment of the proposed pump station is characterised by an open pasture field which forms part of the wider patchwork of agricultural land to the south of Brigham Creek Road. The southern portion of the field is bordered by Sinton Stream which flows east to west, discharging into the Totara inlet. The stream supports riparian vegetation including a large stand of pine trees and is considered to have a moderate ecological value⁹. The field also features a natural wetland considered to have low ecological value (as described in the previous section), and the south eastern extent of the field includes various farm buildings and infrastructure. The location of the proposed pump station is in the western portion of the field, to the south of the existing wetland, on a broadly flat area of land.*
- *The viewing audiences of this project area are primarily public and restricted to road users along Brigham Creek Road. It is anticipated that future development on this land will obtain views of the pump station and these are therefore considered. The nature of these viewing audiences is not currently known however with reference to the indicative land uses on the Whenuapai Structure Plan, it is considered that viewing audiences will be ‘medium density’ (residential) and ‘business’, and will observe the works once complete (i.e. not during construction).*
- *It is considered that the localised landform effects (through minor grading and topsoil stripping) in addition to the removal of grass, will be temporary (as it will be reinstated), and consequently adverse effects will be low.*
- *Modification to the Sinton Stream margin, as a result of the provision for an emergency overflow, will create adverse temporary effects and impact a portion of the Sinton Stream margin which is unmodified. This area is however, considered relatively discreet / contained and will occur in the upper portion of the bank and not impact an entire embankment. Adverse effects in relation to these works are considered to be low.*
- *Limited vegetation removal in the riparian margin is required in relation to the pump station and this will primarily impact exotic and invasive species which have established along the margins of Sinton Stream. Some native vegetation will however undoubtedly be impacted. Temporary effects in relation to vegetation removal are anticipated to be low.*
- *Most of the effects on these viewing audiences will be in relation to the construction phases rather than operation.*
- *It is considered that due to their low sensitivity to the change proposed and short term views, any temporary effects on these road users would be very low.*

Rising Main:

- *The rising main project area originates from the proposed pump station to the south of Brigham Creek Road. The route of the rising main heads east for a short duration towards the boundary of 23-27 and 31 Brigham Creek Road. The Rising Main then traverses south across Sinton Stream and then across fields before changing course towards the east in alignment with Spedding Road. The rising main then travels along Spedding Road and stops at 32 Mamari Road near where a break pressure chamber will be located.*
- *Much of the receiving environment includes open pasture fields (either side of Sinton Stream), and the Spedding Road reserve, although the receiving environment also includes Sinton Stream in addition to areas of vegetation.*
- *The viewing audiences of the rising main will include public and private viewing audiences. Road users of both Brigham Creek Road (VP3, Appendix 2), and Spedding Road (VP6 and 7, Appendix 2), will have the opportunity to view the works, with those on Brigham Creek Road having oblique and brief views towards the project area where the rising main leaves the pump station and begins the route south across Sinton Stream. Spedding Road users will observe the works of the rising main as it runs along the Spedding Road corridor.*
- *Landform modification through open cut trenching and the provision for the temporary access road will occur resulting in low effects as these areas remain within agricultural fields, avoid wetlands and streams, and are not considered to be areas of high value.*
- *It is considered that the temporary diversion of the stream and effects on the stream embankments will result in moderate-high adverse effects, albeit at a local level (i.e. the majority of the stream will remain unaffected).*
- *In relation to vegetation, areas of exotic pasture will be removed along the alignment of the rising main pipeline, in addition to rank grass along the Spedding Road corridor. Exotic shelterbelt vegetation is proposed to be removed along the pipeline alignment (northern section) in addition to an area of pine forest. Limited native vegetation may also be removed along the margins of Sinton Stream in relation to the culvert alignment. Tree planting, primarily exotic, will also be removed along Spedding Road (within the road reserve and private property). Overall, it is considered that there will be low-moderate effects during construction.*

- *For those road users and residents along Spedding Road, works will be temporary. Moreover, works along Spedding Road although proximate, will be associated with recognisable works within road corridors or fields adjacent to roads with earthworks or major farm infrastructure operations. Overall, for road users it is anticipated that low effects will occur, and low-moderate effects will occur for residential viewing audiences.*

Specialist Assessment

Ms Bridget Gilbert, the Council's consultant Landscape Architect, has undertaken a review of the requiring authority's AEE, associated technical report, and the submissions received. Her memorandum is entitled Landscape Review: Whenuapai Wastewater Servicing Scheme Package 1: Notice of Requirement and Application for Resource Consent (refer to Attachment C). It covers the following matters:

- *Landscape assessment methodology*
- *Description of the Existing Environment, Relevant Statutory Context, and Proposed Development*
- *Evaluation of Landscape and Natural Character Effects*
- *Proposed Recommendations*

Landscape Assessment Methodology – Ms Gilbert outlines that the landscape assessment that underpins the Boffa Miskell Landscape Report has been undertaken in accordance with Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022 (“**TTatM**”).

Ms Gilbert confirms that the methodology that has been applied is generally consistent with the landscape assessment best practice as guided by TTatM. Ms Gilbert concurs with the assessment that the landscape change in itself is not an adverse effect. Ms Gilbert does outline the following matter:

“The important question is how that change relates to its setting and influences the landscape values (including visual amenity) and natural character values of the area.”

Description of the Existing Environment, Relevant Statutory Context, and Proposed Development – Ms Gilbert outlines, when the LVAR is read in conjunction with the AEE, the LVAR provides an adequate description of the environment. Ms Gilbert notes that

“The Landscape Report explains at pages 8 and 9, that the landscape assessment assumes the incorporation of a range of mitigation measures (by way of the consent conditions).”

Ms Gilbert agrees with Mr Lines recommendations that are set out in the LVAR, but Ms Gilbert notes not all of the recommendations in the LVAR appear to have been carried over to the proposed NoR conditions.

There seems to be one outstanding matter or difference between Watercare and Ms Gilbert. It seems that the NoR or future resource consent is relying upon the landowner of Plan Change 69 (which inserted a precinct into the AUP entitled “I616 Spedding Block”) to deliver the mitigation planting along Sinton Stream and in the wetlands that the Pumpstation affects.

Ms Gilbert disagrees with Watercare’s approach to this planting and considers that the mitigation planting required in relation to the proposal's effects on the Sinton Stream should be referenced in the NoR conditions.

In my opinion, I consider that the effects of the designation should be addressed by Watercare as part of completing the public works enabled by the NoR. Otherwise, I consider that there is no certainty that the effects will be managed in a timely manner and appropriately.

Evaluation of Landscape and Natural Character Effects – Ms Gilbert refers to the conclusion of the LVAR, which states:

*“In summary, natural character and landscape effects will primarily be generated as a result of the project impacting wetland, a stream and native riparian vegetation. The removal of native vegetation will be mitigated through new riparian margin planting along Slaughter House Stream and Totara Creek. The identified wetland impacted by open trenching will also be reinstated and appropriate wetland planting will be established which will provide greater vegetation values that are currently observed. Effects on the Sinton Stream margin will be permanent, through the presence of an emergency overflow outlet and proposed culvert, which will affect the landscape and natural character values of the stream to a **moderate** level.*

*Visual effects will also be greatest during construction however these will be temporary in nature. Visual effects on residents will generally affect those along Tamiro Road, Brigham Creek Road and Spedding Road. The latter roads support a limited number of residents and adverse effects will be limited. Similarly, effects for those at Tamiro Road will be limited to **low-moderate**. Overall, any effects on residents during construction will be no more than **low-moderate**. Construction effects for road users will be more limited due to their short-term experience of the change, the often oblique angle of their views, or works occurring in road corridors which are not wholly uncharacteristic. Once the project is completed, any residual effects on the project’s viewing audiences will be no more than **low**.”*

Ms Gilbert reiterates that her conclusion assumes all mitigations that are recommendations in the LVAR are incorporated, along with the mitigation planting works at Sinton Stream.

Proposed Recommendation – Ms Gilbert recommends:

- a) that the proposed NoR conditions are amended to incorporate reference to all mitigation measures set out at pages 8 and 9 of the LVAR; and
- b) Mitigation planting works at Sinton Stream.

Submissions

There were no submissions that were related to Landscape and Visual effects.

Planning Assessment

I rely on the expertise of Ms Gilbert in regard to her conclusion and recommendations within her assessment of the NoR. I agree with Ms Gilbert in terms of including the mitigation measures set out on pages 8 and 9 of the LVAR, and the mitigation planting at Sinton Stream. These recommended amendments have been included in Attachment E.

Arboricultural Effects

Watercare has provided an 'Appendix M - Arborist Report' prepared by Aaron Norman of Arborlab Limited, dated August 2022. The Arborist report was prepared in support of the NoR. The report provides an assessment of the trees in terms of the project areas, being 'Gravity Main', 'Pump Station' and 'Rising Main'.

Specialist Assessment

Mr Rhys Caldwell, Auckland Council Specialist Arborist, has undertaken a review of Watercare's AEE, associated technical report, and the submissions received. Mr Caldwell's assessment is attached in Attachment C and covers the following matters:

1. Key Arboricultural Issues
2. Requiring Authority Assessment
3. Conclusion and Recommendation

Key Arboricultural Issues

Mr Caldwell outlines that the NoR will require:

- a) the removal of a total of 97 protected trees
- b) works within protected root zone of 47 protected trees

meaning that a total of 144 protected trees are affected by the NoR.

Requiring Authority Assessment

Mr Caldwell has reviewed the Arborlab assessment. Mr Caldwell outlines that Appendix A of the Assessment is a proposed tree protection method for the NoR. Mr Caldwell states that this tree protection methodology:

- a) *Will identify any protected tree*
- b) *Confirm the construction methods and effects on each tree; and*
- c) *A detailed method for all works within the root zone of trees that are to be retained.*

Mr Caldwell identifies that the tree protection method(s) have not been specifically referred to in the proposed NoR conditions by Watercare, and at best, has only a general reference to trees in the general condition DC1(a).

There is further replanting as a mitigation condition (Condition DC20) of which Mr Caldwell outlines will result in up to 310 trees being planted. Condition DC20 relates to tree removals within public land.

Conclusion and Recommendation – Mr Caldwell’s recommendation is summarised as follows:

- a) Mr Caldwell agrees that, where possible, the removal of trees should be kept to a minimum.
- b) Mr Caldwell recommends that a new specific condition is added that confirms that trees to be retained are protected, including any works within the protected root zone, and that this is undertaken in accordance with Appendix A: “Tree Protection Method” within the arboricultural assessment provided by Arborlab Limited, dated August 2022
- c) Mr Caldwell concludes he is able to support the proposal provided that the trees to be retained are protected in accordance with the proposed Appendix A: “Tree Protection Method”, and that replacement planting will be undertaken at a ratio of 1:1.5.

Submissions

There were no submissions that related to arboriculture effects.

Planning Assessment

I rely on the expertise of Mr Caldwell in regard to his conclusion and recommendations within his assessment of the NoR.

I agree with Mr Caldwell and support including a new specific condition that confirms that trees to be retained are protected, including any works within the protected root zone, and that this is undertaken in accordance with Appendix A: “Tree Protection Method” that is provided within the arboricultural assessment by Arborlab Limited, dated August 2022.

These recommended amendments have been included in Attachment E.

Land Disturbance Effects

Watercare has not provided an appendix supporting section 7.6 Land Disturbance Effects in the BECA AEE.

Specialist Assessment

Mr Greg Hall, Auckland Council Specialist Senior Development Engineer, has undertaken a review of Watercare's AEE, and the submissions received. Mr Hall's technical review is attached in Attachment C and covers the following matters:

- a) Culvert and Oyster Capital Works in Progress
- b) Power and Water Services to Pump Station
- c) Gravity Sewer through Wetland C
- d) Stormwater Wetland Embankment
- e) Geotechnical Review
- f) Submissions
- g) Conclusion and recommendation

Culvert and Oyster Capital Works in Progress – Mr Hall notes that Oyster Capital's development is well into its construction phase, including works on Brigham Creek Road, and the extension to Spedding Road which intersects with Brigham Creek Road. This is the area of the Whenuapai Light Industry zone that is supported in the AUP by a Precinct I616 Spedding Block.

Power and Water Services to Pump Station – Mr Hall notes that Oyster Capital's current works (in the Spedding Block Precinct) will have water supply and electricity reticulation installed. Mr Hall outlines these utilities within the Spedding Road extension will be installed in the near term. Mr Hall outlines that these utilities will need to come from the western end of Brigham Creek Road and therefore the proposed utilities by Watercare no longer reflect the current on-site conditions. Watercare address this matter and update their position in response to Mr Halls comments in evidence or at the hearing.

Mr Hall outlines that it is not necessary for the designation boundary to extend around the northwestern side of Wetland C. Mr Hall notes that there are no easements provided on the adjacent private land to allow for these services to be located in this area. Mr Hall suggests that future maintenance of planting in this northwestern area may not be located to avoid the underground services, and slope regression may also 'affect the supplies themselves' (power and water supply). Mr Hall suggests these complications of slope stability could be avoided by utilising the Spedding Road extension.

Gravity Sewer through Wetland C – in terms of the gravity main going through Wetland C, the following observations are taken from Mr Halls assessment:

- A request for information was made to Watercare to advise on options to rearrange the pumpstation, but this has not been responded to.
- Watercare appear to have been avoiding any revisions to the design. Some of the Watercare responses appear to be concerned about the cost and prior contractual agreements made with a utility company. Mr Hall does not consider contractual agreements to be a matter for consideration in regards to functional needs assessments.
- Mr Hall considers the pipe is not required to go through the Wetland-C, and other options to pipe around the wetland are feasible options.
- In terms of the pump station, Mr Hall considers the location to be reasonable, but suggests that the emergency overflow device does not need to be located in the northeastern corner. The south eastern corner, in Mr Halls view, is an option. Mr Hall states

“If located in the southeastern corner then length of their gravity sewer is lessened as well as removing the need for the Oyster Capital pipe line to skirt around between the pump station and the stream slope.”

- Mr Hall holds the view that Watercare has not demonstrated that there is a functional need for the gravity sewer to pass through Wetland C. Mr Hall States

“If a genuine review was undertaken to redesign the proposal, not bound by prior contractual arrangements, then it appears certain that Wetland C can be avoided, and what is more, it is quite likely that a better engineering outcome will also be the result.”

- Mr Hall concludes:

“Finally, Figure 3-2 of the Traffic Impact Assessment Report indicates the Requiring Authorities intention to not only install the gravity sewer within Wetland C, but to use it as a general access road during the pump station construction. Trenching through the wetland is indicated as being less than 2.5m deep, and should be able to be constructed without the need for a hardstand, and with a footprint minimised by the use of trench shields. I am of the opinion that the access road and wide designation boundary through Wetland C does not reflect any attempt to minimise effects on the environment.”

Stormwater Wetland Embankment – Mr Hall outlines the proposed works through the Tamiro Road Stormwater Wetland pose a risk to the wetland embankment and stormwater pipe. Condition DC 32 and 33 provide Healthy Waters the opportunity to work with Watercare on these matters.

Geotechnical Review – Mr Hall has reviewed the geotechnical report and has indicated that there is little concern about stability. It is noted by Mr Hall that the area of the pump station which is adjacent to the Sinton stream bank is steep and has the potential to regress over time to a more stable slope.

Submissions

Mr Hall has reviewed submission 3 from Auckland Transport which requests normal road operation and maintenance activities to proceed without requiring approval as part of an Outline Plan of Works under s176A of the RMA.

Conclusion and recommendation

Excluding the matters relating to Wetland-C, Mr Hall considers the NoR has suitably considered the effects on the environment in relation to an engineering response.

In terms of Wetland-C, Mr Hall is unable to support the NoR as he considers there is no evidence of a functional need to route the gravity sewer through Wetland C. Mr Hall suggests, in addition, that there is no need to route the water and electricity services along the western side of Wetland C, and this may have adverse effects on the Wetland outlet if future maintenance is required.

Mr Hall recommends the removal of the works within Wetland-C and the possible option to realign the electricity and water supplies along the new Spedding Road route, and the inclusion of the requested condition from AT in relation to s176A approval for the Tamiro Road Stormwater Wetland.

Planning Assessment

I rely on the expertise of Mr Hall in regard to his assessment, conclusions and recommendations arising from his assessment of the NoR. I concur with Mr Hall that Watercare has not provided sufficient justification for the proposed works in Wetland C. As these works within Wetland-C would represent a significant adverse effect, it is appropriate that, in the first instance, they are avoided rather than mitigated through rehabilitation planting conditions.

This matter is addressed further below.

Transport Effects

Watercare has provided 'Appendix O – Transport Impact Assessment Report' (ITA) prepared by David Liang of BECA Limited dated March 2024. The ITA was prepared in support of the NoR. It provides an assessment of the transport and traffic effects in terms of the Construction Phase – Visibility, Vehicle Tracking, Road Capacity, and Other Impacts.

Specialist Assessment

Mr Harry Shepard, Transport Engineer from FLOW Transportation Services Limited, has undertaken a review of Watercare's AEE, an associated technical report, and the submissions received. Mr Shepards technical review is attached in Attachment C and covers the following matters:

- Summary of the NoR Proposal
- Review of Transport Matters
- Review of Submissions
- Conclusion and recommendation

Review of Transport Matters – Mr Shepherd has categorised the transport matters as follows:

- a) Brigham Creek Road construction methodology – Mr Shepherd outlines that Watercare has provided two construction methods for the construction phase over Brigham Creek Road. The two methods are open trenching and trenchless construction options.

The original NoR was withdrawn, and relodged with the trenching option removed from the construction methodology. Therefore, the trenchless option is the only option that is now proposed. Mr Shepherd notes that condition DC7 still notes trenching across Brigham Creek Road. Mr Shepherd recommends that this condition, which remains in the condition set, be removed.

It should be noted that my notification assessment to identify directly affected parties was under taken based on the premise that this condition was removed.

- b) Truck manoeuvring at pump station – Mr Shepherd outlines that during the initial review of the NoR, he requested Watercare to provide further information about truck manoeuvring at the proposed pump station. Mr Shepherd has indicated that Watercare have demonstrated that truck movements can be completed within the designation boundary.
- c) Vehicle visibility at Site Access Points (SAPs) and key intersections – Mr Shepherd requested further information from Watercare to provide sight distance drawings at each of the SAPs and key intersections. The information provided to Mr Shepherd addressed his concerns about these key areas, and further, Mr Shepherd considers that condition DC9(c) addresses this matter.

- d) Vehicle manoeuvring through ‘rising main’ – Mr Shepherd also raised his concerns about vehicle movements through the rising main construction area. It is noted by Mr Shepherd that, in his view, Watercare did not provide a response that addressed his concerns. Therefore this matter is still outstanding.

Provided this matter is not addressed, it is considered that Watercare should address this matter in evidence.

- e) SAP4 vehicle access – In an earlier review Mr Shepherd had raised concerns about vehicle access being provided into SAP4, specifically in regards to:

- a. The location of the vehicle crossing, which would potentially not be feasible due to an existing stormwater pond, and being outside the proposed designation boundary;
- b. Truck tracking into the vehicle crossing, due to conflicts with light posts and other street furniture; and
- c. Truck tracking on Joseph McDonald Drive and Tamiro Road (the route to SAP4 from Brigham Creek Road), due to conflicts with street furniture and a truck using both lanes of the road reserve.

Mr Shepherd notes that the majority of these concerns were addressed in the 8 March 2024 section 92 response from Watercare. Mr Shepherd has reviewed the transport management measures, that he supports. However he comments that not all management measures in the ITA or section 92 response have been integrated into the conditions. Mr Shepherd recommends in his assessment to include ‘...spotters, temporary parking restrictions...’ into condition DC9.

I agree with and adopt Mr Shepard’s recommendation, which is reflected in Appendix E. DC9

Submissions

Mr Shepherd raises that there are two submissions relating to transport-related matters.

- a) Auckland Transport Submission—Mr Shepherd notes that AT has raised several matters relating to transport. Mr Shepherd has provided his review of this submission and supports all of the AT matters and the amendments to the conditions proposed.
- b) Cabra Development Limited – Mr Shepherd outlines that Cabra Developments Limited have sought to restrict right turns for construction vehicles at the Trig Road / Spedding Road intersection.

Mr Shepherd considers that the submitter seeks to restrict left turns instead of right turns, as the left hand turns may require road widening. Mr Hall consider that the proposed condition DC9(c) is sufficient to address safe construction vehicle turning movements at the Trig Road / Spedding Road intersection, and that the condition provides several options for this to occur.

Mr Shepherd considers that in response to the transport matters raised in the submission, condition DC9(c), as notified, is sufficient to address safe turning movements at the Trig Road / Spedding Road intersection which will be implemented as part of the CTMP.

Conclusion and recommendation – Mr Shepherd has provided the following conclusions and recommendations in relation to the NoR:

- a) Majority of the section 92 matters have been addressed, excluding the one outstanding matter about vehicle tracking through the rising main temporary access road. Mr Shepherd suggests that this be addressed in evidence.
- b) Mr Shepherd recommends minor amendments to the conditions, which will manage the transport effects generated during construction. This includes:
 - a. Amendment to the CTMP condition DC9
 - b. Removing condition DC7 that relates to open trenching through Brigham Creek Road.
- c) In regards to the submissions received, Mr Shepherd supports all points raised by Auckland Transport and seeks for the amendments sought by AT to be included in the conditions. Mr Shepherd considers that in regards to the Cabra submission, their concerns are managed through condition DC9(c) and the condition does not require amending.

Mr Shepherd concludes that he can support the NOR subject to the above recommended amendments to the NoR conditions

Planning Assessment

I rely on the expertise of Mr Shepherd in regard to his conclusion and recommendations within his assessment of the NoR. I also agree, that subject to Mr Shepherd assessment (including the conclusions and recommendations for amendments to conditions).

I consider that it is appropriate that the requiring authority provides a response in evidence or at the hearing on vehicle tracking which was requested under section 92 of the RMA.

Construction noise and vibration effects

At the deadline time for finalising this report the specialist relating to Construction Noise and Vibration has not been received.

A supplementary section to this report will be prepared and circulated as soon as it is available.

Healthy Waters – Stormwater Management

Watercare has not provided a technical report in relation to district plan matters for flooding. Section 8.4 of the AEE contains a brief summary of consultation with the Healthy Waters department of Auckland Council.

Specialist Assessment

Ms Lee Te, Auckland Council Healthy Water Specialists, has undertaken a review of Watercare's AEE, the associated technical report, and the submissions received. Ms Te's technical memo is attached in Attachment C and covers the following matters:

- Requiring Authority Assessment
- Healthy Waters Assessment
- Recommendation

Requiring Authority Assessment – Ms Te has reviewed the construction methodology. The following observations were made:

- The assessments identify suitable contractor areas, which provide vehicle access, areas for staff amenities, stockpiling and material storage, and vehicle parking
- Overland flow paths and floodplains were identified for the proposed location of the wastewater infrastructure in Table 4 of the AEE, and the Assessment of Alternatives in section 5 of the AEE discounted site options that were located in flood plains.

Ms Te notes the location of the wastewater assets, the reasons for this location are outlined in the functional requirement memorandum, being a low point in the catchment.

Healthy Waters Assessment – Ms Te has provided an assessment on behalf of Healthy Waters, as follows:

- The stormwater that is generated will discharge to the Slaughterhouse Stream or Sinton Stream, and then into the Waitemata Harbour. There may be temporary effects on the floodplains and overland flow paths during construction. This will be managed by the Construction Environment Management Plan (CEMP) to ensure flood hazards effects are managed and the Erosion and Sediment Control Plan (ESCP) to ensure the streams are protected.

- There are no specific references to flood hazard effects in the Watercare reports. However, the location of gravity main and pump station were located outside the floodplains to manage risk.
- The existing Auckland Council stormwater pond embankment at Tamiro Road is a stormwater pond used for the Special Housing Area Whenuapai 1 Precinct in the AUP and is managed by Healthy Waters. Ms Te considers that it is important that any works required by Healthy Waters to ensure the ongoing function and maintenance of the stormwater pond can be carried out efficiently.
- Ms Te has recommended a condition to allow works by Healthy Waters within the proposed designation boundary without the requirement for a Outline Plan of Works as required by section 176A of the RMA.
- Ms Te outlines that there are no residential properties within flood hazard areas within proximity to the project, and based on the information submitted, it is considered unlikely that the proposed wastewater infrastructure project will affect floodplains and overland flow paths

Conclusion and Recommendation – Ms Te’s recommendation is summarised as follows:

- a) Ms Te considers that flood effects can be appropriately managed for the wastewater infrastructure project and the project is consistent with the matters in the AUPOP related to flooding
- b) Ms Te recommends amendments to the proposed conditions as follows:
 - i. Amend Condition DC8 to address sediment run-off, flood hazard management and response to heavy rain fall.
 - ii. Amend DC3 to include the following
 “Healthy Waters will not require written consent under section 176A of the RMA for any works within the designation.”
- c) Ms Te supports the NoR, subject to the recommended modification to the two conditions listed above.

Submissions

There were no submissions that were related to flooding effects.

Planning Assessment

I rely on the expertise of Ms Te in regard to her conclusion and recommendations based upon her assessment of the NoR. I agree with Ms Te in terms of the recommended amendments to the conditions noted above. These recommended amendments have been included in Attachment E.

