

20 November 2024

John Duguid

General Manager, Planning and Resource Consents

Policy, Planning and Governance

Auckland Council

By Email: john.duguid@aucklandcouncil.govt.nz

Dear John,

WATERCARE SERVICES LIMITED: REQUIRING AUTHORITY DECISION ON NOTICE OF REQUIREMENT FOR WHENUAPAI WASTEWATER SERVICING SCHEME – PACKAGE 1

We write in respect of the recommendation of the Independent Hearing Panel, appointed by Auckland Council, in relation to the Notice of Requirement ("**NoR**") by Watercare for a designation in the Auckland Unitary Plan ("AUP") for Package 1 of the Whenuapai Wastewater Servicing Scheme.

Background

Watercare is a requiring authority for the purposes of the Resource Management Act 1991 ("**RMA**"). On 6 October 2023, Watercare lodged a NoR for a designation in the AUP for the construction, operation, and maintenance of a new pump station and gravity main referred to as Package 1 of the Whenuapai Wastewater Servicing Scheme.

The NoR was publicly notified on 28 March 2024, and the submission period closed on 30 April 2024 with three submissions in support received.

After review of the application, Council's reporting officer recommended the NoR be modified to avoid works in a wetland. As a result, a hearing was held on 3 October 2024 before a panel of independent commissioners appointed by Auckland Council ("**Panel**").

Panel Recommendation

The Panel issued its recommendation on the NoR on behalf of Auckland Council ("**Council**") on 8 November 2024 ("**Recommendation**"). The recommendation was that the NoR be confirmed, subject to conditions as proposed by Watercare.

Watercare's Decision

Pursuant to s172 RMA, Watercare, as the requiring authority for the NoR for the designation, must notify the Council as to whether it accepts or rejects the Recommendation in whole or in part within 30 working days after the day on which it receives the Recommendation.

Watercare accepts the Recommendation in full, including the conditions recommended by the Panel. **Enclosed** with this letter is a clean copy of the designation (noting that Watercare made no changes to the Panel's recommended conditions).

Please contact William Hung on William.hung@water.co.nz if you have any queries or require any further information.

Yours sincerely,

Tanvir Bhamji
Resource Consenting Manager
Watercare Services Limited

Cc: Warren Maclennan, Manager Planning – Regional, North, West & Islands –
Warren.Maclennan@aucklandcouncil.govt.nz

Eryn Shields, Team Leader North-West Plans & Places – Eryn.Shields@aucklandcouncil.govt.nz

Bevan Donovan, Hearing Advisor – bevan.donovan@aucklandcouncil.govt.nz

Todd Elder, Senior Planner – todd.elder@aucklandcouncil.govt.nz

[# Council to allocate #] [Designation name]

Designation Number	Council to allocate #
Requiring Authority	Watercare Services Limited
Location	32 Mamari Road, 8 Spedding Road, Spedding Road road reserve, 23A Brigham Creek Road, 23-27 Brigham Creek Road, Brigham Creek Road road reserve, 20-22 Brigham Creek Road, 26 Brigham Creek, 28 Brigham Creek Road, Tamiro Road and Roundal Crescent
Lapse Date	10 years from inclusion in the Auckland Unitary Plan, in accordance with section 184(1) of the RMA

Purpose

Wastewater purposes – to construct, operate and maintain a pump station, gravity main and associated infrastructure.

Conditions

1. 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 7 March 2024) 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 7 March 2024.
 - b. Whenuapai-Redhills Wastewater Servicing Brigham Creek Road, Whenuapai: Interim Slaughterhouse PS – Wastewater gravity main plan and long section – Sheet 1 of 5 dated 13 May 2022.
 - c. Whenuapai Wastewater Servicing Scheme Phase 1 Brigham Creek Road, Whenuapai Package 1 Key Construction Activities, Rev 4, dated 15 August 2024.

Except as required by Condition DC2 below, an Outline Plan of Works 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.

2. The Requiring Authority shall submit an 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.
3. Where there may be inconsistencies between information provided by the applicant and conditions of the designation, these conditions prevail.

With 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

- DC17
- DC22
- DC23
- DC28

4. 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 (or equivalent position).

5. The designation shall lapse on the expiry of a period of 10 years after the date on which the last of any appeals on the notice of requirement associated with the Project is withdrawn or determined, or, if no appeals are lodged, the date on which the notice of requirement is 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.

6. **Work hours**

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 required by Condition DC7 and/or the Construction Traffic Management Plan required by Condition DC8.

Other construction related activities, such as site set up or delivery of pipes, may occur outside of the standard hours set out in DC6(a) above, if they meet the noise levels in DC13.

Advice Note:

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

7. **Construction and Environment Management Plan**

A Construction and Environment Management Plan (CEMP) shall be submitted to Council for certification that the matters listed in (a) to (p) below have been included in the CEMP 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 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 plans;
- 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;
- 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

7a. **Construction Methodology**

Prior to construction of the section of Gravity Main between the proposed pump station and Brigham Creek Road, the Requiring Authority shall engage a suitably qualified and experienced person to assess whether trenchless construction methodology for the gravity main beneath "Wetland C" is feasible and practicable. In undertaking this assessment, consideration shall be given to:

- a. The ground conditions;
- b. The location and depth of the pipeline;
- c. Accuracy of installing the pipeline;
- d. The ability to achieve the design requirements of the pipeline;
- e. The risk of potential failures (e.g. frack out, encountering underground obstructions);
- f. The potential disturbance to the wetland;
- g. The designation objectives;
- h. Any other matter considered reasonably necessary.

The Requiring Authority shall review the findings of the specialist assessment and use a trenchless construction methodology where it is feasible and practicable to do so.

The Requiring Authority shall provide the report to the Council to confirm the construction

methodology.

If it is determined by the Requiring Authority that it is not feasible and practicable to do so, the Requiring Authority's reasons, alongside the specialist's assessment, will be provided to Council.

8. **Construction Traffic Management Plan**

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, Mamari Road, and 90 Trig Road.
- e. Measures to inform the public and engage with local residents (specifically Spedding Road, Tamiro Road, Joseph Macdonald Drive and Mamari Road residents, and the landowners of 90 Trig Road), 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.

Advice Note:

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

9. **Site Access at 23-27 Brigham Creek Road**

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.

10. Once construction of the works is complete, the width of the vehicle crossing to Brigham Creek Road shall be reinstated.

11. **Construction Noise and Vibration Management Plan**

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