4.3.6 Effects conclusion

I consider that the key unresolved matter is the potential adverse effects on Wetlands C and D, at this stage it is concluded the NoR requires modification to avoid these significant adverse effects on these wetlands. The other adverse effects identified by the specialists reports (refer to above) can be adequately addressed through amended and expanded proposed conditions (Refer to Attachment E).

4.4 Local Board views

The Local Arterial NoRs are located within the boundary of the Upper Harbour Local Board. The Upper Harbour Local Board provided their views at a local board meeting on 27 June 2024. The Local Boards has resolved to speak to their views at the hearing. The Local Board views are provided in Attachment F to this report.

4.5 National environmental standards

4.5.1 National Environmental Standard for Freshwater Management

The NESFM sets requirements for carrying out certain activities that pose risk to freshwater and freshwater ecosystems.

Section 45 of the NESFM relates to the ‘*construction of specified infrastructure*’, which the NESFM establishes to be ‘*Discretionary Activities*’. Specifically Section 45(6) of the NESFM states:

(6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

- (a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and*
- (b) satisfied itself that there is a functional need for the specified infrastructure in that location; and*
- (c) applied the effects management hierarchy.*

As outlined in Mr Hall’s review of the NoR, in regards to the pump station and the requirement to trench through the wetland, Mr Hall considers that there are other options for the infrastructure to be established. Mr Hall states that he does not consider there is a functional need for these works to occur in this location.

Section 6.3 of the AEE states:

“the works trigger the requirement for consent under NES:F and the Regional Plan. Consents for these matters are being sought under a separate application which is being processed in parallel to this NoR (BUN60411512).”

The AEE also states in an earlier section, that the NES:F is not considered in the AEE³.

Any future resource consent application is separate from this NoR. However, I consider the NES:F and relevant matter to consider section 171(1)(d) of the RMA.

As outlined by Mr Hall, it appears to be possible to design and construct the pumpstation, and associated pipes in a location that avoids construction in the wetland. Therefore, to avoid a potential future conflict between the NoR and a future resource consent (where the council cannot approve the consent) my recommendation in section 6 of this report has taken this matter into account.

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

The NES (soil) provides a nationally consistent set of planning controls and soil contaminant values. This ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

Section 2.6 of the AEE outlines that a Detail Site Investigation has been prepared for the project, and is provided under Appendix G. This report has summarised that it is 'more likely than not' that Hazardous Activities and Industries List (HAIL) activities have occurred on the six sites subject to the NoR. The AEE states:

Soil sampling results from these sites indicate that heavy metals (trace elements) are below the adopted National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (Resource Management Regulations 2011 (NES CS) health criteria and within naturally occurring background levels for volcanic and non-volcanic soils.⁴

Provided that the sampling has measured below the NES (Soil), I do not consider the project is contrary to the NES (Soil).

4.6 National policy statements

Section 171(1)(a)(i) requires the council to, subject to Part 2, consider the effects on the environment of allowing the notice of requirement, having particular regard to any relevant provisions of a national policy statement.

Section 10.2 of the AEE states that the following NPS are relevant to this NoR:

- National Policy Statement on Urban Development 2020
- National Policy Statement on Freshwater Management
- National Policy Statement on Indigenous Biodiversity

³ Section 1.6 of the AEE

⁴ Section 2.6 of the AEE

4.6.1 National Policy Statement on Urban Development 2020

Section 10.2.1 of the AEE provides an analysis against the NPSUD, which sets out that this project will enable construction in Whenuapai, as it will service up to 10,200 dwellings.

The AEE references NPSUD Policy 6, in terms of planning decisions on urban environments and contributions to a well-functioning urban environment.

I do not disagree with this assessment, but don't go as far as adopting it. In my view, I do not consider that Policy 6 is relevant to all of the project, as it relates to planning decisions in urban environments, whereas the Future Urban Zone, which is the location of the NoR, is considered to be a rural environment. With this said, it is intended that this area become an urban environment and I have reviewed the applications against the objectives and policies of the NPSUD. In my view, the application is not contrary to the objectives and policies of the NPSUD.

4.6.2 National Policy Statement on Fresh Water Management 2020 (Amended January 2024)

Section 10.2.2 of the AEE provides an analysis against the NPSFM. I make the following observations from this summary:

- a) The AEE notes the Council considers the NPSFM is relevant, but suggests that these matters will be addressed through the resource consent process. The AEE goes on to states that this project is required to increase the capacity of the wastewater reticulation network in order to respond to growth and development that is signalled in the Whenuapai catchment. It follows with the statement that the proposed work is 'essential' for managing wastewater flows, with reference to reducing potential emergency overflows;
- b) The matter of functional need is addressed and is supported by Appendix Q of the AEE. The AEE concludes that there is a functional need requirement for this location to be in 'proximity' and 'adjacent' to the wetland.

I consider the NPSFM to be relevant under section 171(1)(a)(i) as the project has elements of it that are located within, or are to be constructed through, two wetlands (Wetlands C and D). Therefore, I do not consider the project is 'in proximity' and 'adjacent' to these freshwater systems.

While I accept that the reasoning for the NoR is to provide for growth, it appears that there is no analysis of the project against Objective 1 of the NPSFM. Objective 1 states:

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

In my view, Objective 1 seeks to prioritise the wetland(s) (1(a)) over the development needs (1(b)). As previously discussed, Mr Hall has outlined other design options that would potentially avoid the wetland(s). This creates uncertainty that there is actually a functional need in this location. Ultimately, as outlined by Mr Hall, there seems to be very little attempt to avoid the wetland, and the needs of development demand seemed to be prioritised over the freshwater ecosystem.

It is acknowledged that a proposed planting plan has now been included as conditions DC19, DC21 and DC22, and is expected to improve the quality of the wetland, but this does not, in my view, provide sufficient justification for the NoR to be located through the wetlands, as there appear to be alternatives available to meet the requirements of Objective 1 of the NPSFM. It may be that they are attempting to contain the project to the land owned by Watercare.

As outlined by Mr Hall, the project's design can avoid the Wetland C. Mr Hall has suggested an alternative site layout for the NoR that will avoid the Wetland C. In my view, this alternative layout will meet Objective 1 of the NPSFM. The conditions rehabilitate and the wetlands can appropriately address the adverse effects on this wetland and meet objective 1 of the NPSFM.

4.6.3 National Policy Statement on Indigenous Biodiversity (NPSIB)

Section 10.2.3 of the AEE provides an analysis of the NPSIB. The AEE discusses the overall objectives of the NSPIB as to

“...maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity, including by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity, whilst providing for the social, economic and cultural wellbeing of people and communities now and in the future.”

The AEE considers that the key Policies, in relation to this project are:

- Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity;
- Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for;
- Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement; and
- Policy 14: Increased indigenous vegetation cover is promoted in both urban and nonurban environments.
- Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.

The AEE outlines that initial lizard and bat surveys will be undertaken at the works sites to identify whether lizards and/or bats are present. Mr Statham senior Ecologist (North/West in Council's Natural Environment Specialist Services), notes in paragraph 2.6 of his memo dated 7 March 2024 that other localised records in the area have identified bats being present.

The recommend amendments to the conditions, including by ecology specialists, will better give effect to the NPSIB.

4.7 Regional Policy Statement (Chapter B of the AUP) (RPS)

The RPS sets the strategic direction for managing the use and development of natural and physical resources throughout Auckland. RPS provisions are addressed in section 10.2.4 of the AEE.

The RPS Chapters that are referenced in the AEE include:

- Chapter B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy
- Chapter B6 Mana Whenua
- Chapter B7 Toitū te whenua, toitū te taiao – Natural resources
- Chapter B10 Ngā tūpono ki te taiao – Environmental Risk

In terms of the AEE assessment against the RPS, I generally agree that the project gives effect to Chapters B6 and B10.

In terms of Chapter B3, it should be noted that the following B3 Objectives and Policies, mentioned in the AEE, relate to areas that have been Scheduled under Chapter L of the AUP:

- B3.2.1(3) Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:
 - (a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;
- B3.2.2(3) Provide for the locational requirements of infrastructure by recognising that it can have a functional or operational need to be located in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.

- B3.2.2(6) Enable the development, operation, maintenance and upgrading of infrastructure in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character while ensuring that the adverse effects on the values of such areas are avoided where practicable or otherwise remedied or mitigated.

In my view, Watercare has demonstrated that the project will give effect to the above listed objectives and policies, in relation to areas that are scheduled in Chapter L of the AUP.

In regards to objective B3.2.1(2), I agree with the assessment provided in the AEE, except for the assessment in relation to objective B3.2.1(2)(e). B3.2.1(2) is as follows:

- B3.2.1(2) The benefits of infrastructure are recognised, including:
- (a) providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;
 - (b) enabling economic growth;
 - (c) contributing to the economy of Auckland and New Zealand;
 - (d) providing for public health, safety and the well-being of people and communities;
 - (e) protecting the quality of the natural environment; and
 - (f) enabling interaction and communication, including national and international links for trade and tourism.

In my view, I consider that Watercare has demonstrated the project can give effect to B3.2.1(2)(a), (b), (c), (d). B3.2.1(2)(f) is not relevant to this project.

In terms of B3.2.1(2)(e), when considering Mr Halls' recommendation, there appears to be an alternative route that would better achieve this objective, by modifying the NoR to avoid going through the Wetland C and potentially Wetland D.

In terms of the pump station, I note that Mr Hall considers that it is possible to rearrange the pump station to avoid the Wetlands. It seems it is possible to relocate the pumpstation, and the supporting utilities further east, which would avoid wetlands C and D. This would avoid all adverse construction effects on both Wetlands and this is a matter which Watercare should address in evidence and at the hearing.

In regards to Chapter B7, I consider that adequate consideration has been given to the objectives and policies. However, as previously stated above, Mr Hall does not consider the functional requirement has been demonstrated, and there are possible solutions to avoid the Wetlands.

It is considered that if the NoR was adjusted to avoid the two wetlands, this could:

- Minimise and better avoid the freshwater body (wetland); and
- Not need to meet the requirements of 'functional need'.

4.8 Auckland Unitary Plan - Chapter D Overlays

Chapter D of the AUP is not addressed in the AEE. The project does contain the following overlay on its sites:

- D1. High-use Aquifer Management Areas Overlay, Kumeu Waitemata Aquifer

Chapter D1 manages the use of Aquifers in Auckland, and requires careful management of water availability to meet user needs and at the same time maintain base flows for surface streams. This Chapter relates to specific regional matters, not relevant to this NoR. No further assessment is required in this process.

4.9 Auckland Unitary Plan - Chapter E Auckland-wide

The relevant Auckland wide chapters are addressed by Watercare in Section 10.2.4 of the AEE. Without repeating the detail of this assessment, it is considered that relevant Chapter E chapters are:

- E12 Land disturbance – District
- E16 Trees in open space zones
- E25 Noise and vibration
- E26 Infrastructure
- E27 Transport
- E36 Natural hazards and flooding.

I agree with the assessment provided by Watercare in section 10.4.2 of the AEE on these matters.

4.10 Auckland Unitary Plan – Chapter H Zones

Chapters H and I provisions are not specifically addressed in the AEE. Some relevant activities are provided in Appendix L of the AEE. In section 2.0 of the AEE, Watercare identifies that the relevant zones are:

- H5: Residential – Mixed Housing Urban Zone
- H7: Open Space Zones
- H17: Business – Light Industry Zone
- H18: Future Urban Zone

I concur with Watercare that the activities listed in Appendix L of the AEE are relevant as Chapter E26 Infrastructure of the AUP manages the proposed activities, in multiple zones. Of the above provisions of Chapters H and I there are no specific activities listed that are relevant to this NoR. In addition to those listed above, the following precinct (that was made operative on 12 March 2023) is also relevant (becoming operative after the NoRs were lodged).

- I616 Spedding Block Precinct.

4.11 Alternative sites, routes or methods – section 171(1)(b)

In section 10.3 of the AEE Watercare has stated:

A consideration of alternative sites, routes, or methods for undertaking the proposed works has been undertaken and is summarised in the Assessment of Alternatives provided in Appendix I and in Section 5 of the AEE. This demonstrates that a robust process has been undertaken in relation to identifying the nature and location of the proposed works.

In addition, Watercare has purchased several properties along the route, including the permanent pump station site and the break pressure chamber site. Watercare therefore has interest in the land for these parts of the project, sufficient to undertake the work without the need to undertake an alternatives assessment for these sites.

I understand that section 171(1)(b) requires Council to have particular regard to whether Watercare has adequately considered alternative sites, routes or methods of undertaking the work. Therefore, the option chosen by Watercare is the one that it considers meets its objectives and the Project. However, Watercare does need to ensure that it has considered all reasonable options and has not ‘acted arbitrarily or given cursory consideration to the alternatives’⁵.

On the basis that specialists (including the ecology and land disturbance/development engineering) have identified there are potential significant adverse effects on wetlands (C and D), then, I consider that it is necessary for Watercare to consider further alternatives with a view to avoiding these potential significant adverse effects.

4.12 Necessity for work and designation – section 171(1)(c)

The requiring authority has set out its specific project objectives in Form 18 and section 3.1 of the AEE. These are listed in the AEE as follows:

1. To provide additional capacity in the wastewater network for growth and development of the Whenuapai-Redhills catchment in a manner that:

- a. Protects public health;*
- b. Optimises investment decisions, including being efficient, effective and financially responsible;*
- c. Minimises private property development disruption*
- d. Coordinates with existing and known planned development; and*
- e. Integrates with the existing Watercare wastewater network.*

2. To provide statutory protection for phase one of the Whenuapai and Redhills project to enable its construction, operation, and maintenance.

⁵ Waimairi District Council v Christchurch City Council C30/1982

Section 11 of the AEE concludes that the designations are reasonably necessary to achieve the project objectives. I agree with this conclusion that the works and designation is reasonably necessary to achieve Watercare's objectives.

4.13 Any other matter – section 171(1)(d)

Section 171(1)(d) requires the council to have particular regard to any other matter that it considers reasonably necessary in order to make a recommendation on the requirement. In this case there are both RMA and non-RMA documents that are considered relevant.

In terms of RMA documents, I have previously noted the NESFM (and regulation 45 (6)) identifies that the Council cannot grant a resource consent in certain circumstances. This matter would not have been raised, if Mr Hall had not demonstrated that there is an alternative design that could avoid Wetland C and D. Section 45(6) of the NESFM states:

45(6)A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—

- (a) satisfied itself that the specified infrastructure will provide significant national or regional benefits; and
- (b) satisfied itself that there is a functional need for the specified infrastructure in that location; and
- (c) applied the effects management hierarchy.

There is a potential conflict, as all parts of section 45(6) (a) – (c) need to be met, to provide the Council the ability to grant consent. Currently, it is considered that there is a limited functional requirement for the location of the NoR to be in the Wetland. And the effects can be avoided.

The requiring authority has not provided an analysis of this matter. However, they should address this in evidence or at the hearing.

The requiring authority has provided an assessment against a range of other legislation, central government and local government plans, strategies and policies in the AEE. This includes, but is not limited to, the following:

- Auckland Plan 2050

I would also note that Watercare has not provided an assessment against the following Council documents:

- Upper Harbour Local Board Plan 2020
- Whenuapai Structure Plan 2016

However, these should address this in evidence or at the hearing.

4.14 Outline plan of works waiver – section 176A(2)(c)

Watercare has requested a partial waiver of the need for an Outline Plan of Works under section 176A(2)(c).

While there are no criteria within s176A(2)(c) for determining whether to waive the need for an outline plan, a territorial authority should consider:

- the level of effects that the proposed work or project may have
- whether the proposal or work would otherwise be a permitted activity and would meet any relevant performance standards of the underlying zone
- whether the effects of the works are addressed through a regional resource consent process
- whether the information has already been provided to the territorial authority as part of the designation,
- whether meeting the conditions of the designation provides adequate control and certainty.

The proposed conditions submitted by Watercare (refer to conditions DC1 and DC2) accept an Outline Plan of works is required for the break pressure chamber, otherwise they seek that no other aspects of the proposal be subject to a Outline Plan of Works, unless “unless there are more than minor changes to the referenced plans”⁶

Watercare considers that the detailed information required has been provided within this application in accordance with the requirements of Section 176A(3).

It is considered that the reduced scope of the future Outline Plan of Works, as provided in proposed conditions DC1 and DC2, is appropriate in the circumstances.

4.15 Part 2 of the Resource Management Act 1991

The purpose of the RMA is set out in section 5(1) which is: *to promote the sustainable management of natural and physical resources*. Sustainable management is defined in section 5(2) as:

...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

⁶ As required by Condition DC1

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for. Section 7 of the RMA sets out other matters which shall be given particular regard to. Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

Section 10.5 of the AEE provides Watercare’s assessment against Part 2 of the RMA. The AEE states:

“The project will achieve the sustainable management of natural and physical resources and is therefore consistent with Part 2 of the RMA for the following reasons:

- *The project will enable the provision of appropriate wastewater services within the Whenuapai catchment, which will enable the community to continue to provide for their social, economic and cultural wellbeing.*
- *Adverse effects on the environment from the construction of the project have been carefully considered, will be avoided where possible (for example avoiding the loss of permanent wetland extent by locating the pump station in the south western corner of the site), with other adverse effects being remedied or mitigated so that adverse effects on the environment are appropriately managed.*
- *The provision of wastewater infrastructure which provides capacity to receive wastewater flows from planned development, and in this way reduce the risk of future network overflow of untreated wastewater into the environment*
- *Mana Whenua have been engaged on the project as outlined in Section 7 of this AEE report.”*

I generally concur with Watercare that the NoR is consistent with Part 2 of the RMA. However, in my view, I consider the significant adverse effects of construction can be avoided if the NoR is modified to avoid Wetland C in its entirety. As set out above, this is a matter Watercare need to address in evidence or at the hearing.

5 Conclusions

Watercare Services Limited as the requiring authority has lodged NoR under section 168 of the RMA.

I consider that it be recommended to Watercare that the NoR should be modified and be subject to amended conditions, for the following reasons:

- the notices of requirement and associated works are reasonably necessary for achieving the objectives of the requiring authority.
- further consideration needs to be given to alternative sites, routes or methods of undertaking the work identified in the notices of requirement in order significant adverse effects on wetlands.
- Subject to the above reservation, the notices of requirement are
 - generally consistent with the relevant AUP provisions

- are generally in accordance with Part 2 of the RMA and relevant national environmental standards and national policy statements and restrictions, by way of the recommended amended conditions, as these will avoid, remedy or mitigate any potential adverse environmental effects.

6 Recommendation and conditions

6.1 Recommendation

Subject to new or contrary evidence being presented at the hearing, it is recommended that the notice of requirement by Watercare, be modified and be subject to the amended and additional conditions, set out in Attachment E to this report.

That pursuant to section 171(3) of the RMA, subject the NoR being modified and the additional conditions being imposed, the reasons for the recommendation are as follows:

- the notice of requirement is consistent with Part 2 of the RMA in that it enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
- the notice of requirement is consistent with and gives effect to the relevant national environmental standards, national policy statements and the AUP.
- in terms of section 171(1)(b) of the RMA, adequate consideration has been given to alternative sites, routes or methods for undertaking the work.
- in terms of 171(1) of the RMA, the notice of requirement is reasonably necessary to achieve the requiring authority's objectives.
- restrictions, by way of conditions attached to the notice of requirement, have been recommended to avoid, remedy or mitigate adverse environmental effects associated with the works.

6.2 Recommended conditions

The conditions set recommended by the reporting planner for NoR are set out in Attachment E to this report.

6.3 Recommended modifications

It is recommended that Watercare provide modifications in evidence or at the hearing, demonstrating that the significant adverse effects on the wetlands will be avoided. This will require Watercare to further consider the NoR and construction to confirm such construction can be implemented.

ATTACHMENT C
SPECIALIST REPORTS

Memo (technical specialist report to contribute towards Council’s section 42A hearing report)

5/07/2024

To: Todd Elder | Senior Policy Planner, Auckland Council

From: Rue Statham, Senior Ecology Specialist, Natural Environment Specialist Services,
Auckland Council

**Subject: NoR / Land Use Application – Whenuapai Wastewater Servicing Scheme
Package 1 – Notice of Requirement**

1.0 Introduction

- 1.1 I have undertaken a review of the joint Resource Consent and Notice of Requirement application, on behalf of Auckland Council in relation to ecological effects.
- 1.2 I hold a Bachelor of Science in Earth and Environmental Sciences (Hons), which I received in the United Kingdom (UK). I also received the British Technical Enterprise Council qualification in Arboriculture.
- 1.3 In writing this memo, I have reviewed the following documents:
 - ‘*Whenuapai Wastewater Servicing Scheme Package 1 – Notice of Requirement Assessment of Effects on the Environment*, by Beca Limited, dated 8 March 2024.
 - ‘*Appendix D – Ecological Impact Assessment*, Prepared by Beca Limited, dated 4 September 2023. Hereby referred to as the EclA.
 - Lodged Plans Sets 1 & 2– prepared by WSP/GHD, inconsistently dated 10/12/21 to 09/09/22.
 - ‘*Drury Access Ramp Project: S92 Request for further information*’, prepared by Waka Kotahi, dated by 10/11/2023 & tracked changed version 4th March 2024.

2.0 Key ecological Issues

- 2.1 This section provides an overview of the key terrestrial ecological concerns that arise from the review of the application material.
- 2.2 The sensitive environments that I would consider as present on site is the riparian margin of both Slaughterhouse and Sinton Streams that runs through

or adjacent to the project area. There are also three individual wetlands that are in or near to the project area, not three as the report states, although only two will be directly affected by the proposed work.

- 2.3 Generally, the terrestrial habitats have been described accurately and I agree in that regard with the EclA.
- 2.4 The potential effects associated with this Notice of Requirement (NoR) for terrestrial ecological matters include effects on riparian vegetation, loss of wetland habitat and indigenous fauna.
- 2.5 The adverse effects associated with this Notice of Requirement (NoR) for the construction and operation of the pumpstation facility.
- 2.6 The ecology assessment does not include any on-site investigations and heavily relies on desktop analysis of fauna values. I note that the desktop analysis is incomplete and excludes localised records of critically endangered long-tailed bat (*Chalinolobus tuberculatus*).
- 2.7 Consent are sought separately for any project works requiring a regional resource consent such as vegetation removal. A separate Ecological Impact Assessment report has been prepared by Beca, which assesses ecological effects associated with regional matters.
- 2.8 E26.4.3.1(A92) Tree alteration or removal of any tree greater than 4m in height and / or greater than 400 mm in girth (open space zone) is a **Restricted Discretionary Activity**.

3.0 Applicant's assessment

- 3.1 The applicants ecologist has used the EIANZ guidelines (Roper-Lindsay et al., 2018) to prepare an assessment of ecological effects and recommended mitigations.
- 3.2 The applicant has provided an assessment on vegetation within the proposed designation with the riparian yard of the Slaughterhouse and Sinton Streams, where the ecological value of the native riparian margin has been given as "moderate" ecological value based on botanical observations.
- 3.3 No specific surveys for long-tailed bat (*Chalinolobus tuberculatus*) were carried out by ecologists, noting the application is relying on previous 2020 Tonkin & Taylor surveys on site and the ecological value is considered "very high".

- 3.4 No specific surveys for lizards were carried out by ecologists, although the riparian habitat does have suitability pertaining to copper skinks (*Oligosoma aeneum*) on ecological value is considered “high”.
- 3.5 The ecological value of the site pertaining to avifauna is considered “low”.

4.0 **Assessment of ecological effects and management methods**

- 4.1 I partially agree with the applicant’s assessment and conclusion regarding ecological values.
- 4.2 Whether or not the EIANZ guidelines are a useful tool in classifying ecological value to habitats or species continues to be debated. No doubt, in time, the guidance will be further refined.
- 4.3 Splitting out fauna attributes from terrestrial vegetation values, whilst disregarding other biological and environmental factors does not, in my opinion, robustly define ‘ecological value’ of any given area. However, there is no consensus on the definition of ecological value and the criteria for its assessment¹.
- 4.4 No site-specific surveys have been carried out (e.g. for fauna), how then can an ecologist rely primarily on assumptions to determine any given ecological value, and by extension the magnitude of effects? The ecological value of habitat or a species may differ considerably given the presence of either a single animal or plant versus dozens or more occurrences. Furthermore, vulnerability, fragmentation, connectivity, and resilience of habitats also provides important consideration in the ‘value’ of habitat.
- 4.5 Biodiversity classification, e.g. *significant ecological area* status can be, *downgraded* using EIANZ guidelines, such as the ‘moderate’ ecological value attributed to the terrestrial vegetation, even though both Slaughterhouse and Sinton Streams meet Significant Natural Area criteria, and potentially have At-Risk – Declining fauna within the vegetation.
- 4.6 EclA Tables 3 & 4 “*Potential injury and/or mortality to native terrestrial fauna from vegetation clearance in the open space zone*” does not include effects on herpetofauna, only assessing adverse effects on lizards through noise and dust.
- 4.7 Furthermore, neither table includes magnitude of effects assessment for habitat loss, due to the pending regional consenting pathway. However, the loss of

¹ Ecological Indicators - Amador-Cruz et al. (2021) <https://doi.org/10.1016/j.ecolind.2021.107856>

habitat and the effects on fauna will occur within the designation area as a result of the proposed works.

- 4.8 The EclA does not address wetland ecological value even though wetlands are habitat for avifauna and have botanical value.
- 4.9 In my opinion the EclA and the assessment provided, using the EIANZ guidelines, is incomplete for the NOR application.
- 4.10 The application states that future vegetation removal is associated with the installation of the pipeline, and that the vegetation removal will extend further than Open Space zones subject to additional consenting requirements.
- 4.11 Conditions have been proposed that directly relate to terrestrial ecology, I address this below in Section 6.0.
- 4.12 The application recommends conditions pertaining to the mitigation of adverse effects on wildlife only but not for mitigation of vegetation loss.
- 4.13 The EclA has not addressed where lizard relocation can/will be carried out, suitable available habitat and whether landowner approval (LOA) for relocations is required. Noting that the project include Open Space zoned land and would require specific and separate Local Board LOA should this be optioned.
- 4.14 The EclA does not address the adverse effects of the construction and operation of the pumpstation facility. Noise and lighting are known to have adverse effects on the behaviours of bats and of their prey. *“Unlit urban bushland remnants are important refuges for high bat diversity. Preventing light penetration into unlit bushland patches and corridors remains essential to protect the urban bat community”*, Haddock et al. (2019)².
- 4.15 Bat appropriate lighting guidance has been produced in the United Kingdom³ and Australia⁴. New Zealand has yet to fully address this issue, but the positioning (e.g. direction), wavelength, luminosity and intensity of lighting is important.
- 4.16 As previously stated, bats are known to inhabit the area, I do not agree that another survey is required. The DOC protocols are primarily directed at incidental / accidental discovery, and do not contain sufficient detail as to the specific methodologies necessary for the physical inspection of target trees and roost features.

² Haddock JK, Threlfall CG, Law B & Hochuli DF (2019) Responses of insectivorous bats and nocturnal insects to local changes in street light technology. *Austral Ecology* 44(6)

³ ILP publications Guidance Note 8 Bats and Artificial Lighting GN08/23

⁴ Department of the Environment and Energy “National Light Pollution Guidelines for Wildlife Version 1.0” January 2020.

- 4.17 The proposed management of adverse effects and proposed conditions, except for 'avifauna', are not in my opinion proficient, as they have not proposed suitable conditions relating to fauna on site, nor do they realise the complexities of the work involved.
- 4.18 I agree that fauna management is required, and I will provide, in my opinion, a more suitable condition, that encompasses and best reflects the appropriate content of an ecological management plan, so that the effects of vegetation removal and operation of the facilities, as they relate to fauna, can be considered during the build of the pipeline and associated works / structures.

5.0 Submissions

- 5.1 There are no submissions that relate to ecological matters.

6.0 Proposed NOR Conditions:

- 6.1 The proposed conditions seek to provide for initial surveys to determine if wildlife are present before management plans are produced and approved by Council. This is the direct result of avoiding or carrying out incomplete project related surveys. However, the presence of bats been confirmed within and adjacent to the area of proposed works, meaning no additional surveys are warranted.
- 6.2 The proposed conditions use subjective wording, such as 'if', "shall", and "there are sufficient".
- 6.3 The condition also relating to lizards, is highly problematic.
- 6.4 The proposed condition states, that "a Lizard Management Plan (LM)P will be required if the survey results in the detection of 1 or more individuals of threatened lizard species." The condition is not endorsed by Auckland Council and is not provided for in the most up to date Standard Conditions manual, given that it is highly problematic and practicably unworkable.
- 6.5 Furthermore the 'objectives' list in DC28 should have been addressed in the EclA in determining how and where adverse effects are can / will be mitigated. The proposal is deferring the assessment of effects to a condition of consent.
- 6.6 All lizards found in the Auckland Region are classified as threatened⁵, the most common lizard species (Copper Skink -*Oligosoma aeneum*) is classified by the department of Conservation as At-Risk, as noted in EclA section 4.3.2. I single

⁵ [tr2022-03-conservation-status-reptile-species-auckland](https://www.doc.govt.nz/conservation-status-reptile-species-auckland) – as endorsed by Department of Conservation

lizard observation will result in the need for a management plan. All sites works must cease until a lizard management plan is certified, causing delays.

- 6.7 All Department of Conservation (DOC) wildlife authorities have specific conditions relating to permissible relocations. For example, limiting the permit holder to the number of lizards that can be captured and relocated before a project specific authority is required. Should this number be reached, the project must stop, and specific permitting obtained. This can result in considerable delays.
- 6.8 The bat management condition fails to acknowledge that specific wildlife authority and expertise is required by the supervising ecologist. All bat mitigation work must be carried out by a Level D competent bat ecologist, which is an independently evaluated competency and is not a 'qualification'.
- 6.9 Condition DC20 is entirely subjective with wording such as "if required" and/or "as otherwise agreed with Council". The condition only relates to Tamiro Road vegetation, and no other habitat loss. It would be preferable, irrespective of any regional consenting matters, to have an holistic approach to revegetating areas that are affected by the designation.
- 6.10 I suggest the following inclusion to the NOR:

DC21. Ecological Management Plan (EMP)

An Ecological Management Plan must be prepared prior to the Start of Construction, prepared by a suitably qualified ecologist (e.g. Level D competency for bats), to manage effects on bats, birds, lizards, and the removal of terrestrial vegetation/habitat.

The management plan must be submitted for certification by the Council, prior to any works commencing within the site. The ecological management plan must include, but not limited to the following:

- Bird Management (all bird species), in accordance with best practice methodologies, a description of methods to avoid impacts on birds, including supervised habitat clearance protocols, and working outside of the bird breeding season (species dependant).*
- Long-tailed Bat Management (rescue and relocation of), in accordance with best practice methodologies, a description of methods to avoid impacts on bats, including roost feature identification, salvage protocols, relocation protocols, supervised habitat clearance/transfer protocols. The management plan must address the construction and operational design of the pumpstation facility (noise and lighting).*
- Lizard Management (rescue and relocation of), in accordance with best practice methodologies, including but not limited to, a description of*

methodology for capture and relocation of lizards rescued including but not limited to: the timing of implementation, seasonality restrictions, salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), habitat improvements, landowner approvals (as applicable), supervised habitat clearance/transfer protocols, and opportunistic relocation protocols.

- *Revegetation planting, including eco-sourced planting and a maintenance schedule (for no less than 5yrs), for all areas of wetland, stream, and their riparian / buffer margins affected by the proposal. The plan must be in accordance with best practice methodologies of Te Haumanu Taiao, or other subsequent Council restoration guide.*
- *The certified Ecological Management Plan (EMP) shall be implemented in all respects.*

7.0 Conclusions and recommendations

- 7.1 In my opinion applicant has failed to fully appreciate the effects of the construction and operation of facilities and utilities within the designation area.
- 7.2 The applicant has not proposed appropriate and/or practicably workable conditions that will manage effects on wildlife or habitat.
- 7.3 I am however able to support this NoR as there is a regional and local necessity for the works to progress.
- 7.4 The impact of the construction and operation of the pipeline and facility from vegetation removal can be fully considered during implementation, and the effects on wildlife are relatively minor, particularly if the following recommendations are included from Section 6.0.

Regards,

Rue Statham | Senior Ecologist

Ecological Advice | Infrastructure and Environmental Services

Landscape Review

Whenuapai Wastewater Servicing Scheme Package 1: Notice of Requirement and Application for Resource Consent

24 May 2024 | FINAL

1 Introduction

- 1.1 Bridget Gilbert Landscape Architecture Limited (**BGLA**) has been requested by Auckland Council to comment on the potential landscape effects of the Whenuapai Wastewater Servicing Scheme Package 1: Notice of Requirement (**NoR**) proposal (**proposal**).
- 1.2 A summary of my expert qualifications and relevant experience is attached in **Appendix A**.
- 1.3 I confirm that my Landscape Report comments have been prepared in accordance with the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2014. This Landscape Report is within my area of expertise, except where I state that I rely upon the evidence of other experts. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.
- 1.4 The following documents have been relied on in the preparation of these landscape comments:
 - a) Assessment of Environmental Effects prepared by Beca, dated 28 October 2023 (**AEE**).
 - b) AEE Appendix A: Design Drawings, dated December 2021.
 - c) AEE Appendix E: Natural Character, Landscape and Visual Effects Assessment prepared by Boffa Miskell Limited (**BML**), dated 16 August 2022 (and including the graphic supplement) (**Landscape Report**).
 - d) AEE Appendix L: Arboricultural Report, prepared by Arborlab, dated August 2022.
 - e) The NoR Section 92 Response, prepared by Beca and dated 8 March 2023 (**March 2023 s92 Response**) and including NoR s92 Attachment 7: Proposed Designation Conditions (**Proposed Conditions**).
 - f) The NoR Section 92 Response to Further Information, prepared by Beca and dated 19 January 2024 (and including Attachment 1 Response Table, which addresses landscape related matters).
 - g) Public Submissions.
- 1.5 I note that no landscape related matters are raised in Public Submissions and for this reason, do not consider these further in my review report.

- 1.6 I have undertaken a specific site visit in relation to this review which included viewing the site from the local road and walkway network (including all of the viewing audiences referenced in the Landscape Report and the March 2023 s92 Response). I am generally familiar with the wider area having worked on a number of projects in throughout the broader Whenuapai, Hobsonville, Kumeu and Riverhead area over the years.
- 1.7 I have not made a specific site visit to private properties in the vicinity of the proposal, but rather rely on my site visit, review of the application plans described above and aerial mapping (with contours) to inform my opinion in this regard.
- 1.8 The landscape assessment that underpins this Landscape Report has been undertaken in accordance with *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022 (TTatM). The landscape effects rating scale adopted for my Landscape Review accords with the scale in Appendix 1 Tables 3 and 4 of the Landscape Report.
- 1.9 I am also conscious that the nature of a Notice of Requirement application differs to a resource consent application, in that it is often the case that Proposed Conditions need to allow a reasonable degree of flexibility in the project design and associated mitigation measures. In my experience, this is often addressed by reference to a Landscape Management Plan in the Consent Conditions that: outlines the key landscape related outcomes that the final design needs to achieve to appropriately manage landscape related effects; and provides for technical review by the relevant Council.

2 Landscape Assessment Methodology

- 2.1 I confirm that the landscape assessment methodology that has been applied in the Landscape Report is generally consistent with landscape assessment best practice as guided by TTatM.
- 2.2 I confirm that I agree with the representative viewpoints that have been selected by the assessor as providing a fair representation to assist an understanding of the potential adverse visual effects of the proposal.
- 2.3 I also concur with the Landscape Report that landscape change in itself is not an adverse effect. The important question is how that change relates to its setting and influences the landscape values (including visual amenity) and natural character values of the area.

3 Description of the Existing Environment, Relevant Statutory Context, and Proposed Development

- 3.1 I consider that when read in conjunction with the AEE and the full suite of the application plans and documents described above, the Landscape Report provides an adequate description of:
- a) the existing environment;
 - b) the relevant statutory context;
 - c) the engineering aspects of the proposal (including construction); and
 - d) the soft landscape treatment around the pump station.

- 3.2 The Landscape Report explains at pages 8 and 9, that the landscape assessment assumes the incorporation of a range of mitigation measures (by way of the consent conditions).
- 3.3 I agree with the recommendations set out in the Landscape Report in this regard but note that not all of the recommendations appear to have been carried over to the Proposed Conditions.
- 3.4 Further, the March 2023 s92 Response advises that riparian planting is proposed to mitigate the modification of Sinton Stream. I support this mitigation strategy.
- 3.5 The March 2023 s92 Response advises that this planting will be addressed by a Wetland and Stream Compensation Planting Plan (or similar) which will be prepared prior to construction commencing.
- 3.6 I note that no specific information is provided in this regard, nor is specific reference made to this matter in the Proposed Consent Conditions. The writer also understands that the applicant is relying on another party (Oyster Capital) and RMA process (Plan Change 69 and subsequent resource consent process) to deliver this mitigation planting.
- 3.7 I disagree with this approach and consider that the mitigation planting required in relation to the proposal's effects on Sinton Stream should be referenced in the Consent Conditions in the event that the 'other processes' referenced on by the applicant as addressing this matter do not eventuate.

4 Evaluation of Landscape and Natural Character Effects

- 4.1 I concur with the conclusions of the Landscape Report that:

*In summary, natural character and landscape effects will primarily be generated as a result of the project impacting wetland, a stream and native riparian vegetation. The removal of native vegetation will be mitigated through new riparian margin planting along Slaughter House Stream and Totara Creek. The identified wetland impacted by open trenching will also be reinstated and appropriate wetland planting will be established which will provide greater vegetation values that are currently observed. Effects on the Sinton Stream margin will be permanent, through the presence of an emergency overflow outlet and proposed culvert, which will affect the landscape and natural character values of the stream to a **moderate** level.*

*Visual effects will also be greatest during construction however these will be temporary in nature. Visual effects on residents will generally affect those along Tamiro Road, Brigham Creek Road and Spedding Road. The latter roads support a limited number of residents and adverse effects will be limited. Similarly, effects for those at Tamiro Road will be limited to **low-moderate**. Overall, any effects on residents during construction will be no more than **low-moderate**. Construction effects for road users will be more limited due to their short-term experience of the change, the often oblique angle of their views, or works occurring in road corridors which are not wholly uncharacteristic. Once the project is completed, any residual effects on the project's viewing audiences will be no more than **low**.*

- 4.2 However, I reiterate that my conclusions in this regard assume the mitigation measures set out at pages 8 and 9 of the Landscape Report, along with mitigation planting works at Sinton Stream.

5 Proposed Recommendations

- 5.1 Factoring in the matters discussed above, it is my recommendation that the Proposed Conditions are amended to incorporate reference to all of the mitigation measures set out at pages 8 and 9 of the Landscape Report, along with mitigation planting works at Sinton Stream.



Bridget Gilbert
Landscape Architect
B Hort Dip LA ALI NZILA

APPENDIX A

Bridget Gilbert: Qualifications and Experience

Bridget holds the qualifications of Bachelor of Horticulture from Massey University and a postgraduate Diploma in Landscape Architecture from Lincoln College, is an associate of the Landscape Institute (UK) and a registered member of the New Zealand Institute of Landscape Architects.

Bridget has practised as a Landscape Architect for almost thirty years in both New Zealand and England. She has been operating her own practice for the last eighteen years, in Auckland.

During the course of her career, Bridget has been involved in a wide range of work in expert landscape evaluation, assessment, and advice throughout New Zealand for private, Council and government agency clients, including:

- landscape assessment in relation to Regional and District Plan policy;
- preparation of structure plans for rural, coastal, and urban developments;
- conceptual design and landscape assessment of infrastructure, rural, coastal, and urban development; and
- detailed design and implementation supervision of infrastructure, rural, coastal, and urban projects.

Bridget has been involved in the consideration of MDRS under a number of District Plans and has worked on a wide range of multi storey residential, commercial, mixed use and retirement type urban developments over the years, both for developer clients and in a peer review role.

Bridget is an Independent Hearing Commissioner for Auckland Council and has recently sat on the New Zealand Institute of Architects Local Awards jury. In the past, Bridget has been a Panel Member for the Auckland Council Urban Design Panel (with a chair endorsement). Bridget is also a member of the NZILA RMA Reform working group and was one of three peer reviewers of TTatM.

Development Engineering Assessment Memo
Technical Specialist Report to contribute towards Council’s section 42A hearing report

2 July 2024

To: Todd Elder
From: Greg Hall

Subject: Watercare Services Limited Whenuapai Wastewater Servicing Scheme Package 1 – Notice of Requirement

1.0 Introduction

1.1 I have undertaken a review of the Notices of Requirements lodged by the Watercare Services Limited, on behalf of Auckland Council in relation to Infrastructure effects.

I have a Bachelors Degree in Civil Engineering. I have 24+ years experience in land development, including 15+ years within Auckland Council and it’s predecessor, Waitakere City Council. This includes work on large developments and infrastructure projects including the SH 16/18 motorway extension, Massey North development, Hobsonville Corridor, North Harbour No. 2 Watermain & Northern Wastewater Interceptor, and the Redhills Pumpstation and gravity trunk sewer. Currently I am also working on the related Oyster Capital development.

1.2 In writing this memo, I have reviewed the following documents:

- Assessment of Effects on the Environment including engineering related Appendices, although it is noted that no Engineering Report has been provided.
- S92 Further Information.
- Submissions.

2.0 Key Development Engineering Issues

Notice of requirement	Issue
Whenuapai Wastewater Servicing Scheme Package 1	Culvert and Oyster Capital Works in Progress
	Power and Water Services to Pump Station
	Gravity Sewer through Wetland C
	Stormwater Wetland Embankment
	Geotechnical Review

3.0 Assessment of engineering related effects and management methods

Culvert and Oyster Capital Works in Progress.

It should be noted that the Oyster Capital development (Spedding Land Company) is well into it’s construction phase, including works on Brigham Creek Road, and the extension to Spedding Road which intersects with Brigham Creek Road. This includes construction of the Sinton Stream culvert, as shown in Figure 1 below. Hence aspects of the application reports have been overtaken by the on-site progress.



Figure 1 – Sinton Stream Culvert under construction as of 17 April 2024

Power and Water Services to Pump Station

It should be noted that the Oyster Capital works will have water supply and electricity reticulation installed within the Spedding Road extension in the near term, such that statements that these need to come from the western end of Brigham Creek Road would no longer reflect the current on-site condition. There should be no need for the designation boundary to extend around the northwestern side of Wetland C. There are no easements provided in this private land to legally allow for these services to be located in this area. In addition, the proposed planting in the area may cause difficulties with maintaining the services. Landscaping may also be difficult to plant, and landscaping maintenance workers may not be aware of the services which may be a safety issue. The route from Spedding Road extension avoids all these issues. Furthermore, as the transformer is located on the eastern side of the site, the expected length of power supply cabling is expected to be very similar on either route, however the Spedding Road extension route would avoid crossing Brigham Creek Road.

Gravity Sewer through Wetland C.

Requests have been made to the Requiring Authority to advise on options to rearrange the pump station but have not done so. Their responses on moving the gravity sewer to the eastern alignment have been consistently unreliable and appear to be designed to avoid revisions to the design. The 19 January 2024 response (ENG 2) to the query as to why the electricity cables and water supply pipe would need to follow the western alignment, rather than be sited in the already established easements in the west is particularly informative of their approach:

'Approval from Vector requires power supply be connected to the existing network by the northern side of Brigham Creek Road. Rerouting via the proposed right of way involves significantly longer length of HV cable and deviates from Vector's agreement to service the station.

'With respect to water there are no current supply mains accessible from the right of way, the alternative means routing the water supply a far longer distance'.

The response is concerned about the cost and prior contractual agreement made with Vector. There is no correspondence with Vector on consideration of alternatives, nor of the environmental benefits of the alternative. Given the extensive progress Oyster Capital have made in the project to extend Spedding Road to Brigham Creek Road, including water and power supply, the response is entirely out of date. Furthermore, it would be expected that any previous Vector / Electrix quotation from 18 November 2021 would need to be updated for current costs and final project design.

Contractual issues, and/or a small increase in costs (compared to the overall project cost), should in no way affect consideration of the functional needs assessment.

Item 3 of the Function Need Assessment (Attachment 5) demonstrates the unreliability of the Requiring Authority's statements around the need for a pipeline within Wetland C, in particular the following:

'Considering each manhole construction would be approximately 7 metres deep and 1.5 metres in diameter'.

A simple review of the design drawings against site contours quickly identified this assessment to be unreliable. Watercare have since conceded that the actual depths of manholes required along an eastern alignment is at approximately the same depth as other parts of the gravity alignment as shown on the longsection included in the Watercare Services Limited response 19 January 2024. The number of manholes shown on the Plan is also considered to be an inefficient design. A more efficient layout such as the route indicated in blue on Figure 2 below would reduce the number of manholes. What this design does show is that it is fully possible to route the gravity sewer around Wetland C. This route would also avoid the pipeline passing through possible Wetland D. Therefore, by function, there is no need for the pipeline to pass through the wetland.

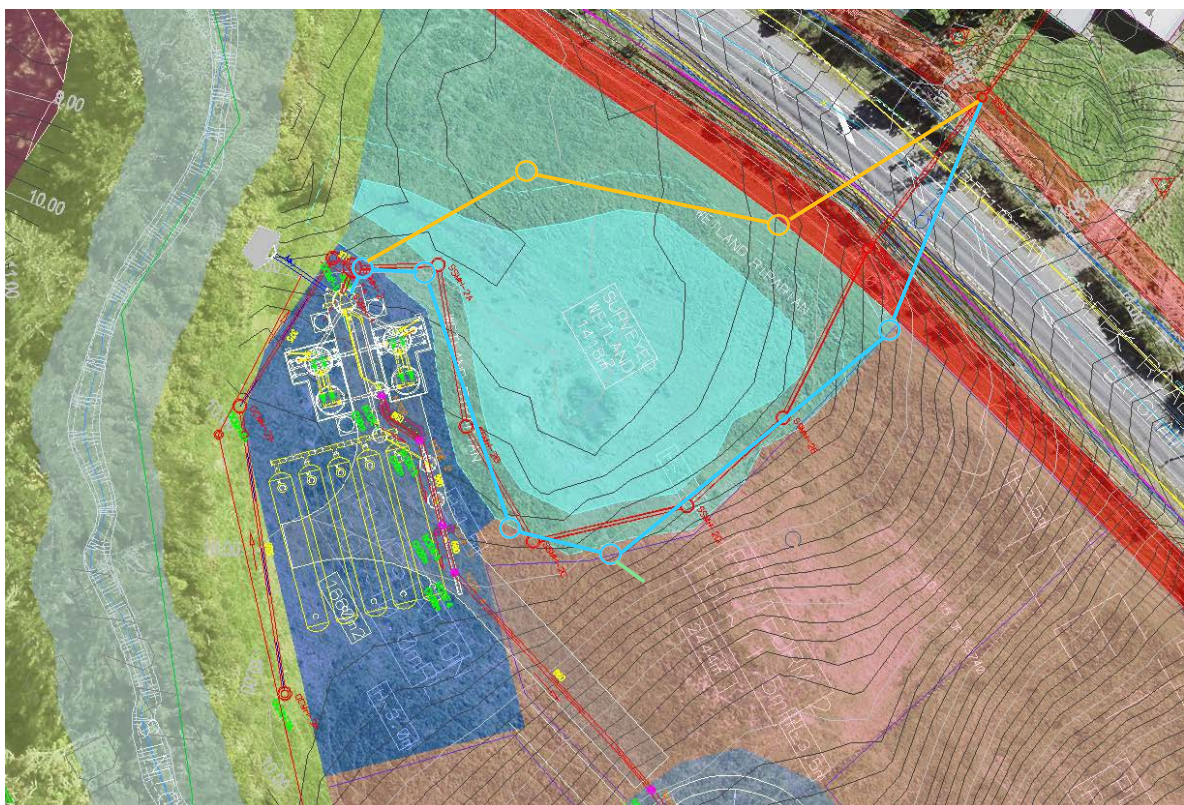


Figure 2 – Potential alternative routes around Wetland C.

Another option which may largely avoid Wetland C is indicated in orange on Figure 2, acknowledging that this would still pass through the toe of the wetland, but would have a lesser footprint in the wetland area. This is in the general location of Option F in the Alternatives Assessment, which was only ruled out for the following reason:

'This option was discounted for the following reasons:

- Construction would require significant works along Brigham Creek Road, which adds construction risk due to high trafficked road and service strikes of critical buried infrastructure along the road, including potential to strike and damage the nationally significant Southern Cross Cable providing internet services to New Zealand'.*

However, if this option follows an alignment similar to that shown on Figure 2, rather following the road alignment for no reason, then the only stated reason to discount this option falls away, and it becomes entirely viable with essentially no increase in pipeline length.

The general location of the pump station is reasonably logical, however the specific layout can be altered to suit the site specific requirements, including avoiding any need for a pipeline within Wetland C. The emergency overflow, for instance can be located anywhere along the stream boundary. It does not need to be located at the northeastern corner. This overflow and the entry manhole can be located at the southeastern corner, and therefore do not restrict the ability for the Requiring Authority to rearrange the pump station components. If located in the southeastern corner the length of the gravity sewer is lessened as well as removing the need for the Oyster Capital pipeline to skirt around between the pump station and the stream slope.

As can be seen from other pump stations in the area the individual components of a pump station can be arranged in a variety of layouts, such as having the overflow coming from the tanks, or on the opposite side to the entry manhole.



Figure 3 – Pump station 68 Whenuapai



Figure 4 –Pump station 70 Hobsonville Peninsula



Figure 5 - Pump station 69 Massey North

Furthermore, if the Requiring Authority looked to arrange the components of the pump station to suit an east of Wetland C alignment, the number of manholes and pipe lengths would be lessened. Instead their response includes unnecessary manholes and feature suggesting the pump station would need to be slightly deeper, whereas the alternate design could actually be refined to avoid or limit the effect of these issues. In addition, this alignment provides connectivity to adjacent development land.

The Requiring Authority has demonstrated that there is no functional need for the gravity sewer to pass through Wetland C. Without even changing the pump station layout, they have demonstrated the ability

to construct the gravity sewer to the east of Wetland C. This may result in some additional manholes and pipe length, however it is fully possible. If a genuine review was undertaken to redesign the proposal, not bound by prior contractual arrangements, then it appears certain that Wetland C can be avoided, and what is more, it is quite likely that a better engineering outcome will also be the result.

Finally, Figure 3-2 of the Traffic Impact Assessment Report indicates the Requiring Authorities intention to not only install the gravity sewer within Wetland C, but to use it as a general access road during the pump station construction. Trenching through the wetland is indicated as being less than 2.5m deep, and should be able to be constructed without the need for a hardstand, and with a footprint minimised by the use of trench shields. I am of the opinion that the access road and wide designation boundary through Wetland C does not reflect any attempt to minimise effects on the environment.

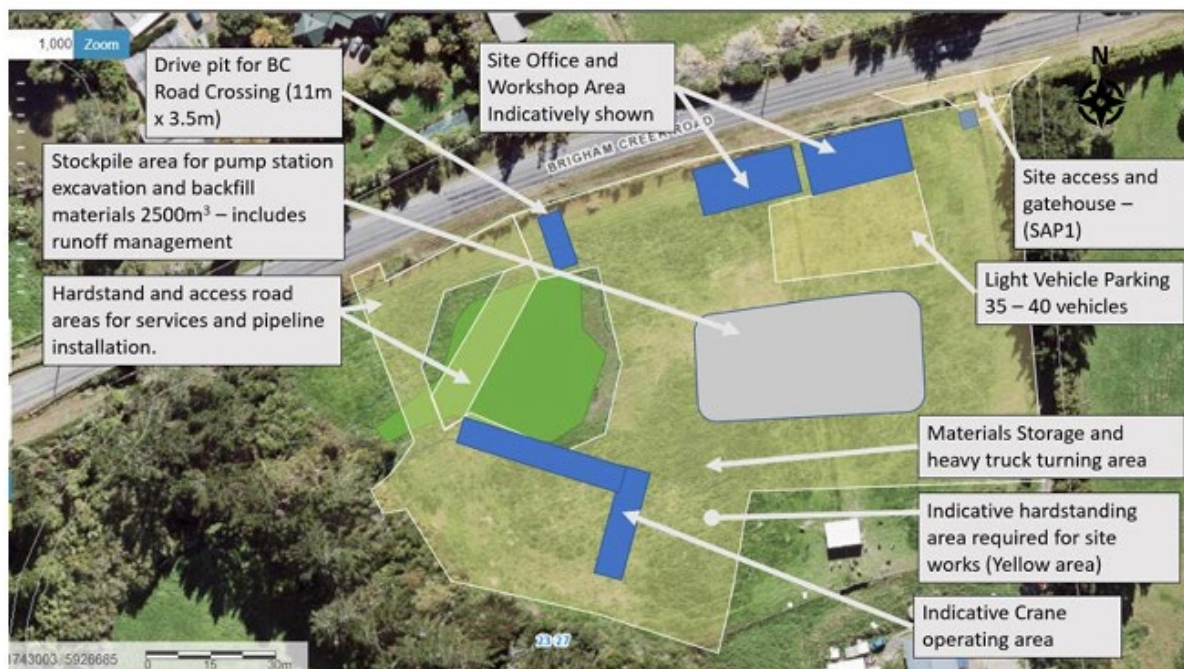


Figure 3-2: Contractor Area Hub Layout

Stormwater Wetland Embankment

The proposed works through the Tamiro Road Stormwater Wetland pose some risks to the wetland embankment and the stormwater outlet pipe. Proposed Conditions DC 32 and 33 provide Healthy Waters with the opportunity to work with Watercare on these aspects. However, please also note an addition condition is suggested as per the Submissions section below, to ensure that Healthy Waters and Auckland Council Parks can continue to undertake regular operation and maintenance activities in the Stormwater Wetland area, without the need for a s176 approval.

Geotechnical Review

The Geotechnical Interpretive Reports submitted have been reviewed. Land stability has been considered and found to be generally of little concern, and other than noting that in the area of the pump station the stream banks are over steep and may have potential to regress over time to a more stable slope angle. This has been allowed for in the positioning of the pump station components, and will also be considered in the design of the emergency outfall.

4.0 Submissions

Auckland Transport has requested the following condition to allow for normal road operation and maintenance activities to proceed without requiring ongoing s176 approvals.

‘DCXX. Following construction of the project (or a section thereof), the Requiring Authority shall not require Auckland Transport to seek written approval under section 176(1)(b) of the RMA for works undertaken no closer than 500mm to the pipe for routine construction, operation and maintenance of existing assets within the road reserve. Works greater than those described are subject to the approval of the Requiring Authority under Section 176 but approval is not to be unreasonably withheld.’

The Requiring Authorities works should be constructed robustly enough to allow for such routine construction and maintenance to occur without affecting assets in the existing roading corridor. Therefore this proposed condition is considered entirely reasonable.

Healthy Waters also wish to be able to undertake normal operation and maintenance of the Tamiro Road Stormwater Wetland on a regular basis without having to obtain s176 approvals each time. This should also apply to Council's Parks department who maintain vegetation above the normal waterline of the wetland, hence it would be simplest to refer to only Auckland Council as below.

'DCXX. Following construction of the gravity sewer through the Tamiro Road Stormwater Wetland embankment, the Requiring Authority shall not require Auckland Council to seek written approval under section 176(1)(b) of the RMA for works for routine operation and maintenance of stormwater wetland. Works greater than those described are subject to the approval of the Requiring Authority under Section 176 but approval is not to be unreasonably withheld.'

I also acknowledge the submissions of Spedding Land Company and Cabra Developments Limited. These are both in support of the general purpose of the proposed works. Similarly, I support this general purpose, but am unsupportive of the designation's alignment in the vicinity of Wetland C.

5.0 Conclusions and recommendations

I am unable to support the NoR as I conclude that there is no evidence of a functional need to route the gravity sewer through Wetland C and therefore it is inappropriate to allow the designation to pass through Wetland C. In addition, there is no need to route the water and electricity services along the western side of Wetland C, and this may have detrimental effects on the Wetland outlet area if future maintenance is required.

Aside from these aspects in the vicinity of Wetland C, the remainder of the NoR has suitably considered the effects on the environment in relation to an engineering response.

With the removal of the works within Wetland C and realignment of the electricity and water supplies to the new Spedding Road, and inclusion of the above condition in relation to s176 approval for the Tamiro Road Stormwater Wetland, I would be supportive of the proposal.

PROJECT	ACXX439: WATERCARE NOTICE OF REQUIREMENT – WHENUAPAI WASTEWATER SERVICING SCHEME PACKAGE 1
SUBJECT	SECTION 42A HEARING REPORT – TRANSPORT SPECIALIST REPORT
TO	TODD ELDER
FROM	HARRY SHEPHERD
REVIEWED BY	MICHAEL JONGENEEL
DATE	1 JULY 2024

1 INTRODUCTION

I have undertaken a review of the Notices of Requirements lodged by the Watercare Services Limited (Watercare), on behalf of Auckland Council in relation to transport effects.

I hold a Bachelor of Engineering (Honours) degree specialising in Civil and Environmental Engineering from the University of Auckland. I have over eight years of experience in the field of traffic engineering and have worked on numerous developments and roading projects across Auckland and New Zealand. I have previously acted as an expert witness in Council hearings in both Auckland and Levin.

In June 2022 Auckland Council (Council) requested Flow Transportation Specialists (Flow) to assist with the review of transportation matters associated with the Notice of Requirement (NoR). I have been personally involved in this review since November 2023.

Watercare is proposing to construct a wastewater pipeline and pump station near Brigham Creek Road in Whenuapai. The NoR is seeking to designate land for the construction, operation and maintenance of the proposed pipeline, pump station and associated infrastructure.

The scope of this specialist transport report is to assist Council in determining the transport outcomes of the NoR and includes the following

- ◆ A summary of the NoR focusing on transport matters
- ◆ A review of the material provided to support the application for the NoR
- ◆ Summary of submissions, relating to transport matters only
- ◆ My recommendations.

In writing this memo, I have reviewed the following documents:

- ◆ Whenuapai Wastewater Servicing Scheme Package 1 – Notice of Requirement Assessment of Effects on the Environment, prepared by Beca, dated 8 March 2024
- ◆ Whenuapai-Redhills Wastewater Servicing drawing packages, prepared by WSP and GHD, dated up to 9 September 2022

- ◆ Whenuapai-Redhills Wastewater Servicing designation drawings, prepared by Watercare, dated up 19 September 2022
- ◆ Whenuapai Redhills: Package 1 Project Traffic Impact Assessment Report, prepared by Beca, dated 8 March 2024
- ◆ Section 92 response to additional information request for Notice of Requirement – Whenuapai Wastewater Servicing Scheme Package 1, prepared by Watercare, dated 8 March 2024 and 19 January 2024
- ◆ Submissions and Local Board resolutions relevant to transport matters, as outlined in Section 4.

2 SUMMARY OF THE NOR PROPOSAL

2.1 Overview and access points

The Whenuapai-Redhills Wastewater Servicing Scheme has been developed to deliver upgrades to the wastewater infrastructure network in Whenuapai (and nearby Redhills). The project is in response to the projected growth and development in the Whenuapai-Redhills catchment.

Watercare is seeking to designate land for the construction, operation and maintenance of the proposed pipeline, pump station and associated infrastructure.

As shown in Figure 1, the Proposal includes the following five key components:

- ◆ A **Pump Station** at a point where the Whenuapai and Redhills Catchments meet at 23A Brigham Creek Road, with an emergency overflow outfall to the Sinton Stream
- ◆ A **Gravity Main Pipeline** between the existing Whenuapai Village Pump Station on Tamiro Road and the Pump Station
- ◆ A **Rising Main** between the Pump Station and a proposed new break pressure chamber on Mamari Road.
- ◆ A **Culvert** to provide access for the rising main across Sinton Stream.
- ◆ A **Break Pressure Chamber** located on the corner of Mamari and Spedding Roads.

Figure 1: Proposal overview



The Proposal extends from the existing Whenuapai Village pump station site in Tamiro Road in the north, across Bringham Creek Road, to Spedding Road in the south. It includes three large contractor areas for staff parking, stockpiling, materials storage and space for truck turnaround.

A total of six Site Access Points (SAPs) are proposed which provide vehicle access to the work sites as indicated in Figure 2 and summarised below

- ◆ SAP 1 – Site access point to the Contractor Area Hub, which is located at 23-27 Bringham Creek Road
- ◆ SAP 2 – Site access point to rising main, which is located at 13 Spedding Road
- ◆ SAP 3 – Site access point to Contractor Area North, which is located at 20 Bringham Creek Road.
- ◆ SAP 4 – Site access point to gravity pipeline, which is opposite to 30 Joseph McDonald Drive and 2 Tamiro Road
- ◆ SAP 5A – Site ingress (inbound movement only) to Contractor Area South, which is located at 32 Mamari Road fronting Mamari Road
- ◆ SAP 5B – Site egress (outbound movement only) to Contractor Area South, which is located at 32 Mamari Road fronting Spedding Road.

Figure 2: Plan of contractor areas and Site Access Points (SAPs)



2.2 Construction phase

The application documents provide an anticipated construction methodology of the proposed works. It is noted that this is indicative only, and the final methodology will be outlined in a Construction Traffic Management Plan (CTMP) prepared by the contractor. The preliminary construction methodology involves the following

- ◆ The construction phase consists of the following three phases
 - Pump Station construction
 - Rising Main pipeline construction
 - Gravity Main pipeline construction
- ◆ A duration of approximately 30 months

- ◆ Principal construction hours are proposed to be 07:30 to 18:00 hours Monday to Saturday
- ◆ One laydown area and three contractor areas will be established to support the works
- ◆ A total of six Site Access Points (SAP) will provide access into the work areas, as indicated in Figure 2
- ◆ The gravity main pipe across Brigham Creek Road will be constructed using a trenchless method. Previously during the processing of the application an open trenching option on Brigham Creek Road had been considered, but is no longer proposed
- ◆ Based on the programme of key construction activities and their associated number of trucks, the highest total daily and hourly trucks generated by the activities will be up to 72 trucks / day (1-way), or 12 trucks / hour (1-way)
- ◆ The assessment has considered contingencies for access, should the Oyster Capital development works near Spedding Road precede the construction phase. This development is outlined in Section 2.7 of the Assessment of Effects on the Environment.

2.3 Operational phase

During the operational phase of the pump station, it is noted that there will be minimal vehicle movements as there will only be vehicles entering the site (at SAP 1) for maintenance and inspection activities. The application states that this will be one vehicle per week (one in and one out).

The temporary construction access SAP1 will become the permanent access point, but will be narrowed from 15 m to 7 m following construction.

3 MY REVIEW OF TRANSPORT MATTERS

A summary of all the transportation matters raised throughout my review, including Section 92 information requests, is contained in Appendix A. The following subsections summarise the key transport matters raised during my review, which include

- ◆ Brigham Creek Road construction methodology
- ◆ Truck manoeuvring at pump station
- ◆ Vehicle visibility at SAPs and key intersections
- ◆ Vehicle manoeuvring through rising main
- ◆ SAP4 vehicle access

My position is provided for each transport matter.

3.1 Brigham Creek Road construction methodology

During earlier stages of processing the application, the applicant proposed two methods for construction works within the Brigham Creek Road reserve.

- ◆ Trenchless Option - This method will not affect the traffic flows on Brigham Creek Road

- ◆ Open Trenching Option – This option would only be used if the trenchless option fails due to poor ground conditions or underground obstructions. Where the pipe needed to be open cut through Brigham Creek Road the work would be proposed to be completed in half of the road at a time. Therefore, 1-lane 2-way operation on a section of Brigham Creek Road would be required, with active traffic management.

The applicant provided an assessment of the open trenching option, which would have had stop-go traffic management to account for 1-lane movement at a time on Brigham Creek Road, which would have required the closure of the other lane. The applicant assessed the traffic performance of this option, which would have likely occurred during a Christmas period where traffic volumes would be lower.

During my review, I queried the assumptions and traffic modelling assessment for this option. However, I note that the open trenching option on Brigham Creek Road was withdrawn as part of the notified application. Therefore, the trenchless method is the only option proposed. As the open trenching option has been withdrawn, my previous queries have been resolved.

I note that proposed condition DC7 outlines the conditions for open trenching works should it be required. As it is no longer proposed, I recommend this condition is removed.

Outcome: Concerns addressed as open trenching option has been withdrawn. I recommend the following condition is removed, as it is no longer required

~~***Condition xx: If required, open trenching works through Brigham Creek Road will occur during the Christmas Holiday period with 1-lane 2-way operation on Brigham Creek Road***~~

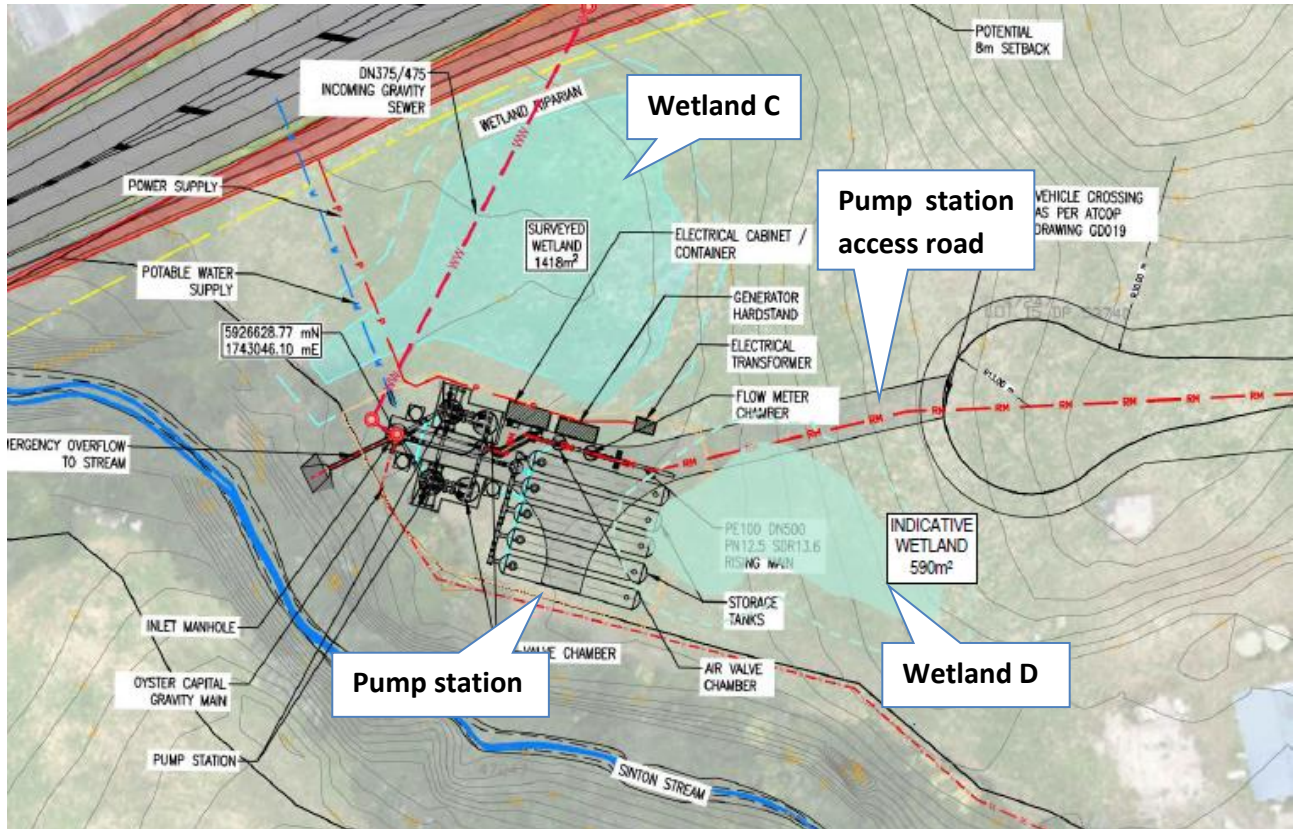
~~***Note: Exemptions to the movement of heavy construction vehicles to and from the site is subject to the requirements of the Corridor Access Request process by the Road Controlling Authority***~~

3.2 Truck manoeuvring at pump station

During my review, I asked the applicant to provide further information for truck manoeuvring at the proposed pump station, to ensure a truck could enter and exit the site in a forward direction. During earlier Section 92 responses, the applicant provided vehicle tracking which demonstrated a large rigid truck could undertake a three point turn within the site, to avoid reversing onto Brigham Creek Road.

As a point to note, the access road for the pump station appears to overlap with Wetland D, as shown in Figure 3. This access road would accommodate truck manoeuvring to service the pump station. This access road would also be permanent, and service the pump station post construction.

Figure 3: Pump station access road and wetlands



Outcome: Concerns addressed as truck manoeuvring as allowed for on-site

3.3 Vehicle visibility and manoeuvring at SAPs and key intersections

I had previously requested further information about providing sight distance drawings at each of the SAPs and key intersections. This was to help understand any visibility constraints for trucks and other vehicles using the access points, or turning at intersections.

The applicant provided this information during Section 92 responses. The applicant noted that there were some constraints in the existing road network which required mitigation. This includes

- ◆ Trig Road / Spedding Road and Spedding Road / Mamari Road, where vegetation may need to be removed to provide adequate sight distance
- ◆ The Traffic Impact Assessment also assessed that possible widening may be required at the Trig Road / Spedding Road intersection

I consider that these recommendations made in the Traffic Impact Assessment have been captured by the proposed condition DC9(c).

Outcome: Concerns addressed and captured in the proposed conditions

3.4 Vehicle manoeuvring through rising main

As part of my review, I asked for the applicant to provide vehicle tracking through the rising main area, which would have a temporary access road provided.

During earlier Section 92 responses, the applicant mentioned that if tracking for a 23 m truck and trailer could not be achieved within the designation boundary at the north and south ends of this access road, the truck may track outside the designation boundary for a minimal section. I was not satisfied with this response, as the designation boundary should facilitate all works that are foreseen, as this would otherwise require access through third party land.

In the most recent Section 92 responses dated 8 March 2024, the applicant did not address my concern by providing vehicle tracking for the temporary access road. Therefore, this matter is outstanding.

Outcome: Matter not addressed. Applicant needs to demonstrate that vehicle tracking through the rising main access road can be achieved within the designation boundary. This can be addressed in evidence

3.5 SAP4 vehicle access

I had raised concerns about vehicle access being provided into SAP4 earlier in my review. Specifically, my concerns were

- ◆ The location of the vehicle crossing, which would potentially not be feasible due to an existing stormwater pond, and being outside the proposed designation boundary
- ◆ Truck tracking into the vehicle crossing, due to conflicts with light posts and other street furniture
- ◆ Truck tracking on Joseph McDonald Drive and Tamiro Road (the route to SAP4 from Brigham Creek Road), due to conflicts with street furniture and a truck using both lanes of the road reserve.

These concerns have largely been addressed in the most recent Section 92 responses dated 8 March 2024. I specifically note that

- ◆ Table 5-1 of the Traffic Impact Assessment provides recommended measures for the CTMP at SAP4. Some of these measures include restricting parking on Joseph McDonald Drive, requiring a spotter, monitoring truck movements, and briefing drivers to undertake specific manoeuvres and travel at slow speeds. I concur with these measures
- ◆ The notified Traffic Impact Assessment provides vehicle tracking in and out of SAP4, which avoids constraints such as the stormwater pond. While there is an existing light post within the designation boundary at the Tamiro Road frontage, the vehicle tracking shows that it can avoid this light post
- ◆ The vehicle tracking provided at 'Location 2' of Appendix C of the Traffic Impact Assessment at the corner of Tamiro Road and Joseph McDonald Drive shows a truck tracking into the kerb. I consider that there is sufficient space in the road to avoid the kerb, but a truck will need to use both lanes when turning. However, I consider that the proposed management measures such as having a spotter will allow this effect to be managed by a CTMP.

While I support the management measures, I note that these are not all included in the proposed designation conditions. I recommend that changes to the conditions are made, to ensure these management measures are implemented.

Outcome: I recommend that the CTMP condition by the applicant is amended as follows (in red), to ensure the recommended measures are implemented

Condition xx: A Construction Traffic Management Plan (CTMP) prepared in consultation with Auckland Transport shall be provided to Auckland Council for certification at least 20 working days prior to commencement of construction. The purpose of the CTMP is to manage the traffic effects during construction so that safe, adequate, and convenient routes for local movements by all transport modes are maintained throughout the construction of the Project. The CTMP shall be prepared in accordance with the Council's requirements for traffic management plans or CTMPs (as applicable) and the Waka Kotahi Code of Practice for Temporary Traffic Management

The CTMP shall be maintained and implemented throughout the entire construction period. The CTMP must be prepared by a suitably qualified person and include:

a. Safety control measures such as fencing, barriers, hoarding and signage;

b. Details of the temporary Site Access Points (SAPs) including:

i. The access for SAP1 at 23-27 Brigham Creek Road as required by Condition DC9

ii. Measures to enable heavy construction vehicles to operate on a left in / left out basis from the entrance to sites at SAP 1 at 23-27 Brigham Creek Road, and SAP 3 at 20-22 Brigham Creek Road

iii. Measures to ensure safe access for heavy vehicles to SAPs such as signage, temporary speed limit zones, spotters, temporary parking restrictions and deceleration lanes.

iv. Measures to repair any damage to the road directly caused by heavy vehicles entering or existing the site within two weeks or within an alternative timeframe agreed with Auckland Transport.

c. Measures to ensure safe turning movements for heavy vehicles using intersections at Trig Road / Spedding Road and Spedding Road / Māmari Road. Measures may include turning restrictions, localised widening, vegetation removal or trimming, use of smaller trucks.

d. Measures to maintain access for residents and visitors along Brigham Creek Road, Spedding Road, and Mamari Road.

e. Measures to inform the public and engage with local residents (specifically Spedding and Mamari Road residents), local businesses, Timatanga Community School and other sensitive receivers.

f. Contact details for appropriate person(s) implementing the CTMP, including after-hours contact details

g. Measures to prevent mud or other excavated material from being dropped on the road by construction vehicles. This should include cleaning facilities within the site and resources for prompt clean up in the event that material is dropped on the road.

Note: The CTMP shall be prepared in accordance with the requirements of the Corridor Access Request to the Road Controlling Authority.

4 MY REVIEW OF SUBMISSIONS

4.1 Submissions

A total of three submissions were received.

- ◆ Spedding Land Company Limited was supportive of the NOR in general and raised no matters related to transport.
- ◆ Cabra Developments Limited and Auckland Transport both raised matters related to transport, and have sought changes to the conditions.

Cabra Developments Limited have sought to restrict right turns for construction vehicles at the Trig Road / Spedding Road intersection. I have discussed this further in Section 4.1.1. In summary, I believe the submitter seeks to restrict left turns instead of right turns, as the left turns may require road widening. I consider that the proposed condition DC9(c) is sufficient to address safe construction vehicle turning movements at the intersection, and provides several options for this to occur.

Auckland Transport raised several matters relating to transport. I support the majority of these matters, and the associated amendments, additions and deletion to the conditions that Auckland Transport have requested. I have no comment on Auckland Transport's request for a new condition on network utilities, as this is not a transport matter.

Details of the submissions and my comments are provided in Table 1 of Appendix B.

4.1.1 Construction right turns at Trig Road / Spedding Road

Cabra Developments Limited are supportive of the NOR and the intention for the applicant to prepare a Construction Traffic Management Plan. In Section 2.7 of their submission, Cabra Developments Limited does not support right hand turns from Trig Road into Spedding Road, given the narrow berm adjacent to their landholding at 90 Trig Road, as this may require tree trimming or localised widening adjacent to or within the property.

The Traffic Impact Assessment has provided the following information for construction vehicles turning at the Trig Road / Spedding Road intersection

- ◆ Appendix B of the Traffic Impact Assessment provides vehicle tracking drawings for construction vehicles at the Trig Road / Spedding Road intersection, replicated in Figure 4 to Figure 6 below

- ◆ Table 4-4 of the Traffic Impact Assessment provides an assessment of these vehicle tracking drawings. The following comments were made in the report
 - *Both semi-trailer and truck & trailer turning left from Spedding Road onto Trig Road will either cut across the inside corner or encroach onto the opposing lane on Trig Road based on the existing road layout, and mitigation measures will be required.*
 - *There should be no issues for both vehicle types turning right from Trig Road onto Spedding Road.*
 - The report suggests some of the following mitigation measures could be adopted for the left turning movement
 - Escort vehicles to allow a semi-trailer to turn at the intersection
 - Widen the Spedding Road approach to allow sufficient turning space to left turn out of Spedding Road without encroaching onto the opposite lane on Trig Road
 - Rerouting of trucks, to avoid left turns. This would involve trucks turning right in and out at the intersection
 - Using smaller truck sizes.

Figure 4: Trig Road / Spedding Road – construction vehicle tracking for right in movement (from applicant’s Traffic Impact Assessment)

Trig Road / Spedding Road Right in

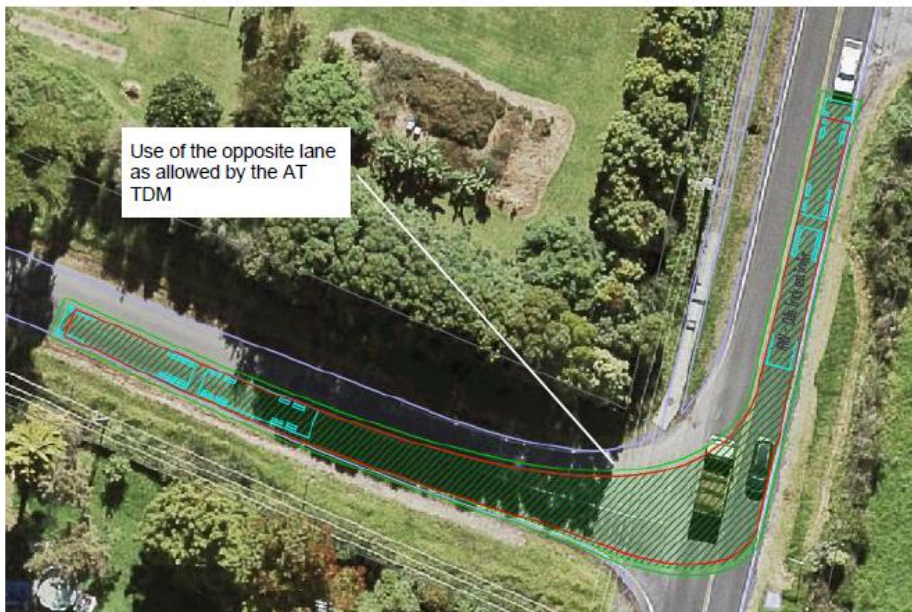


Figure 5: Trig Road / Spedding Road – construction vehicle tracking for left out movement (from applicant’s Traffic Impact Assessment)

Trig Road / Spedding Road Left out (Existing Layout)

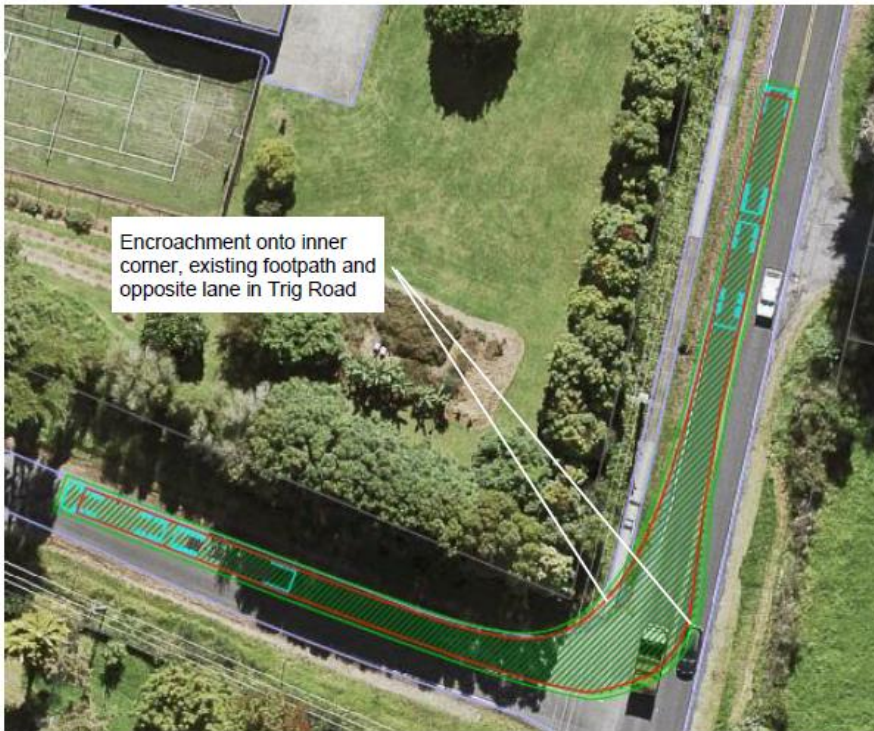
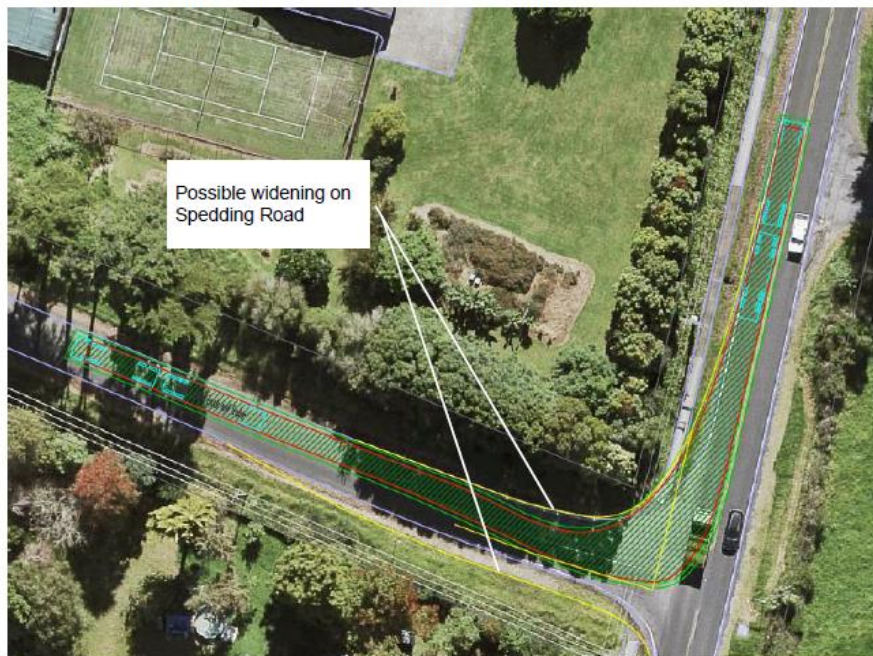


Figure 6: Trig Road / Spedding Road – construction vehicle tracking for left out movement with possible widening (from applicant’s Traffic Impact Assessment)

Trig Road / Spedding Road Left out (Possible Widening)



The submitter stated that they do not support right turns, given it may require localised widening. Based on the assessment provided by the applicant, the right turning movements at the Trig Road / Spedding Road intersection do not require any widening. Instead, it is the left-out movement from Spedding Road

into Trig Road that may require widening, as shown in Figure 5 and Figure 6. I have assumed that the submitter is seeking to restrict these left turns.

In Table 4-4 of the Traffic Impact Assessment, the applicant has provided several options to allow the left turning movements to occur safely. Condition DC9(c) provides the following wording for the CTMP condition. I consider that this condition provides both flexibility and clarity to implement one of these options.

c. Measures to ensure safe turning movements for heavy vehicles using intersections at Trig Road / Spedding Road and Spedding Road / Māmari Road. Measures may include turning restrictions, localised widening, vegetation removal or trimming, use of smaller trucks

The submitter's concern is that accommodating the turning movement may require road widening near their landholding at 90 Trig Road. The possible road widening shown in Figure 6 appears to be fully within the road reserve, and not within the submitter's site.

I consider that Condition DC9(c) is sufficient to address safe turning movements at the Trig Road / Spedding Road intersection, that will be implemented as part of a CTMP.

4.2 Local board feedback

The Upper Harbour Local Board provided the following comments on the NoR:

a) whakarite / provide local board views on the Notice of Requirement lodged by Watercare for Whenuapai Wastewater Servicing Scheme Package 1 as follows:

i) support the overall project as it will enable development of the Whenuapai area enabling housing and jobs

ii) express concern about implications on the wetland and request that any long term changes are beneficial to and enhance the wetland

iii) request that as far as practicable works are coordinated between Watercare, Auckland Transport and New Zealand Transport Agency, e.g Supporting Growth Northwest such that traffic impacts on residents are minimised

iv) request communication on the project and status is actively shared with the community including schools residents and businesses.

v) avoid reverse sensitivity effects on the operations of Whenuapai Air Base.

b) kopou / appoint Chairperson A Atkinson to speak to the Upper Harbour Local Board views at a hearing (if one is held) on the Notice of Requirement, if that is considered necessary by the local board.

c) tautapa / delegate authority to the chairperson of Upper Harbour Local Board to make a replacement appointment in the event the local board member appointed in clause b) is unable to attend the hearing (if one is held).

Of these comments, (a)(iii) is applicable to transport. I consider that Condition DC9 which requires a CTMP will allow the traffic impacts during construction to be managed and impacts on residents will be

minimised as practical. I consider traffic impacts post construction will be minimal. As specified in Condition DC9, this will be prepared in consultation with Auckland Transport.

5 CONCLUSIONS AND RECOMMENDATIONS

In summary, I conclude the following for transport matters

- ◆ The applicant has largely addressed the outstanding matters that were raised during the Section 92 stage
- ◆ There is one outstanding matter, regarding providing an assessment of vehicle tracking through the rising main temporary access road, to ensure that manoeuvring can be undertaken within the designation boundary. This can be addressed by the applicant in evidence
- ◆ I consider that minor amendments to the conditions are required, to manage transport effects during construction. This includes making a minor change to the CTMP condition, and removing the redundant condition that refers to the discarded open trenching option on Brigham Creek Road
- ◆ Submissions from Cabra Developments Limited and Auckland Transport raised comments relating to transport
 - Cabra Developments Limited have sought to restrict right turns for construction vehicles at the Trig Road / Spedding Road intersection. In summary, I believe the submitter seeks to restrict left turns instead of right turns, as the left turns may require road widening. I consider that the proposed condition DC9(c) is sufficient to address safe construction vehicle turning movements at the intersection, and provides several options for this to occur
 - Auckland Transport raised several matters relating to transport. I support all of these matters, and the associated amendments, additions and deletion to the conditions that Auckland Transport have requested
- ◆ I support the NOR subject to my recommended amendments to the conditions, and the applicant addressing the outstanding matter of vehicle tracking through the rising main access road. Subject to these matters, I consider that transport effects can be adequately managed.

APPENDIX A

Section 92 review report

PROJECT	ACXX439: WATERCARE NOTICE OF REQUIREMENT – WHENUAPAI WASTEWATER SERVICING SCHEME PACKAGE 1
SUBJECT	SECTION 92 INFORMATION REQUESTS
TO	TODD ELDER
FROM	HARRY SHEPHERD AND SAGAR MALAKAPPA
DATE	30 JANUARY 2024

1 SUMMARY

Auckland Council (Council) has commissioned Flow Transportation Specialists (Flow) to review the traffic and transportation matters associated with an application for a Notice of Requirement (NoR) lodged by Watercare Services Limited. The NoR seeks to establish a new designation for the construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 (Proposal), which is part of a wider programme of work referred to as Whenuapai-Redhills Wastewater Servicing Scheme. The Proposal includes a gravity main, underground pump station, rising main and associated infrastructure at Brigham Creek Road.

In short, the Proposal seeks to provide additional capacity in the wastewater network to support growth and development of the Whenuapai-Redhills catchment.

We previously provided an initial review of the application documents and request for information responses on 9 November 2023. The applicant provided responses to these requests on 19 January 2024.

We consider that the applicant has not resolved the matters raised in our previous report, and that additional information is required to demonstrate that the proposed NoR can be allowed without risking the safe and efficient operation of the transport network.

Appendix A provides Flow’s previous information requests, along with the applicant’s responses. We have assessed the applicant’s responses and identified several remaining information requests.

In summary, these additional information requests are as follows:

- ◆ **Information request 1(ii):** Please provide updated SIDRA movement summary results that correspond to the cycle times provided in the phase summary outputs.
- ◆ **Information request 5(ii):** Please provide indicative vehicle tracking of the temporary access road near the rising main, to demonstrate it is feasible for all tracking to be undertaken within the designation boundary.
- ◆ **Information request 6(ii):** Please provide vehicle tracking for SAP4, that demonstrates that access can be provided within the designation boundary. Please demonstrate how an internal access

road near SAP4 can facilitate vehicle manoeuvring and allow a truck to enter and exit onto Tamiro Road in a forward direction.

- ◆ **Further request 7(i):** Please provide an updated set of vehicle tracking drawings for truck movements travelling from Brigham Creek Road into the SAP 4 access. Please show inbound and outbound truck movements, whilst avoiding street furniture such as trees.

2 INTRODUCTION

Auckland Council (Council) has commissioned Flow Transportation Specialists (Flow) to review the traffic and transportation matters associated with an application for a Notice of Requirement (NoR) lodged by Watercare Services Limited. The NoR seeks to establish a new designation for the construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 (Proposal), which is part of a wider programme of work referred to as Whenuapai-Redhills Wastewater Servicing Scheme. The Proposal includes a gravity main, underground pump station, rising main and associated infrastructure at Brigham Creek Road.

We have not engaged with Auckland Transport, and we assume that Auckland Transport will review and comment on all permanent structures/assets within the legal road (such as the Sinton Stream culvert and pipe crossing of Brigham Creek Road).

This technical note includes a summary of the proposal, the transport issues we have identified in our review, and an outline of any requests for further information related to transport matters only.

3 PROPOSAL SUMMARY

The Whenuapai-Redhills Wastewater Servicing Scheme has been developed to deliver upgrades to the wastewater infrastructure network in Whenuapai (and nearby Redhills). The project is in response to the projected growth and development in the Whenuapai-Redhills catchment.

As shown in Figure 1, the Proposal includes the following five key components:

- ◆ A **Pump Station** at 23A Brigham Creek Road
- ◆ A **Gravity Main Pipeline** between the existing Whenuapai Village Pump Station on Tamiro Road and the new pump station
- ◆ A **Rising Main** between the new pump station and a proposed new break pressure chamber on Mamari Road
- ◆ A **Culvert** to provide access for the rising main across Sinton Stream
- ◆ A **Break Pressure Chamber** located on the corner of Mamari and Spedding Roads (proposed a subsequent package – Package 2).

The Proposal extends from the existing Whenuapai Village pump station site in Tamiro Road in the north, across Brigham Creek Road, to Spedding Road in the south. It includes three large contractor areas for staff parking, stockpiling, materials storage and space for truck turnaround. A total of six Site Access Points (SAP) are proposed which provide vehicle access to the work sites as indicated on Figure 1.

The application documents provide an anticipated construction methodology of the proposed works. It is noted that this is indicative only, and the final methodology will be subject to a contractor being appointed. The preliminary construction methodology involves the following

- ◆ A duration of approximately 30 months
- ◆ Principal construction hours would be 07:30 to 18:00 hours Monday to Saturday. Night works may be required as a contingency measure for construction of the pipeline under Brigham Creek Road, if open trenching is required
- ◆ Establishment of one laydown area and three contractor areas.
- ◆ A total of six Site Access Points (SAP) will provide access into the work areas, as indicated in Figure 1
- ◆ The construction phase consists of the following three phases
 - Pump Station construction
 - Rising Main pipeline construction
 - Gravity Main pipeline construction
- ◆ There are two methods to construct the gravity main pipe across Brigham Creek Road:
 - Trenchless Option (Preferred) - This is the preferred option; however, the ground conditions do present some risk. This method will not affect the traffic flow on Brigham Creek Road.
 - Open Trenching Option – This option will only be used if the trenchless option fails due to poor ground conditions or underground obstructions. Where the pipe needed to be opencut through Brigham Creek Road the work will be proposed to be completed in half of the road at a time. Therefore, 1-lane 2-way operation on a section of Brigham Creek Road will be required.
- ◆ Based on the programme of key construction activities and their associated number of trucks, the highest total daily and hourly trucks generated by the activities will be up to 72 trucks / day (1-way), or 12 trucks / hour (1-way)

During the operational phase of the pump station, it is noted that there will be minimal vehicle movements as there will only be vehicles entering the site (at SAP 1) for maintenance and inspection activities. The application states that this will be one vehicle per week (one in and one out).

Figure 1: Proposal overview



4 REMAINING ISSUES

Appendix A provides Flow's previous information requests, along with the applicant's responses. We have assessed the applicant's responses, and identified several remaining information requests.

We consider that the applicant has not resolved the matters raised in our previous report, and that additional information is required to demonstrate that the proposed NoR can be allowed without risking the safe and efficient operation of the transport network.

Reference: P:\ACXX\439 Watercare NoR Whenuapai Wastewater Servicing Scheme\4.0 Reporting\TN3A240130 - Transport Specialist Review (s92).docx – Harry Shepherd

APPENDIX A

Previous RFI responses and commentary

Table 1: Original requests for information and responses

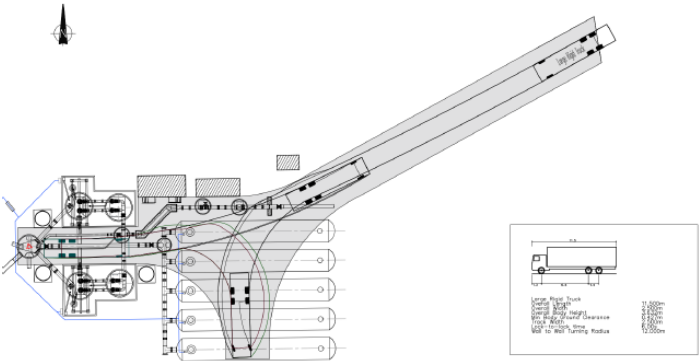
Flow Request for Information (9/11/2023)	Applicant Response (19/01/2024)	Flow Comment (30/01/2024)	Status (30/01/2024)
1. Please provide further detail on the parameters used/assumptions made on the stop-go operation on SIDRA and the phasing summary of the SIDRA outputs	Attachment 2 provides the phasing summaries for the NORMAL and CHRISTMAS scenarios for the stop-go operation. We allowed for a maximum of 150secs for the 'Practical Cycle Time' setting to run the model. A yellow time setting of 2 seconds and all-red time setting of 15 seconds was input based on the length of the stop-go operation.	The applicant has provided the phasing summary as requested. They have modelled a 'normal traffic' scenario with 70 second cycle time and a 'Christmas traffic' scenario with 60 seconds. This is different to the results in the appendix of the TIA, which have cycle times of 120 seconds and 90 seconds. This means that the phasing summary results do not align with the movement summary results provided in the TIA. The applicant needs to provide phasing summary and movement summary outputs that are consistent, so the effects on Brigham Creek Road can be understood.	Matter not resolved. Further request 1(ii): Please provide updated SIDRA movement summary results that correspond to the cycle times provided in the phase summary outputs.
2. Please provide further detail on the duration of construction works if an open trenching construction method is used for the pipeline underneath Brigham Creek Road	Installing the pipeline underneath Brigham Creek Road is anticipated to take approximately 2 weeks, including 1 week to install the pipeline, and 1 week to resurface and reinstate the carriageway. It is noted that the final road resurfacing and reinstatement works are dependent on weather conditions. In the event of poor weather, additional time may be required. As shown by the modelling, works of approximately 2 weeks in duration over the period between the beginning of the last week of December and the end of the third week of January will have acceptable effects. The exact timing of the proposed works will be subject to Auckland Transport approval.	We are satisfied with the information provided. The anticipated construction duration of 2 weeks means that the open trenching option could be scheduled during quiet Christmas/holiday periods.	Matter resolved.
3. Please demonstrate how a rigid truck can turn around at the pump station to exit the site in a forward direction	Vehicle tracking for an 11.5m rigid truck is provided in Drawing 2013646.007 Site Roading – Large Rigid Truck Vehicle Turning (refer to Appendix A to the AEE and Figure 1 below). The drawing shows an 11.5m rigid truck can complete a 3 point turn within the sealed areas above the pump station, and exit the site in a forward direction.  <small>Figure 1. Snip from 'Site Roading – Large Rigid Truck Vehicle Turning' (Drawing 2013646.007, WSP GHD, Appendix A to the AEE).</small>	We are satisfied with the information provided. The vehicle tracking shows that a truck can enter and exit the pump station in a forwards direction.	Matter resolved.
4. Please provide sight distance drawings at each of the SAPs and key intersections identified. The visibility assessment should consider both the horizontal and vertical alignment.	High-level detail for each of the access sites has been provided in Section 5 of the Transport Impact Assessment. Most of the changes required involve vegetation removal along property boundaries or temporary speed management to reduce the required sight distance where other measures are not possible.	We are satisfied with the information provided. The removal of vegetation can be confirmed on site. We note that vegetation trimming and/or removal is covered under Condition DC8 for the Construction Traffic Management Plan.	Matter resolved.

Table 1: Original requests for information and responses


Flow Request for Information (9/11/2023)	Applicant Response (19/01/2024)	Flow Comment (30/01/2024)	Status (30/01/2024)
	<p>SAP 4 does not meet the requirements for the sight distance given its location in a medium density residential development and is a low volume type road. However, this is considered acceptable because:</p> <p>SAP 4 is located at a corner, which means actual vehicle speeds at the SAP location are likely to be significantly lower than the posted speed limit.</p> <ul style="list-style-type: none"> • As a low volume road, Tamiro Road is for residential access only with no through function (no exit). • SAP 4 is not expected to have a large number of vehicle movements so conflicts are unlikely. • It is also not expected that SAP4 will have large trucks entering or exiting, as set out in Table 3-2 of the TIA, so there is no need to cross the centreline here, thereby avoiding potential conflicts with oncoming vehicles. • In addition, notifying local residents of the proposed vehicle movements and providing appropriate signage will mean there is low risk of conflict between vehicles in the area surrounding SAP 4. <p>For the two intersections where visibility is obstructed (Trig Rd / Spedding Road, Spedding Rd / Mamari Rd) the following figures show what vegetation may need to be removed to provide the adequate sight distance. For Figure 2, Figure 4 and Figure 5 the black lines are the measures for the sight distance calculations and the area between the long black line and orange indicates what is expected to be cleared in order to provide adequate sight distance. For the purposes of clarity, trimming, alteration, or removal of trees on roads adjoining the future urban zone is a permitted activity under Rule E26.4.3.1 of the AUP.</p> <p>The aerial photographs below do not show the extent of vegetation removal required and it will only be clear once on-site what is required to be removed to meet the sight distance requirements. These issues will be addressed as part of the Construction Traffic Management Plans which is required under Condition DC8, and which will be completed before construction begins.</p>  <p><small>Figure 1: Sight distance north at the Trig Rd / Spedding Rd intersection (sight distance calculation lines in black, vegetation clearance extent between black and orange lines)</small></p>		

Table 1: Original requests for information and responses



Flow Request for Information (9/11/2023)	Applicant Response (19/01/2024)	Flow Comment (30/01/2024)	Status (30/01/2024)
	 <p>Figure 2: Sight distance south at the Trig Rd / Speeding Rd intersection (sight distance calculation lines in black, vegetation clearance extent between black and orange lines)</p>  <p>Figure 3: Sight distance west at the Speeding Rd / Mamari Rd intersection (sight distance calculation lines in black, vegetation clearance extent between black and orange lines)</p>		
<p>5. Please demonstrate vehicle manoeuvring through the rising main temporary access road using a truck and trailer</p>	<p>Please note that the aqua line on Figure 5 below is the location of the rising main, rather than the access road. The rising main access road will be located predominantly within the designation. If manoeuvring of the 23m truck and trailer cannot be achieved within the boundary of the designation at the northern and southern ends, the access road may track outside the designation for a minimal section</p>	<p>Further assessment is needed to demonstrate that a 23m truck and trailer can manoeuvre within the designation boundary, particularly at the northern end where there is an existing house immediately adjacent to the boundary. The applicant has not provided vehicle tracking as requested.</p> <p>The applicant's response indicates that tracking may occur outside the designation boundary for a minimal section. We consider that this is not acceptable, as the designation boundary needs to accommodate all works and vehicle tracking.</p> <p>While the layout for the access road is not confirmed at this stage, vehicle tracking should show it is feasible for a truck to turn at the north end bend (near the Contractor Area Hub) and the south end bend (near Spedding Road).</p>	<p>Matter not resolved.</p> <p>Further request 5(ii): Please provide indicative vehicle tracking of the temporary access road near the rising main, to demonstrate it is feasible for all tracking to be undertaken within the designation boundary.</p>

Table 1: Original requests for information and responses




Flow Request for Information (9/11/2023)	Applicant Response (19/01/2024)	Flow Comment (30/01/2024)	Status (30/01/2024)
	 <p>Figure 5: Rising main</p>		
<p>6. Please outline how vehicle access into SAP 4 from Tamiro Road can be provided, while avoiding the stormwater pond and road infrastructure such as light poles. Please demonstrate a truck can enter and exit through this access in a forward direction</p>	<p>Traffic assessment on SAP 4 was based on the assumption that it will not be using the existing vehicle crossing that accesses an existing maintenance facility. Other key assumptions at the time was that a new vehicle crossing would be constructed adjacent to the existing one and a corresponding internal vehicle path constructed also. Details of this internal vehicle path was assumed to have flexibility to be accommodated to suit within the property and therefore internal tracking was not carried out at the time of the assessment – we were advised at the time that a vehicle would have sufficient space to turn around and exit in a forward direction. The vehicle tracking into the actual site (SAP4) was therefore mainly to validate that a right turn into the site was feasible with final confirmation of location to be determined. That said, location 1 as shown in Figure 6 below has the light pole and planting that would likely be affected at that specific location. Another potential location marked '2' in Figure 7 below would be able to replicate the same tracking parameters.</p>  <p>Figure 6: vehicle tracking into SAP4</p>	<p>The applicant needs to demonstrate that vehicle tracking can occur within the designation boundary, and also avoid constraints such as the stormwater pond.</p> <ul style="list-style-type: none"> The applicant’s response provides two possible locations for SAP4, as shown in the diagram provided. We note that these accesses are outside the designation boundary, which is not permitted. These access locations would also likely interfere with the stormwater pond west of Tamiro Road. The applicant has not provided evidence that an access road could be formed here without avoiding this constraint. <p>The applicant also needs to show an indicative internal access road, as the formation of this access will impact on manoeuvring to and from Tamiro Road.</p> <ul style="list-style-type: none"> The response mentions that they were advised that there would be sufficient space to turn around within the site and exit in a forwards direction, but evidence is not provided to support this. If the access road is not oriented 90 degrees to the vehicle crossing on Tamiro Road, this will change the vehicle tracking that was shown in the TIA. 	<p>Matter not resolved.</p> <p>Further request 6(ii): Please provide vehicle tracking for SAP4, that demonstrates that access can be provided within the designation boundary. Please demonstrate how an internal access road near SAP4 can facilitate vehicle manoeuvring and allow a truck to enter and exit Tamiro Road in a forwards direction.</p>

Table 1: Original requests for information and responses

Flow Request for Information (9/11/2023)	Applicant Response (19/01/2024)	Flow Comment (30/01/2024)	Status (30/01/2024)
	 <p data-bbox="706 722 1047 741"><i>Figure 7: Potential vehicle entrance points for SAP4.</i></p>		
<p>7. Please provide an updated set of vehicle tracking drawings for truck movements travelling from Brigham Creek Road into the SAP 4 access. Please show inbound and outbound truck movements, whilst avoiding street furniture such as trees</p>	<p>No response provided <i>We note that this may have been due to request #6 being copied twice in the summary of our previous review</i></p>	<p>This request needs to be resubmitted to understand whether a truck can sufficiently access SAP4. Appendix D of the TIA provides vehicle tracking of a truck turning into the SAP4 access on Tamiro Road and Joseph McDonald Drive. The tracking currently shows inbound movements only, and not outbound movements. The tracking shows that a body of a truck will hit a tree near the SAP4 access on Tamiro Road. We note that the tracking is difficult to view as it is provided in a series of screenshots. Furthermore, the Brigham Creek Road / Joseph McDonald Drive intersection is not included.</p>	<p>Matter not resolved. Further request 7(i): Please provide an updated set of vehicle tracking drawings for truck movements travelling from Brigham Creek Road into the SAP 4 access. Please show inbound and outbound truck movements, whilst avoiding street furniture such as trees.</p>



APPENDIX B

Submission summary



Table 1: Submission summary and commentary

Issue	Summary of submission	Flow comment
Spedding Land Company		
	Supportive of the designation and no specific transport comments	
Cabra Developments Limited		
Construction Traffic Management Plan - right turns during construction	Seeks to restrict right turns from Trig Road into Spedding Road during construction, as this may require tree trimming or localised road widening near their landholding	Refer to my discussion in Section 4.1.1 I have assumed that the applicant wants to restrict left turning movements instead of right turning movements, as it is the left turning movements which would trigger possible widening I consider that Condition DC9(c) is sufficient to provide several options for safe turning movements for construction vehicles at the Trig Road / Spedding Road intersection Therefore, I consider no changes to the conditions are required to respond to this point
90 Trig Road access	Supports Condition DC9(d) to provide measures to maintain access along Brigham Creek Road, Spedding Road and Mamari Road. Notes that their landholding at 90 Trig Road has access from Spedding Road	The current condition wording provides for measures to maintain access to 90 Trig Road via Spedding
Auckland Transport		
Proposed condition DC4	Supports Condition DC4 which specifies the requiring authority consults with Auckland Transport for removing any areas of designated land within the road reserve that are no longer required	No changes sought by the submitter, no further comments required
Proposed conditions DC6(b) and DC7, Work hours	Seeks deletion of condition DC7 for the discarded open trenching option	I support also this, as I have outlined in Section 3.1
Proposed condition DC9, Construction Traffic Management Plan	Supports the requirement of a CTMP and seeks amendments to ensure clarity and to recognise the need to manage the movement of heavy construction vehicles in and out of SAP 4	I support all of the requested amendments. I note that there is overlap with my recommendations in Section 3.5
Proposed condition DC10 to DC12, Site access at 23-27 Brigham Creek Road	Supports the conditions relating to site access at 23-27 Brigham Creek Road but seeks amendments to ensure correct terminology is used Seeks a new condition to be included to cover the permanent accessway to the pump station provided by the extension of Spedding Road as part of Oyster Capital Private Plan Change 69	I support the changes to condition DC10 for terminology I also support the new condition proposed by Auckland Transport
Network Utilities, new condition	Seeks a new condition to clarify Auckland Transport's position as road controlling authority to not needing to seek the Requiring Authority's written approval under s176(1)(b) of the RMA to undertake works no closer than 500mm to any below infrastructure or pipes. Such a condition will facilitate AT undertaking routine construction, operation and maintenance of its assets without putting at risk the Watercare asset	Does not address transport matters

Technical Specialist Memo

To: Todd Elder, Senior Policy Planner
From: Rhys Caldwell – Auckland Council Specialist Arborist
Date: 25 June 2024

Subject: **Whenuapai Wastewater Servicing Scheme Package 1
Arboricultural Assessment**

1.0 Introduction

- 1.1 I have undertaken a review, on behalf of Auckland Council, of Notices of Requirement (**NoR**) lodged by Watercare Services Limited, in relation to arboricultural effects.
- 1.2 In writing this memo, I have reviewed the arboricultural assessment titled Whenuapai Redhills: Package 1 Project by Arborlab Limited, dated August 2022.

Qualifications and Experience

- 1.3 My name is Rhys Edward Caldwell, and I am a Specialist Arborist in the Earth, Streams and Trees Specialist Unit at Auckland Council. My qualifications include a Trade Certificate in Amenity Horticulture (1993) and an Advanced Certificate in Arboricultural (2014).
- 1.4 My current role at Auckland Council is to provide reports and recommendations to Council Planners for land use applications that involve protected trees, peer review and determine resource consent applications that solely concern protected trees, provide specialist advice on major infrastructure projects, outline plans of works, and notices of requirement, and to prepare reports and technical memoranda as an arboricultural expert.

Involvement with North NOR's

- 1.5 I was engaged by Auckland Council on 2nd November 2022 to review the NoR to determine whether the information provided was sufficiently detailed and accurate to understand the arboricultural effects of the proposal.

Expert Witness Code of Conduct

- 1.6 I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it. I can confirm that the issues addressed in this Memo are within my area of expertise and that in preparing this Memo I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Key Arboricultural Issues

- 2.1 The Notice of Requirements referred to in the arboricultural effects assessment will require the removal of a total of ninety-seven (97) protected trees and works within the protected root zone of forty-seven (47) protected trees. A total of one-hundred and forty-four (144) protected trees are implicated by the proposal.

3.0 Requiring Authority Assessment

- 3.1 Appendix A of the arboricultural assessment by Arborlab Limited is a proposed “Tree Protection Method” for the NoR, which will identify any protected trees, confirm the construction methods and impacts on each tree, and detail methods for all work within the root zone of trees that are to be retained. The recommendations within Appendix A have not be specifically referred to the conditions proposed by the applicant, with only a reference to the arboricultural assessment in the general condition DC1.
- 3.2 The Applicant has offered to undertake replanting as mitigation for the proposed tree removals within public land and riparian ,margins with a ratio of 1:1.5, with the arboricultural assessment stating that a total of three-hundred and ten (310) trees will be planted. This is proposed by the applicant as a condition and is referred to in condition DC20.

4.0 Submissions Relevant to Arboriculture

- 4.1 There are no submissions relevant to arboriculture.

5.0 Conclusions and Recommendations

- 5.1 I agree that where possible the removal of trees should be kept to a minimum. The adherence with the proposed “Tree Protection Method” within the arboricultural assessment by Arborlab Limited, should be sufficient to manage the impact upon the protected root zone of the trees being retained and protected.
- 5.2 I recommend that a specific condition is added that confirms that trees to be retained are protected, including any works within the protected root zone, is undertaken in accordance with Appendix A: “Tree Protection Method” within the arboricultural assessment by Arborlab Limited, dated August 2022.
- 5.3 I am able to support the proposal provided that the trees to be retained are protected in accordance with the proposed Appendix A: “Tree Protection Method”, and that replacement planting will be undertake at a ratio of 1:1.5.



Rhys Caldwell
Specialist – Arborist
Earth, Streams and Trees Specialist Unit
Planning and Resource Consents
Auckland Council

25 June 2024

Memo (technical specialist report to contribute towards Council's section 42A hearing report)

June 2024

To: Todd Elder, Senior Policy Planner, Plans and Places
From: Lee Te, Senior Healthy Waters Specialist, Healthy Waters

Subject: Notice of Requirement for Whenuapai Wastewater Servicing Scheme Package 1 - Watercare Services Limited – Flooding Assessment

1.0 Introduction

- 1.1 I have undertaken a review of the Notice of Requirement (NoR) lodged by Watercare Services Limited, on behalf of Auckland Council in relation to district matters for flood effects. The NoR is for a new designation for public work to allow for the construction, the operation, and the maintenance of new wastewater infrastructure (including a new pump station, rising main, gravity main and auxiliary works) in Whenuapai.
- 1.2 I hold a Master of Urban Planning (Professional) and Urban Design (Hons) from the University of Auckland. I am an intermediate member of the New Zealand Planning Institute. I have worked as a planner since 2019. I am a Senior Healthy Waters Specialist in the resource management team of Auckland Council Healthy Waters. I provide Healthy Waters input into plan changes and notices of requirements. This memo was written by myself and includes input from Carmel O'Sullivan. Ms O'Sullivan is a Senior Healthy Waters Specialist in the catchment planning team of Auckland Council Healthy Waters. Ms O'Sullivan holds a Bachelor of Engineering from Cork Institute of Technology (Ireland) and has been a Chartered Engineer since 2006. Ms O'Sullivan manages the Whenuapai stormwater catchment.
- 1.2 In writing this memo, I have reviewed the following documents:
- Assessment of Effects on the Environment
 - Appendix A – Design Drawings (1 to 2)
 - Appendix B – Designation Boundary (1 to 3)
 - Appendix I – Assessment of Alternatives
 - Appendix K – Revised Conditions
 - Appendix L – District Matters and permitted Activities
 - Appendix Q – Functional Need memorandum September 2023

2.0 Key Flooding Issues

- 2.1 Potential flood effects during construction and operation of the wastewater infrastructure.

3.0 Requiring Authority Assessment

- 3.1 The Assessment of Environmental Effects (AEE) outlined that additional wastewater infrastructure is required to support the population growth in Whenuapai. The NoR

seeks to designate 90,180m² of land for public works; being the construction, the operation, and the maintenance of new wastewater infrastructure (including a new pump station, rising main, gravity main, culvert, and a new break pressure chamber) within Whenuapai. See Figure 1 below for details of the project.



Figure 1. The Project – Location and Project overview

Figure 1. The proposed wastewater infrastructure project and location, source AEE by Beca, 8 March 2024

- 3.2 The proposed wastewater infrastructure will occupy multiple sites. The areas are zoned Future Urban and Business – Light Industry Zone. The sites also include two permanent streams (Slaughterhouse Stream and Sinton Stream) and three natural wetlands. The main land use activities on the sites are rural activities. Part of the gravity main will be located under an Auckland Council stormwater pond embankment at Tamiro Road, this was discussed with Healthy Waters. The alignment of the gravity main will follow along the edge of the Slaughterhouse Stream, crossing underneath Bringham Creek Road and through Wetland C, to connect to the pump station, see Figure 1. The pump station will be located at 23A Bringham Creek Road, near Sinton Stream and two wetlands (Wetland C and Wetland D, see Figure 1). An emergency outfall structure discharging to Sinton Stream is proposed. **The rising main will cross the Sinton Stream and will go through part of Wetland D, and will be close to Wetland C and Wetland A.** The culvert will be in the Sinton Stream, and the underground break pressure chamber will be located at 32 Mamari Road, see Figure 1. After construction, the work site will be landscaped and planted where required, and any changes to ground condition associated with the works will be reinstated.
- 3.3 The AEE noted that Oyster Capital Limited has sought resource consent to extend Spedding Road to Bringham Creek Road, the culvert proposed in Sinton Stream will be part of this new road extension. The AEE stated that it is assumed that the rising main will be constructed before the road and that the most practicable option is for Watercare to construct the culvert as part of the proposed project.

- 3.4 The construction methodology outlined in the AEE included identifying suitable contractor areas, which provide vehicle access, areas for staff amenities, stockpiling and material storage, and vehicle parking. It was noted that erosion and sediment control will be installed in accordance with the Erosion and Sediment Control Plan (ESCP).
- 3.5 Overland flow paths and floodplains were identified for the proposed location of the wastewater infrastructure in Table 4 of the AEE. The AEE stated that the gravity main location was chosen *“to avoid the riparian yard of the stream, be located outside the flood plain, and minimise impacts on the stormwater embankment”*. The Assessment of Alternative discounted options for sites that were subject to floodplains.
- 3.6 A memorandum dated September 2023 was provided on the functional need for the proposed wastewater infrastructure to be located **within natural** wetlands and streams under the National Environmental Standards for Freshwater. The memorandum outlined that the proposed wastewater infrastructure is part of Watercare’s long-term servicing strategy for the northwest catchments. It was noted that gravity main and pump stations are required to be located at the lowest part of the catchment to enable wastewater to flow through the gravity pipework, reducing the amount of pumping required, and that wetlands and streams are naturally at the lowest part of the catchment, and an emergency outfall is required into a stream. The proposed locations also resulted in the minimisation of the length of the rising main and the minimisation of works required to the streams.
- 3.7 The AEE concluded that overall, there will be some permanent and temporary adverse effects during the construction of the project, however conditions relating to management plans, monitoring activities and re-planting have been proposed to manage these effects, and resource consents for regional matters will be sought where required.

4.0 Healthy Waters Assessment

- 4.1 Figure 2 below shows the floodplains, overland flow paths, and the permanent streams that are located within the proposed NoR boundary for the proposed wastewater infrastructure. The proposed NoR is in the Whenuapai Stormwater Catchment. Any stormwater generated will discharge to the Slaughterhouse Stream or Sinton Stream, and then into the Waitemata Harbour.

Commented [TE1]: Can you have a look at Appendix Q in terms of Wetland D - does this avoid a flood area?



Commented [LT2R1]:

Commented [LT3R1]: Hi Todd, no flood plain at the pump station site?

Commented [TE4]: Can you please provide a concluding comment if you consider the assessment to be sound?

Commented [LT5R4]: Is 4.4 alright? as section 3.0 is an outline for Watercare’s assessment.

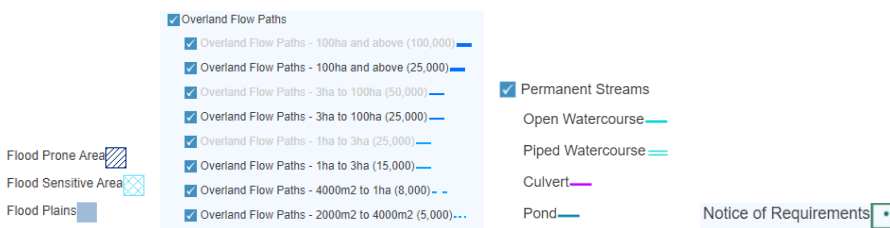


Figure 2. Permanent Stream, overland flow paths, flood prone, flood sensitive, floodplains, NoR and contours and surrounding environment for the proposed NoR for wastewater infrastructure in Whenuapai, Auckland Council GeoMaps, June 2024

4.2 The northern part of the gravity pipe will be located in or close to the floodplain associated with the Slaughterhouse Stream and the rising main transverses some overland flow paths, see Figure 2. There may be temporary effects on the floodplains and overland flow paths during construction, however, this will be managed by the Construction Environment Management Plan (CEMP) to ensure flood hazards effects are managed and ESCP to ensure the streams are protected. However, there are no specific references to flood hazards in the CEMP, as a result, I have made recommendations to the CEMP condition (DC8) to specifically include details to manage flood effects. As noted in the AEE the gravity pipe will also affect the Auckland Council stormwater pond embankment at Tamiro Road, this stormwater pond is used for

Whenuapai 1 Precinct and is managed by Healthy Waters. It is important any works required by Healthy Waters to ensure the ongoing function and maintenance of the stormwater pond can be carried out efficiently, therefore, I have recommended a condition to allow works by Healthy Waters within the proposed designation boundary without the requirement for a section 176 consent.

- 4.3 The sites for the pump station and break pressure chamber are not subject to any floodplains or overland flow paths based on Auckland Council GeoMaps dated June 2024. The emergency outfall and the culvert in Sinton Stream will be assessed for resource consent under regional matters for discharge and activities in the stream. The contractor areas are not in flood hazard areas. Following the completion of construction, I understand changes to ground conditions associated with the works will be reinstated, ensuring the conveyance function of the floodplains and overland flow paths is maintained.
- 4.4 Figure 2 shows the flood hazard areas and Figure 1 shows the existing land uses within the proposed NoR boundary. The areas are zoned Future Urban and Business – Light Industry Zone, with predominantly rural activities. There are no residential properties within flood hazard areas within proximity to the project, and based on the information submitted, it is considered unlikely that the proposed wastewater infrastructure project will impact floodplains and overland flow paths (Auckland Council GeoMaps, June 2024).

5.0 Submissions

No submissions raised concerns about flooding effects.

6.0 Conditions

- 6.1 I have reviewed the proposed conditions and make the following recommendations. Underlined are the recommended changes.

Construction and Environmental Management Plan

DC8

- d. Measures to control sediment run-off and dust from the works;
- g. Environmental incident, emergency management, flood hazard management, and spill contingency plan;
- x. Measures to mitigate any changes to floodplains and overland flow paths to maintain functions, minimise obstruction to flood flows, actions to respond to warnings of heavy rain;

Network Utilities

DC3X. Healthy Waters will not require written consent under section 176 of the RMA for any works within the designation.

7.0 Statutory Considerations

- 7.1 The AEE addressed matters in the Auckland Unitary Plan - Operative in Part (AUP-OP) related to flooding. It included addressing matters in chapter B10 Nga tupono ki te taiao – Environmental risk, it stated that the location of gravity main and pump station were located outside the floodplains to manage risk from natural hazards. The AEE included chapter E36 – Natural hazards and flooding, however, it addressed land instability and there were no comments on flooding.
- 7.2 The objectives and policies of Chapter B10 Nga tupono ki te taiao – Environmental risk have been addressed as the proposal for the wastewater infrastructure has taken into consideration the effects of natural hazards and climate change on new infrastructure, by selecting appropriate sites for the project, utilising appropriate design and including conditions to manage environmental effects, including flooding effects. This ensures the function of floodplains and the conveyance function of overland flow paths are maintained during construction and operation. There are no new or increased flooding risks to people, property, and infrastructure.
- 7.3 The objectives and policies of Chapter E36 Natural hazards and flooding have not been addressed directly for flooding under E36 however, the risk of adverse effects from flooding to people, property, infrastructure and the environment from the proposed wastewater infrastructure has been identified and addressed in other sections of the AEE. The conveyance function of floodplains and overland flow paths are safely maintained as the location, design, and conditions have considered the effects of flooding. This also ensures adverse effects from flood hazards to other properties upstream or downstream of the sites are not increased.

8.0 Conclusions and Recommendations

- 8.1 Overall, I consider that the flood effects can be appropriately managed for the wastewater infrastructure project and the project is consistent with the matters in the AUP-OP related to flooding. I support the need for the NoR lodge by Watercare Services Limited for Whenuapai Wastewater Servicing Scheme Package 1, subject to the recommended modification to conditions.

ATTACHMENT D
COPY OF SUBMISSIONS

18 April 2024

To: Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142
Attn: Planning Technician

Submission on a Notice of Requirement for a Designation

Submitter Details

Name of Submitter: Spedding Land Company Limited (“SLC”)

1. SLC makes this submission on a new designation for the construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 Project (“NoR”). The NoR represents the first stage of wider works required to deliver the necessary wastewater infrastructure network in Whenuapai (and nearby Redhills). Specifically, the NoR will involve the construction of a new gravity main pipeline, pump station, rising main, culvert and break pressure chamber and other associated infrastructure. This is lodged by Watercare Services Limited (“WSL”) in accordance with sections 168 and 176A of the Resource Management Act (“RMA”) 1991.
2. SLC could not gain an advantage in trade competition through this submission.
3. SLC is directly affected by effects of the subject matters of the submission that –
 - a. Adversely affects the environment; and
 - b. Do not relate to trade competition or the effects of trade competition
4. SLC wishes to be heard in support of their submission.
5. If any other submitters make a similar submission, Spedding Land Company would consider presenting a joint case with them at the hearing.

Overview of SLC

6. SLC (a subsidiary of Oyster Capital Limited) own and are the developer of the Spedding Industrial Project, located at 23-27 Brigham Creek Road and 13-19 Spedding Road, Whenuapai. The Spedding Industrial Project will provide for 21 new light industrial lots between 0.295-4.054ha in area and supporting roading transport (including a number of roading upgrades), as well as three waters, power and telecommunications infrastructure.
7. SLC has an interest in the proposed NoR that is greater than the interest of the general public. SLC currently owns and is developing the Spedding Industrial Project, located at 23-27 Brigham Creek Road and 13-19 Spedding Road, Whenuapai. All works under the proposed designation in relation

to SLC's land has been contemplated and integrated into the development. The proposed designation therefore has the potential to give rise to adverse effects that would directly affect SLC.

Scope of Submission

8. The submission relates to the NoR in its entirety.
9. SLC supports the purpose and intent of the designation as it will provide the necessary wastewater capacity and infrastructure to cater for the significant growth expected in Whenuapai (and nearby Redhills) in the next 20 years. The existing public wastewater network has limited capacity to service development, thereby the proposed designation will help to address network capacity issues and reduce the risk of overflows at the Riverhead Pump Station. Overall, the proposed NoR will support the planned urban intensification in this part of Auckland, including that occurring as part of the Spedding Industrial Project.
10. In particular, SLC supports that the extent of the designation, both the permanent land requirement and construction land requirement, as this has been incorporated into the Spedding Industrial Project.
11. During the processing of the designation by Auckland Council, should there be any changes to the extent of the designation and/or associated works including changes to the proposed conditions, SLC reserve their right to change their position depending on the extent of changes.

Relief Sought

12. SLC seeks that the designation be approved as notified.
13. If there any changes to the designation extent and associated works including the proposed conditions as notified, that the Council and Requiring Authority notify and consult with SLC as soon as possible.

Address for Service:

Barker & Associates Limited
Attn: Cassandra Rippon
PO Box 1986
Shortland Street
Auckland 1140

Contact Number: 021 051 1898

Email: cassandr@barker.co.nz

Copied to:

Andrew McCarthy, Spedding Land Company Limited

Email: andrew@oystercapital.co.nz

SUBMISSION ON A REQUIREMENT FOR A DESIGNATION SUBJECT TO FULL NOTIFICATION

FORM 21, SECTIONS 168A, 169, 181, 189A, 190 AND 195A OF THE RESOURCE MANAGEMENT ACT 1991

To: Auckland Council
Private Bag 92300
Auckland 1142
Attention: Planning Technician
unitaryplan@aucklandcouncil.govt.nz

Submission on: Whenuapai Wastewater Services Scheme - Package 1

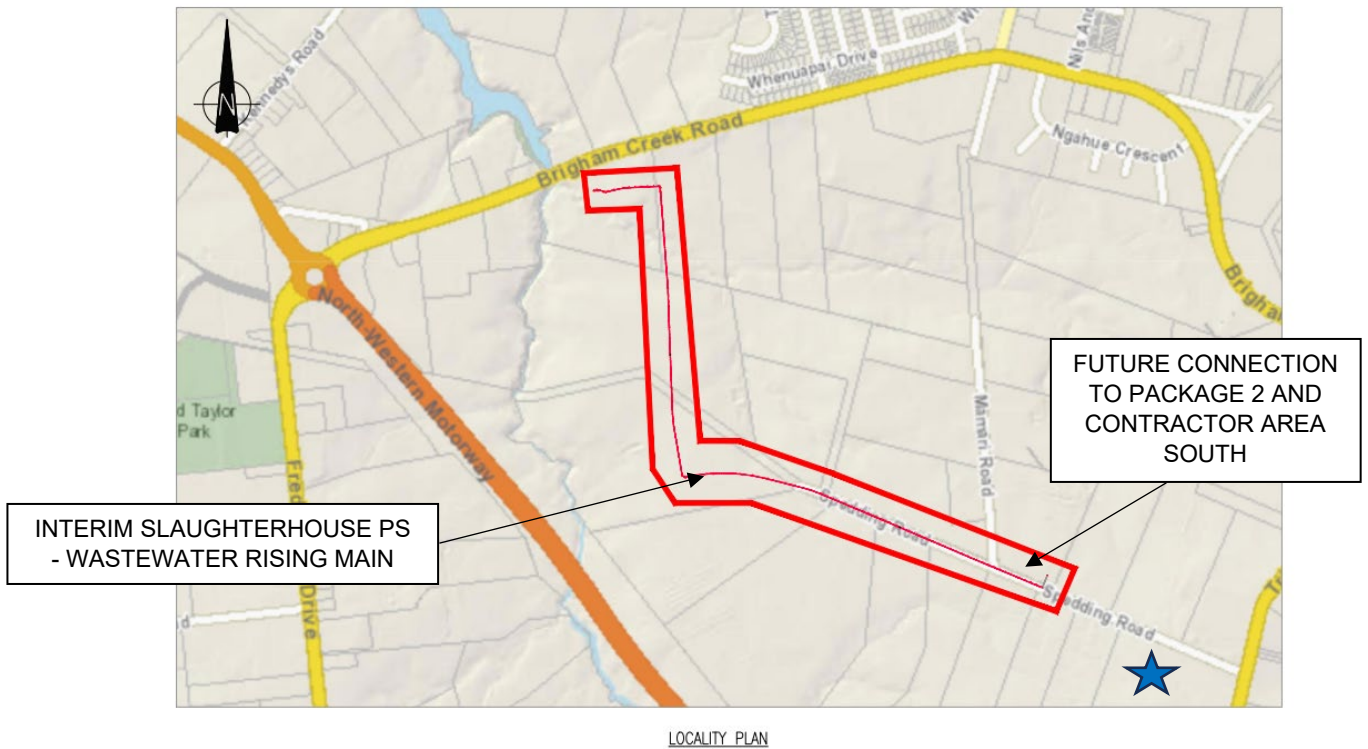
Name of Submitter: Cabra Developments Limited

1. Introduction

- 1.1. This is a submission on the Notice of Requirement requested by Watercare Services Limited as Requiring Authority for a new designation in relation to Package 1 of the Whenuapai Wastewater Services Scheme, in the Auckland Unitary Plan (**AUP**), being the construction, operation and maintenance of a gravity main, pump station, rising main and associated infrastructure of the proposed wastewater network.
- 1.2. Consent is separately sought for the necessary regional consents and those required under the National Environmental Standard for Freshwater (BUN60411512).
- 1.3. Cabra Developments Limited (**Cabra**) is a land development company established in 1987 specialising in greenfield subdivision and residential development within the western and northern parts of the Auckland region. Cabra is committed to contributing to the response to critical housing demand through providing for additional serviced lots for residential development to the private market, thus facilitating housing supply and enabling growth within Auckland.
- 1.4. Cabra has successfully undertaken the subdivision of several large land parcels in the region (including in Huapai, Riverhead, Orewa, Greenhithe, Papakura, Snells Beach and Whangaparaoa) and has a proven track record in the delivery of quality residential outcomes. Cabra also has numerous landholdings in Whenuapai and Westgate.
- 1.5. In particular, Cabra owns the property at 90 Trig Road, Whenuapai, located approximately 180m to the south east of the eastern end of the proposed rising main within Spedding Road and break pressure chamber (the later to be constructed as part of Package 2). The rising main will be capped where it reaches 5 Spedding Road, awaiting connection to Package 2 (for which the necessary approvals shall be sought separately), namely comprising the Massey connector and the tunnel connection to the Northern Interceptor.

1.6. The location of 90 Trig Road relative to the proposed NOR is shown at Figure 1.

Figure 1 – Location of 90 Trig Road (blue star)



2. Reasons for Submission

- 2.1. Cabra supports the NOR and associated resource consent application sought to deliver Package 1.
- 2.2. Further, Cabra supports the alignment and integration of Package 1 with the future Brigham Creek Road extension (as required by I616 Spedding Block Precinct), and supports the selected design and location, having reviewed the alternatives investigated at Appendix I.
- 2.3. Cabra agrees with the Requiring Authorities' assessment of positive effects at section 7.2 of the AEE:

“The gravity main, pump station, rising main and break pressure chamber are key components of the Whenuapai wastewater infrastructure network, which will service up to 10,200 dwellings to 2041, providing for future housing provisions to enable Auckland to continue to grow. The scheme is required to accommodate the wastewater needs of anticipated and future growth (refer to Section 1 and Appendix I).

Enabling urban development opportunities has positive community and economic benefits and will contribute towards alleviating the existing housing shortage in Auckland.”

- 2.4. In terms of construction effects in relation to 90 Trig Road, Cabra concurs with the AEE insofar as it confirms potential land disturbance and noise and vibration effects in particular can be appropriately mitigated to an acceptable level.
- 2.5. However, section 7.7 of the AEE identifies potential visibility and tracking concerns at the intersection of Trig Road and Spedding Road (adjacent to Cabra's landholding).
- 2.6. The shortfalls in sightlines are not considered to be significant. This intersection will be most frequently used by staff accessing the Contractor Area South, at the corner of Spedding Road and Mamari Road, approximately 180m to the north west of 90 Trig Road. There appears to be some uncertainty between the AEE and Transport Impact Assessment as to whether construction vehicles will turn left or right out of Spedding Road into Trig Road – left hand turns appear to be the preference in terms of requiring shorter travel routes, but may require greater works within the road reserve than a right hand turn. Regardless, on the basis that construction vehicles will not exceed two vehicles per hour along Spedding Road (turning either left or right into Trig Road), Cabra expects these concerns can be resolved by the Applicant via the Construction Traffic Management Plan (**CTMP**), further discussed below.
- 2.7. Cabra does not however, support right hand turns from Trig Road into Spedding Road given the narrow berm adjacent to the frontage of its landholding at 90 Trig Road, as this may require tree trimming or localised widening adjacent to or within its property.
- 2.8. A CTMP is proposed to be prepared in accordance with proposed condition DC9, including the following insofar as it relates to the vicinity of 90 Trig Road:
- Condition DC9(c) – *“Measures to ensure safe turning movements for heavy vehicles using intersections at Trig Road / Spedding Road and Spedding Road / Māmari Road. Measures may include turning restrictions, localised widening, vegetation removal or trimming, use of smaller trucks.”* Cabra supports the further detailed analysis of traffic safety in the vicinity of the site, and seeks to ensure heavy vehicles are routed to avoid right hand turns into Spedding Road for the reasons above.
 - Condition DC9(d) - *“Measures to maintain access for residents and visitors along Brigham Creek Road, Spedding Road, and Mamari Road.”* The access to 90 Trig Road is provided from Spedding Road.
 - Condition DC9(e) – *“Measures to inform the public and engage with local residents (specifically Spedding and Mamari Road residents), local businesses, Timatanga Community School and other sensitive receivers.”* Indeed, Cabra wishes to be consulted as part of CTMP preparation, but suggests this condition should reference the preparation of a “communications and consultation plan” for the reasons below.
- 2.9. Page 50 of the AEE sets out a range of measures that are intended to manage construction traffic effects, including reference to a “communications and consultation plan” to inform local residents, businesses, schools, childcare centres and other stakeholders of construction times and progress. This plan is not listed in the proposed conditions at Appendix K, nor is another similar condition proposed to manage

communication and consultation with local stakeholders. Presumably therefore, Condition DC9(e) is intended to address consultation and communication, however perhaps a standalone condition would provide local stakeholders greater certainty and understanding of the project, rather than relying on the CTMP to do so.

- 2.10. In respect of the assessment of the NPS-UD at section 10.2.1 of the AEE, Cabra agrees the proposed works will, over time, facilitate well-functioning urban environments. In addition to the Spedding Block, the proposed network will provide capacity for around 10,200 dwellings in the wider Whenuapai catchment. This goes a significant way to delivering infrastructure that will unlock greenfield development in north west Auckland.
- 2.11. While not assessed within the AEE, Cabra notes that several areas in north west Auckland are identified within the Future Development Strategy as requiring the proposed infrastructure in order to service development, including:
 - Red Hills North
 - Whenuapai Business
 - Whenuapai West
 - Whenuapai North – Stages 1 and 2
- 2.12. Further, Whenuapai South and Whenuapai East are identified as areas requiring Package 2 to support development readiness, which requires the proposed Package 1 to be completed in order to progress to Package 2.
- 2.13. Cabra supports the proposal on the basis that works will continue to support unlocking greenfield development in the north west, particularly within Whenuapai Business and East, where it has landholdings.

3. Conditions

- 3.1. Refer paragraph 2.6 in respect of Condition DC9 CTMP.
- 3.2. Refer paragraph 2.8 in respect of the requirement for a condition requiring a “communications and consultation plan” to inform local residents, businesses, schools, childcare centres and other stakeholders of construction times and progress.

4. Relief Sought

- 4.1. The Submitter seeks the NOR be accepted.
- 4.2. However, Cabra suggests that the RA include a standalone condition requiring a “communications and consultation plan”.
- 4.3. The Submitter **does not** wish to be heard in support of this submission.

DATED at Auckland this

30th of **April 2024**

Signature:

Duncan Unsworth

General Manager

Cabra Developments Limited

Address for Service:

Forme Planning Ltd

Suite 203, Achilles House

8 Commerce Street

Auckland 1010

hannah@formeplanning.co.nz

30 April 2024

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

**NOTICE OF REQUIREMENT FOR DESIGNATION – WHENUAPAI WASTEWATER
SERVICING SCHEME PACKAGE 1 PROJECT**

Please find attached Auckland Transport's submission on the above Notice of Requirement by Watercare Services Limited.

If you have any queries in relation to this submission, please contact me at spatialplanning@at.govt.nz, or on 021 275 3634.

Yours sincerely



Emeline Fonua
Planner, Spatial Planning Policy Advice

cc:
William Hung
Watercare Services Limited
By email: William.Hung@water.co.nz

Submission by Auckland Transport on Notice of Requirement for Designation: Whenuapai Wastewater Servicing Scheme Package 1 Project

To: Auckland Council
Private Bag 92300
Auckland 1142

Submission on: Notice of Requirement for a designation from Watercare Services Limited for the construction, operation and maintenance of the proposed Whenuapai Wastewater Scheme – Package 1 Project

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

- 1.1 Watercare Services Limited ('Watercare') has issued a Notice of Requirement ('NOR') for a designation in the Auckland Unitary Plan (Operative in Part) for the construction, operation, and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 Project ('the Project'). The Project is the first package of a three staged programme of works to deliver the necessary wastewater infrastructure network in Whenuapai (and nearby Redhills) as part of the Whenuapai-Redhill's Wastewater Servicing Scheme.
- 1.2 The Project includes the installation of a gravity main pipeline from the existing pump station in Whenuapai Village to an underground pump station at 23A Brigham Creek Road (with aboveground ancillary structures); a rising main between 23A Brigham Creek Road and 32 Mamari Road; and a break pressure chamber at 32 Mamari Road. The works also require installation of a culvert at 31 Brigham Creek Road. Construction and laydown areas to support the works will be located at 20-22 Brigham Creek Road, 23-27 Brigham Creek Road, 32 Mamari Road, and 28 Brigham Creek Road. The requirement applies to an area of approximately 9 ha of land including nine land parcels and two local arterial roads.
- 1.3 Auckland Transport (AT) is a Council-Controlled Organisation of Auckland Council ('the Council') and the Road Controlling Authority for the Auckland region. AT has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.¹ AT is responsible for the planning and funding of most public transport; operating the local roading network and developing and enhancing the local road, public transport, walking and cycling network for the Auckland Region. AT's submission seeks to ensure that the transport related matters raised by the proposal are appropriately considered and addressed.
- 1.4 AT has a NOR for upgrades at Brigham Creek Road, Spedding Road, and Mamari Road to support future growth in the north-west. Council notified its recommendations on these NOR on 18 April 2024. There are some overlaps

¹ Local Government (Auckland Council) Act 2009, section 39.

between the proposed AT and Watercare designations with some land affected by both the AT and Watercare NOR. The overlaps have been discussed between AT and Watercare. Should the AT designations be confirmed prior to Watercare's proposed designation, Watercare will need to seek requiring authority approval from AT in accordance with Section 177 of the Resource Management Act ('RMA') 1991 where the works are within AT's designation.

1.5 AT is appreciative of the engagement that has been undertaken by Watercare and their consultants on this proposal. This has included opportunity to provide input on the draft conditions. AT looks forward to ongoing engagement, particularly on traffic management, during the construction phase.

1.6 AT is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

2. Specific parts of the Notice of Requirement that this submission relates to

2.1 The specific parts of the NOR that this submission relates to are set out in **Attachment 1**. In keeping with AT's purpose, the matters raised are about transport or transport assets and include:

- Overall support for the proposal;
- Managing temporary construction related effects on the transport network;
- Measures to ensure safe use of Site Access Points for heavy construction vehicles;
- Permanent access to Spedding Road;
- AT's exemption from Section 176 approval for works within its road corridor which are unlikely to impact the Watercare pipe; and
- Minor wording changes.

2.2 AT supports the NOR subject to Watercare satisfactorily addressing the matters raised in **Attachment 1**.

2.3 AT continues to be available and willing to work through the matters raised in this submission with Watercare.

3. Recommendations requested

3.1 The recommendations which AT seeks from the Council are set out in **Attachment 1**.

3.2 In all cases where amendments to the NOR are proposed or existing wording is supported, AT would consider alternative wording or amendments which address the reason for AT's submission. AT also seeks any consequential amendments required to give effect to the recommendations requested.

4. Appearance at the hearing

4.1 AT wishes to be heard in support of this submission.

4.2 If others make a similar submission, AT will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature:



Rory Power
Manager, Spatial Planning Policy Advice

Date:

30 April 2024

Contact person:

Emeline Fonua
Planner, Spatial Planning Policy Advice

Address for service:

Auckland Transport
Private Bag 92250
Auckland 1142

Telephone:

021 275 3634

Email:

spatialplanning@at.govt.nz

Attachment 1

Issue	Support / oppose	Reasons for submission	Recommendations requested
General overview	Support	The proposed work and designation are reasonably necessary for achieving the objectives of the Requiring Authority as set out in its Form 18 notice. In particular, AT recognises that Watercare needs to provide infrastructure to support future growth in the North-West.	Confirm the NOR and proposed conditions subject to the amendments identified below.
Proposed condition DC3	Support in part	AT supports the intention of the note under condition DC6, which records that, with identified exceptions, conditions which have been prepared to manage construction of the project expire upon completion of works. However, AT requests that the note be amended to include the new conditions proposed by AT later in this submission (under Site access at 23-27 Brigham Creek Road and Network Utilities) in the list of excepted conditions. The proposed new conditions would need to be maintained post construction.	<p>Retain proposed note under condition DC3 with minor amendments as follows:</p> <p><i>‘...Note: The conditions of this designation have been specifically prepared to manage the construction of the project. Within the exception of the following conditions, all conditions will expire and may be removed from this designation in accordance with s182 of the RMA, upon completion of Works:</i></p> <ul style="list-style-type: none"> • <i>DC4</i> • <i>DC5</i> • <i>DC19</i> • <i><u>DCX</u></i> • <i><u>DCXX</u></i> <p>DCX refers to the condition sought by AT regarding the permanent access provided by the Speeding Road extension.</p> <p>DC XX refers the condition sought by AT to provide for the routine construction, operation and maintenance of its assets within the road reserve.</p>
Proposed condition DC4	Support	This condition recognises the need to review and reduce the extent of the designation following the completion of commissioning of the Project.	Retain proposed condition DC4 relating to the extent of the designation area post commissioning of the Project including proposed condition DC4(c).

Issue	Support / oppose	Reasons for submission	Recommendations requested
		Specifically, AT supports condition DC4(c) about the need to consult with AT for removing any areas of designated land within the road reserve that are no longer required.	
Proposed conditions DC6(b) and DC7, Work hours	Support in part	<p>AT supports condition DC6(b) about restricted travel movements for heavy construction vehicles as it is consistent with the recommendations in the Transport Impact Assessment (TIA) Report.² The advice note regarding the meaning of 'heavy construction vehicles' is also supported.</p> <p>AT requests the deletion of condition DC7 in its entirety as the TIA has confirmed that a trenchless method is to be undertaken for the gravity pipe main across Brigham Creek Road.³ DC7 was drafted earlier in the project development when it was not certain that the trenchless method would be feasible, meaning that it would be necessary to manage part closure of Brigham Creek Road to accommodate open trenching works.</p>	<p>Retain proposed condition DC6(b) relating to restricted travel movements for heavy construction vehicles and advice note.</p> <p>Deletion sought for DC7:</p> <p>'DC7. — If required, open trenching works through Brigham Creek Road will occur during the Christmas Holiday period with 1-lane 2-way operation on Brigham Creek Road</p> <p>Note: Exemptions to the movement of heavy construction vehicles to and from the site is subject to the requirements of the Corridor Access Request process by the Road Controlling Authority.</p> <p>The Christmas Holiday Period is defined as between the 25th December and the end of the third full week of January) or as agreed with Auckland Transport.'</p>
Proposed condition DC9, Construction Traffic Management Plan	Support in part	AT strongly supports the requirement for a Construction Traffic Management Plan to manage the traffic effects during the construction period of the Project including the safe use of temporary Site Access Points (SAP). However, amendments are sought to ensure clarity and to recognise the need to manage the movement of heavy construction vehicles in and out of SAP 4. This condition was drafted earlier in the project development when it was not envisaged that SAP4 would be used for heavy vehicle movements.	<p>Retain proposed condition DC9 with minor amendments as follows:</p> <p>'DC9(b)(i) The access for SAP1 at 23-27 Brigham Creek Road as required by Condition DC9<u>10</u>'.</p> <p>'DC9(b)(iii) Measures to ensure safe access for heavy vehicles to SAPs such as signage, temporary speed limit zones, <u>spotters</u>, <u>temporary parking restrictions</u> and deceleration lanes.'</p>

² Whenuapai TIA Report, 8 March 2024, section 4.3.1

³ Whenuapai TIA Report. 8 March 2024, section 3.1.3

Issue	Support / oppose	Reasons for submission	Recommendations requested
			<p>‘DC9(b)(iv) Measures to repair any damage to the road directly caused by heavy vehicles entering or existing the site within two weeks or within an alternative timeframe agreed with Auckland Transport.’</p> <p>‘DC9 (e) Measures to inform the public and engage with local residents (specifically Spedding Road, Tamiro Road, Joseph Macdonald Drive and Mamari Road residents), local businesses, Timatanga Community School and other sensitive receivers.</p>
Proposed condition DC10 to DC12, Site access at 23-27 Brigham Creek Road	Support in part	<p>AT supports the conditions relating to site access at 23-27 Brigham Creek Road but seeks amendments to ensure correct terminology is used.</p> <p>Specifically, amendment is sought to DC12 to refer to ‘vehicle crossing’ rather than ‘accessway’ to reflect that AT as road controlling authority, approves the vehicle crossing, not the accessway. Minor amendment is also sought for DC12 to refer to the Code of Practice rather than Transport Design Manual. The Code of Practice requires various documents within the Transport Design Manual to be used in design.</p> <p>AT notes that DC11 and DC12 relate to the interim arrangement prior to the proposed Spedding Road extension. AT requests a new condition to be included to cover the permanent accessway to the pump station provided by the extension of Spedding Road as part of Oyster Capital Private Plan Change 69.</p>	<p>Retain proposed conditions DC10-12 with amendments as follows:</p> <p>‘DC12. The Requiring Authority shall provide the final design of the permanent accessway <u>vehicle crossing</u> at 23-27 Brigham Creek Road, which has been designed in accordance with Auckland Transport’s Transport Design Manual (TDM) standards <u>Auckland Code of Practice for Land Development and Subdivision Chapter 3: Transport</u> and approved by Auckland Transport, to Auckland Council.</p> <p>Include a new condition after DC12 as follows: ‘<u>DCX. The vehicle access to the pump station from Brigham Creek Road (referred to in DC11 above) shall be replaced by alternative access via connection to Spedding Road once the extension of Spedding Road to Brigham Creek Road has been constructed as part of the surrounding land development.</u>’</p>
Network Utilities, new condition	Oppose in part	<p>AT notes that the Network Utility conditions address Healthy Waters matters but do not recognise the role of AT as asset owner and network utility operator where Watercare infrastructure is located within legal road. AT requests a new condition so that AT, as road controlling authority does not need to seek the Requiring Authority’s written approval under s176(1)(b) of the RMA to undertake works no closer than 500mm to any below infrastructure or pipes. Such a condition will facilitate AT undertaking routine construction, operation</p>	<p>New condition sought:</p> <p>‘<u>DCXX. Following construction of the project (or a section thereof), the Requiring Authority shall not require Auckland Transport to seek written approval under section 176(1)(b) of the RMA for works undertaken no closer than 500mm to the pipe for routine construction, operation and maintenance of existing assets within the road reserve. Works greater than</u></p>

Issue	Support / oppose	Reasons for submission	Recommendations requested
		and maintenance of its assets without putting at risk the Watercare asset.	those described are subject to the approval of the <u>Requiring Authority under section 176 but approval is not to be unreasonably withheld.</u>

ATTACHMENT E
REVISED CONDITIONS

Proposed designation conditions

General Conditions

Note - The conditions may need to be amended if the works are modified to avoid the wetlands.

DC1. The location, design, implementation, and operation of the Works within the designated area shall be undertaken in general accordance with the Notice of Requirement and its associated plans and documents with the information provided by the Requiring Authority (dated 29 September 2023) including:

- a. "Whenuapai Wastewater Servicing Scheme Package 1 – Notice of Requirement – Assessment of Effects on the Environment" prepared by Beca on behalf of Watercare, dated 29 September 2023.
- b. Designation drawings prepared by Beca Ltd titled:
 - Whenuapai Wastewater Servicing Scheme Phase 1 Brigham Creek Road, Whenuapai, Designation – Gravity Pipeline, Rev 3, dated 19 September 2022
 - Whenuapai Wastewater Servicing Scheme Phase 1 Brigham Creek Road, Whenuapai, Designation – Pump Station, Rev 3, dated 19 September 2022
 - Whenuapai Wastewater Servicing Scheme Phase 1 Brigham Creek Road, Whenuapai, Designation – Rising Main, Rev 3, dated 19 September 2022

Except as required by Condition DC2 below, an outline plan shall not be required and is waived unless there are more than minor changes to the referenced plans in which case Watercare Services Limited shall clearly identify these changes to Council at least 20 working days prior to construction, and the Council may then require an outline plan of works to be submitted in terms of section 176A of the RMA.

DC2. The Requiring Authority shall submit and Outline Plan of Works for the construction of the Break Pressure Chamber in accordance with section 176A of the RMA, unless the Council has waived the requirement for an Outline Plan of Works in accordance with Section 176(2)(c) of the RMA.

DC3. Where there may be inconsistencies between information provided by the applicant and conditions of the designation, these conditions prevail.

~~Note: The conditions of this designation have been specifically prepared to manage the construction of the project.~~ Within the exception of the following conditions, all conditions will expire and may be removed from this designation in accordance with s182 of the RMA, upon completion of Works:

- DC1
- DC4
- DC5
- DC13
- DC19

- DC37

DC4. As soon as practicable following completion of commissioning of the Project, the Requiring Authority shall, in consultation with the Council:

- a. review the extent of the area designated for the Project;
- b. identify any areas of designated land that are no longer necessary for the ongoing operation, maintenance, renewal and protection of the Project and associated structures and activities;
- c. identify, in consultation with Auckland Transport any areas of the designation within road reserve that are no longer necessary as the completed infrastructure is otherwise provided for and adequately protected by provisions of the Local Government (Auckland Council) Act 2009 and Utilities Access Act 2010;
- d. give notice to the Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (b) above, which are not required for the long-term operation, maintenance, renewal and protection of the Project; and
- e. provide as-built plans to the Council's Team Leader, Compliance and Monitoring, Resource Consents.

DC5. The designation shall lapse on the expiry of a period of 10 years after the date on which the last of any appeals on all consents and notices of requirement associated with the Project is withdrawn or determined, or, if no appeals are lodged, the date on which the notices of requirement are included in the AUP in accordance with section 184(1)(c) of the RMA, unless:

- a. it has been given effect before the end of that period; or
- b. the Council determines, on an application made within 3 months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made; and fixes a longer period for the purposes of this subsection.

Work hours

DC6. Normal working hours for onsite construction activities will be as follows:

- a. 7:30am to 6.00pm Monday to Saturday (excluding public holidays).
- b. Heavy construction vehicles shall be restricted from travelling westbound on Brigham Creek Road between 23-27 Brigham Creek Road and the SH16 roundabout between the hours of 16:30 to 17:30 Monday to Friday.
- c. If any construction work or specialised heavy vehicle movements cannot be reasonably undertaken during normal working hours, these shall be identified in the Construction Environmental Management Plan and/or the Construction Traffic Management Plan required by Condition DC.6).

Other construction related activities, such as site set up or delivery of pipes, may occur outside of the standard hours set out in DC5(a) above, if they meet the noise levels in DC.14.

Advice note: Heavy construction vehicles refers to all construction vehicles, except for utes, vans or small cars.

~~DC7. If required, open trenching works through Brigham Creek Road will occur during the Christmas Holiday period with 1 lane 2 way operation on Brigham Creek Road~~

~~Note: Exemptions to the movement of heavy construction vehicles to and from the site is subject to the requirements of the Corridor Access Request process by the Road Controlling Authority.~~

~~The Christmas Holiday Period is defined as between the 25th December and the end of the third full week of January) or as agreed with Auckland Transport.~~

Construction and Environment Management Plan

DC8. A Construction and Environment Management Plan (CEMP) shall be submitted to Council for certification at least 20 working days prior to the commencement of construction.

The CEMP shall be maintained and implemented throughout the entire construction period.

The objective of the CEMP is to set out the management procedures and construction methods to be undertaken to, avoid, remedy or mitigate any adverse effects associated with Construction Works as far as practicable. To achieve this objective the CEMP shall include:

- a. Construction methodologies and construction timeframes, including:
 - i. Details of staging (if required);
 - ii. Details of methods to provide for the stability of any temporary cut or fill faces;
 - iii. Measures for the management of any temporary stockpiling of material on the site;
- b. The proposed hours of work;
- c. Staff and contractors' responsibilities;
- d. Measures to control sediment run-off and dust from the works;
- e. Public safety;
- f. Training requirements for employees, sub-contractors and visitors;
- g. Environmental incident, emergency management , flood hazard management, and spill contingency plan;
- h. Measures to mitigate any changes to floodplains and overland flow paths to maintain functions, minimise obstruction to flood flows, actions to respond to warnings of heavy rain;
- i. Site reinstatement upon completion of the construction activities
- j. Communication and interface procedures;
- k. Complaints management (in accordance with condition DC.22);
- l. Compliance monitoring;
- m. Environmental reporting;
- n. Corrective actions;
- o. Site inspection and environmental auditing procedures; and
- p. Contact details for the person in charge of the works.

Construction Traffic Management Plan

DC9. A Construction Traffic Management Plan (CTMP) prepared in consultation with Auckland Transport shall be provided to Auckland Council for certification at least 20 working days prior to commencement of construction. The purpose of the CTMP is to manage the traffic effects during construction so that safe, adequate, and convenient routes for local movements by all transport modes are maintained throughout the construction of the Project. The CTMP shall be prepared in accordance with the Council's requirements for traffic management plans or CTMPs (as applicable) and the Waka Kotahi Code of Practice for Temporary Traffic Management

The CTMP shall be maintained and implemented throughout the entire construction period. The CTMP must be prepared by a suitably qualified person and include:

- a. Safety control measures such as fencing, barriers, hoarding and signage;
- b. Details of the temporary Site Access Points (SAPs) including:
 - i. The access for SAP1 at 23-27 Brigham Creek Road as required by Condition DC9
 - ii. Measures to enable heavy construction vehicles to operate on a left in / left out basis from the entrance to sites at SAP 1 at 23-27 Brigham Creek Road, and SAP 3 at 20-22 Brigham Creek Road
 - iii. Measures to ensure safe access for heavy vehicles to SAPs such as signage, temporary speed limit zones, spotters, temporary parking restrictions and deceleration lanes.
 - iv. Measures to repair any damage to the road directly caused by heavy vehicles entering or existing the site within two weeks or within an alternative timeframe agreed with Auckland Transport.
- c. Measures to ensure safe turning movements for heavy vehicles using intersections at Trig Road / Spedding Road and Spedding Road / Māmari Road. Measures may include turning restrictions, localised widening, vegetation removal or trimming, use of smaller trucks.
- d. Measures to maintain access for residents and visitors along Brigham Creek Road, Spedding Road, and Mamari Road.
- e. Measures to inform the public and engage with local residents (specifically Spedding Road, Tamiro Road, Joseph Macdonal Drive and Mamari Road residents), local businesses, Timatanga Community School and other sensitive receivers.
- f. Contact details for appropriate person(s) implementing the CTMP, including after-hours contact details
- g. Measures to prevent mud or other excavated material from being dropped on the road by construction vehicles. This should include cleaning facilities within the site and resources for prompt clean up in the event that material is dropped on the road.

Note: The CTMP shall be prepared in accordance with the requirements of the Corridor Access Request to the Road Controlling Authority.

Site Access at 23-27 Brigham Creek Road

- DC10. For the purposes of construction, the width of the temporary vehicle crossing (SAP 1) at 23-27 Brigham Creek Road shall be at least 15.0m wide, or as otherwise agreed with Auckland Transport.
- DC11. Once construction of the works is complete, the width of the vehicle crossing to Brigham Creek Road shall be reduced to 7.0 m, or as otherwise agreed with Auckland Transport.
- DC12. The Requiring Authority shall provide the final design of the permanent ~~accessway~~ vehicle crossing at 23-27 Brigham Creek Road, which has been designed in accordance with ~~Auckland Transport's Transport Design Manual (TDM)~~ Auckland Code of Practice for Land Development and Subdivision Chapter 3: Transport standards and approved by Auckland Transport, to Auckland Council.
- DC13. The vehicle access to the pump station from Brigham Creek Road (referred to in DC11 above) shall be replaced by alternative access via connection to Spedding Road once the extension of Spedding Road to Brigham Creek Road has been constructed as part of the surrounding land development.'

Construction Noise and Vibration Management Plan

DC14. A Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by an appropriately qualified person and submitted to the Council for certification at least 20 working days prior to construction commencing.

The purpose of the CNVMP is to enable the best practicable option to be utilised to minimise construction noise and vibration from the works and to minimise any exceedance of the criteria set out in Condition DC14. The consent holder must implement the certified CNVMP for the duration of construction works and keep an up-to-date copy at the construction site.

As a minimum, the finalised CNVMP must include the following information:

- a. The proposed works, anticipated equipment / processes and their scheduled durations.
- b. Hours of operation including times and days when activities causing noise and/or vibration will occur, including where work is required to be outside normal working hours (as outlined in DC.5).
- c. The construction noise and vibration criteria for the Project.
- d. Mitigation options including alternative strategies to identify and implement the Best Practicable Option (BPO) in accordance with section 16 of the RMA, where full compliance with the relevant noise and/or vibration criteria cannot be achieved.
- e. Identification of any properties that require a pre-construction survey.
- f. Methods and frequency for monitoring and reporting on construction noise and vibration.
- g. Specify an exemption process for approval by the Council for any construction work that cannot be undertaken during approved working hours
- h. Communication, consultation, and complaints response protocols as required by Condition DC.13.
- i. Noise and vibration monitoring and reporting requirements as required by Condition DC.15
- j. Procedures for review of the CNVMP throughout the works.

Noise Communication Protocols

DC15. At a minimum, communication protocols included in the CNVMP will include provision of written communication to:

- a. all occupants of all neighbouring buildings within 50 m of the extent of the proposed construction works, at least 1 week prior to the Project commencing; and
- b. all occupants of buildings predicted to receive vibration levels exceeding 2 mm/s PPV for more than three days, at least 3 days prior to the works commencing

The written advice shall acknowledge that some activities are predicted to generate high noise and / or vibration levels that may result in disturbance for short periods, and include a brief description of the works, the expected timing of the works, and contact details where any concerns regarding noise and vibration should be directed.

Construction Noise

DC16. Construction noise shall be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise. The construction noise shall, where practicable, comply with the following criteria for the purposes of the CNVMP:

Time of week	Time period	Contractor Areas (North, Hub and South) and pump station		Laydown Area adjacent to Tamiro Road and pipeline	
		dB LAeq (15min)	dB LAF (max)	dB LAeq (15min)	dB LAF (max)
Weekdays	0630-0730	55	75	60	75

	0730-1800	70	85	75	90
	1800-2000	65	80	70	85
	2000-0630	45	75	45	75
Saturdays	0630-0730	45	75	45	75
	0730-1800	70	85	75	90
	1800-2000	45	75	45	75
	2000-0630	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75
	0730-1800	55	85	55	85
	1800-2000	45	75	45	75
	2000-0630	45	75	45	75

Where compliance with the noise standards set out in Condition DC.14 is not practicable, these activities and receivers shall be identified in the CNVMP required by DC123 and the methods for managing or mitigating effects in accordance with the best practicable option shall be specified.

Construction Vibration

DC17. Except as provided for below, vibration levels arising from construction activity on the site shall not exceed 2 mm/s peak particle velocity in occupied buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500 mm of ground level at the foundation of a single storey building as specified in AUP (OP) E25.6.30(1)(b).

- a. If measured or predicted vibration from construction activities exceeds 2 mm/s PPV at occupied buildings, the Requiring Authority shall consult with the affected receiver to:
 - i. Discuss the nature of the works and the anticipated days and hours when the exceedances are likely to occur; and
 - ii. Determine whether the exceedances could be timed or managed to reduce the effects on the receiver

The Requiring Authority shall maintain a record of these discussions and make them available to Council on its request.

DC18. A level of 2 mm/s PPV shall not be exceeded for more than three days in any 14 day period at any one occupied building, and must not exceed 5 mm/s PPV at all times, unless agreed in writing with the owner and / or occupier. Those exceedance days are to be made known to the owner and/or occupier of the building, unless agreed in writing with the owner and /or occupier. Any such agreement shall be available to Council on request.

Construction Noise and Vibration Monitoring

DC19. The consent holder must engage a suitably qualified acoustic specialist to carry out noise and vibration monitoring at the first occurrence of activities that generate high noise and / or vibration levels close to receptor sites, for the purpose of validating the levels predicted in the noise and vibration assessment.

Landscape and Visual

DC20. The Requiring Authority shall ensure:

- a. all above ground structures associated with the pump station at 23-27 Brigham Creek Road are painted and maintained using paints in recessive colours i.e. dark greys and greens.
- b. Ensure that all works are contained to a defined footprint as small as practicably possible
- c. re-grass on top of buried infrastructure
- d. Recontour disturbed areas so they tie into existing contours including natural depression in identified wetland.

- e. Provide for a minimum width 10m of riparian vegetation, including tree planting around the identified wetland and the Tamiro Road stormwater pond. Provide low level planting around curtilage of new aboveground structures.
- f. Revegetation planting, including eco-sourced planting and a maintenance schedule (for no less than 5yrs), for all areas of wetland, stream, and their riparian / buffer margins affected by the proposal. The plan must be in accordance with best practice methodologies of Te Haumanu Taiao, or other subsequent Council restoration guide.

DC21. Any vegetation removed (if required) from the Tamiro Road stormwater embankment shall be replaced on a 1 to 1.5 basis or as otherwise agreed with Council.

DC22. All tree work proposed must be undertaken in accordance with Appendix A "Tree Protection Method" within the arboricultural assessment by Arborlab Limited, dated August 2022. A copy of this tree report must be available on site at all times

Terrestrial Ecology

DC23. Ecological Management Plan (EMP)

An Ecological Management Plan must be prepared prior to the Start of Construction, prepared by a suitably qualified ecologist (e.g. Level D competency for bats), to manage effects on bats, birds, lizards, and the removal of terrestrial vegetation/habitat.

The management plan must be submitted for certification by the Council, prior to any works commencing within the site. The ecological management plan must include, but not limited to the following:

- a. Bird Management (all bird species), in accordance with best practice methodologies, a description of methods to avoid impacts on birds, including supervised habitat clearance protocols, and working outside of the bird breeding season (species dependant).
- b. Long-tailed Bat Management (rescue and relocation of), in accordance with best practice methodologies, a description of methods to avoid impacts on bats, including roost feature identification, salvage protocols, relocation protocols, supervised habitat clearance/transfer protocols. The management plan must address the construction and operational design of the pumpstation facility (noise and lighting).
- c. Lizard Management (rescue and relocation of), in accordance with best practice methodologies, including but not limited to, a description of methodology for capture and relocation of lizards rescued including but not limited to: the timing of implementation, seasonality restrictions, salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), habitat improvements, landowner approvals (as applicable), supervised habitat clearance/transfer protocols, and opportunistic relocation protocols.
- d. Revegetation planting, including eco-sourced planting and a maintenance schedule (for no less than 5yrs), for all areas of wetland, stream, and their riparian / buffer margins affected by the proposal. The plan must be in accordance with best practice methodologies of Te Haumanu Taiao, or other subsequent Council restoration guide.
- e. The certified Ecological Management Plan (EMP) shall be implemented in all respects.

~~DC24. Prior to the commencement of removal of trees from the works area, the Consent Holder shall engage a suitably qualified bat ecologist to undertake a survey following Department of Conservation best practice methods. The purpose of the survey will be to determine the presence/ activity of bats within the trees proposed for removal.~~

~~DC25. If bats are confirmed to be present following the survey required by Condition DC21, then prior to the commencement of removal of the trees the Consent Holder shall submit a Bat Management Plan (BMP) for approval by the Team Leader— Compliance Monitoring. No tree removal shall commence until confirmation from the Team Leader— Compliance Monitoring that the BMP is satisfactory.~~

~~DC26. The BMP shall include:~~

- ~~a. Detailed descriptions of methods to avoid impacts on bats, including bat surveys, salvage protocols, relocation protocols, supervised habitat clearance/transfer protocols.~~
- ~~b. Roles and responsibilities for persons implementing the BMP including the credentials and contacts details for the ecologist(s) or other specialist(s) (for example, chiropterologist) who will be implementing the plan.~~
- ~~c. If bats are confirmed to be occupying a tree scheduled for removal, a buffer will be placed around the active roost within which no works can be undertaken until the roost is vacated. If active roosts are identified immediately adjacent to the development footprint, a 50m buffer will be retained for the duration of roosting to preserve microclimate conditions and protect the tree/s from windthrow.~~
- ~~d. Where bats are confirmed to be present, the trees shall be removed only upon the guidance of the appointed Bat Ecologist who shall be present throughout the tree clearance works.~~
- ~~e. Timing of the implementation of the BMP.~~

~~DC27. If a BMP is required by condition DC23 above, all works shall be undertaken in accordance with the certified Bat Management Plan (BMP).~~

~~DC28. Prior to the commencement of any vegetation removal works from the project area, the Consent Holder shall employ a suitably qualified ecologist/herpetologist to undertake a lizard survey to determine if there are sufficient numbers of native lizards, geckos or skinks (or both) present on site to trigger a requirement that a Lizard Management Plan (LMP).~~

~~DC29. A LMP will be required if the survey results in the detection of:~~

- ~~a. 1 or more individuals of a threatened native lizard species or;~~
- ~~b. 3 or more individuals of a common native lizard species.~~

~~DC30. If the survey required by condition DC25 above detects native lizards in sufficient numbers to trigger the need for a LMP, the Consent Holder shall, prior to the commencement of any vegetation removal works, submit and have certified by the Team Leader— North West Monitoring, a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist.~~

~~DC31. The LMP Plan shall follow industry best practice and be designed so as to achieve the following two objectives:~~

- ~~a. The population of each species of native lizard present on the site at which vegetation clearance is to occur shall be maintained or enhanced, either on the same site or at an appropriate alternative site; and~~
- ~~b. The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present pre-development.~~

~~DC32. If an LMP is required by condition DC27 above, all works on site must comply with the certified LMP.~~

~~DC33. If an LMP is required by condition DC27 above, upon completion of works, all findings resulting from the implementation of the LMP shall be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which shall be sent to the Team Leader—North West Monitoring.~~

Advice Note 1: The Wildlife Act 1953

All native lizards are totally protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation.

For further information on lizards that are protected under the Wildlife Act and determination of a suitable new habitat please contact the council's Biodiversity team (Team Leader—North West Biodiversity, on biodiversity@aucklandcouncil.govt.nz).

Advice Note 2: Correspondence

All correspondence relating to lizard management conditions can be emailed to monitoring@aucklandcouncil.govt.nz and cc'd to biodiversity@aucklandcouncil.govt.nz

~~DC34. Vegetation removal shall take place outside of the bird breeding season (early September to end of February inclusive) to the extent practicable. Where vegetation clearance is required to be undertaken during the main native bird nesting season, all suitable nesting vegetation to be cleared shall be inspected by a suitably qualified ecologist, for signs of indigenous birds prior to clearance. If indigenous birds are found nesting, clearance of the nesting vegetation shall be delayed until the residing chicks have fledged.~~

Network Utilities

DC35. Prior to works commencing, the consent holder is to arrange a pre-start meeting with the works principal, contractor, and Healthy Waters, to manage risk to Healthy Waters assets.

DC36. CCTV of the stormwater outlet will be undertaken prior to commencement of construction and at completion of construction for works underneath the Tamiro Road Stormwater Embankment, to identify any damage resulting from the works. Watercare shall provide the post construction CCTV, and a report identifying any damage and potential repair or replacement options, to Healthy Waters (Healthy Waters, Operations North, Team Manager) within one month of completion of construction for works adjacent to the Tamiro Road Stormwater Embankment. Repair or replacement of any damage identified due to the works shall be undertaken by Watercare at no cost to Healthy Waters, and in accordance with the repair or replacement option agreed to with Healthy Waters.

DC37. Following construction of the project (or a section thereof), the Requiring Authority shall not require Auckland Transport to seek written approval under section 176(1)(b) of the RMA for works undertaken no closer than 500mm to the pipe for routine construction, operation and maintenance of existing assets within the road reserve. Works greater than those described are subject to the approval of the Requiring Authority under section 176 but approval is not to be unreasonably withheld.'

Defence

DC38. All permanent structures at SECT 1 SO 582220 (8 Spedding Road, Figure 1) must be lower than the level of the designated Obstacle Limitation Surface (OLS)

DC39. No construction or maintenance machinery or activities at 8 Spedding Road or SECT 2 SO 582220 (32 Mamari Road) shall exceed the level of the designated OLS, unless written approval, including any additional conditions, has been obtained from NZ Defence Force (NZDF). Any such approvals will not be unreasonably withheld.

Advice Note 1:

Some construction works will temporarily breach the OLS level. Including but not limited to, movement of the tunnel boring machine, installation of piles, reinforcing, and foundations. NZDF have indicated that this is acceptable in principle, provided adherence to all other conditions as relevant.

Advice Note 2:

Civil Aviation Authority (CAA) rules and regulations apply in relation to the height of permanent and temporary obstacles (including but not limited to structures, construction equipment, cranes and trees) within the Obstacle Limitation Surface for RNZAF Base Whenuapai. All persons carrying out work under this designation and any related building consent must therefore comply with all obligations arising under CAA rules and regulations, including obligations to notify the Director CAA as outlined in CAA Rules Part 77. Parties are advised to contact CAA for further information

DC40. At least 20 working days prior to any construction activity occurring at 8 Spedding Road or 32 Mamari Road, a Communications Plan shall be prepared in draft and provided to NZDF for comment, acceptance, finalisation and implementation.

Points of contact for all communications with NZDF and/or RNZAF Base Auckland are:

- a. Airfield Manager,
Mr Junior Saaga
Email - WPAirfieldManager@NZDF.mil.nz

- b. Principal Statutory Planner
Ms Rebecca Davies
Email – Environment@nzdf.mil.nz

Advice Note 1:

The purpose of the Communications Plan will be to establish appropriate communication and notification procedures with RNZAF Base Auckland specifically in relation to construction and maintenance activities occurring on site. If comment has not been received from NZDF within 20 working days of provision, the Communications Plan shall be deemed accepted

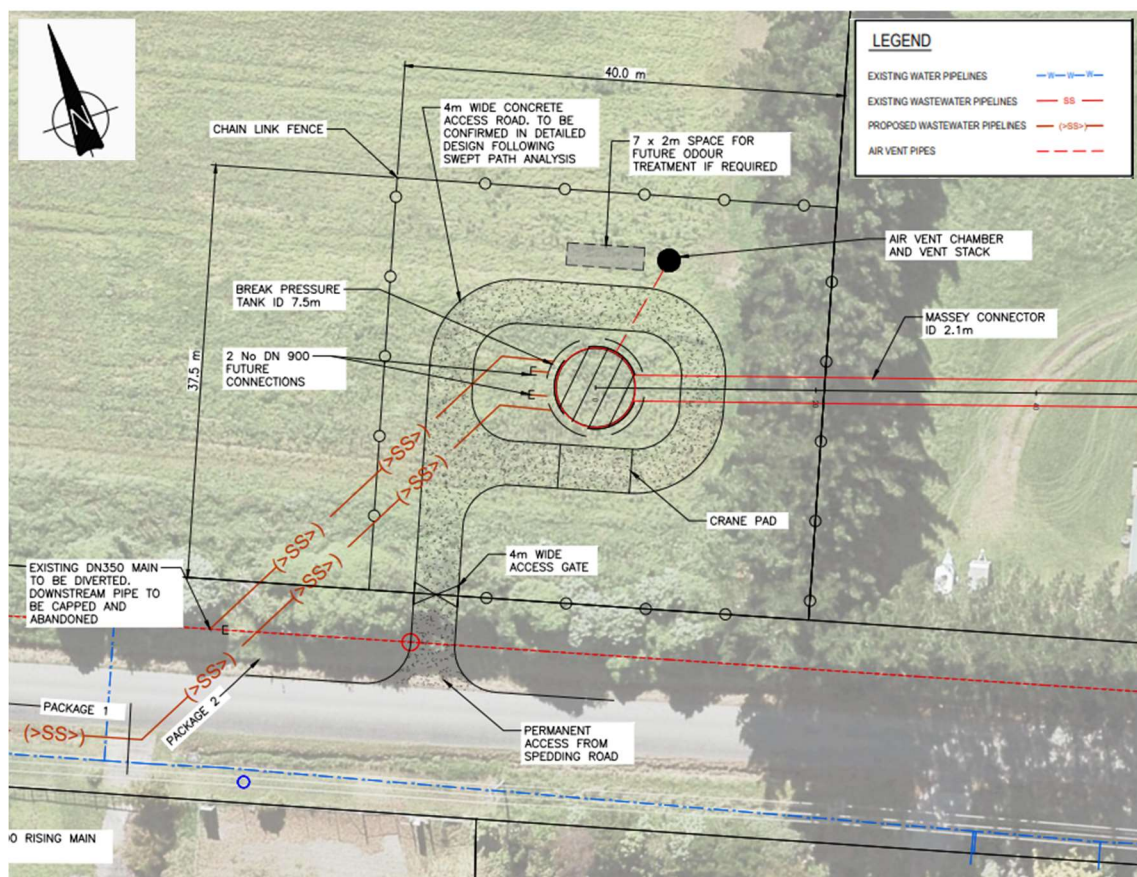


Figure 1. Break Pressure Tank Site Layout 8 Spedding Road

ATTACHMENT F
UPPER HARBOUR LOCAL BOARD VIEWS

For Action

MEMO TO: Todd Elder - Planner

COPY TO:

FROM: Max Wilde - Democracy Advisor (Upper Harbour Local Board)

DATE: 01 July 2024

MEETING: Upper Harbour Local Board Meeting of 27/06/2024

Please note for your action / information the following decision arising from the meeting named above:

UH/2024/81 **Local Board views on the Notice of Requirement lodged by Watercare Services Limited in Whenuapai**
FILE REF CP2024/06989
AGENDA ITEM NO. 15

15 **Local Board views on the Notice of Requirement lodged by Watercare Services Limited in Whenuapai**

The Senior Policy Planner, Todd Elder, was in attendance to support the item.

Resolution number UH/2024/81

MOVED by Chairperson A Atkinson, seconded by Member S Yang:

That the Upper Harbour Local Board:

- a) **whakarite / provide local board views on the Notice of Requirement lodged by Watercare for Whenuapai Wastewater Servicing Scheme Package 1 as follows:**
 - i) **support the overall project as it will enable development of the Whenuapai area enabling housing and jobs**
 - ii) **express concern about implications on the wetland and request that any long term changes are beneficial to and enhance the wetland**
 - iii) **request that as far as practicable works are coordinated between Watercare, Auckland Transport and New Zealand Transport Agency, e.g Supporting Growth Northwest such that traffic impacts on residents are minimised**
 - iv) **request communication on the project and status is actively shared with the community including schools residents and businesses.**
 - v) **avoid reverse sensitivity effects on the operations of Whenuapai Air Base.**
- b) **kopou / appoint Chairperson A Atkinson to speak to the Upper Harbour Local Board views at a hearing (if one is held) on the Notice of Requirement, if that is considered necessary by the local board.**
- c) **tautapa / delegate authority to the chairperson of Upper Harbour Local Board to make a replacement appointment in the event the local board member appointed in clause b) is unable to attend the hearing (if one is held).**

CARRIED

SPECIFIC ACTIONS REQUIRED: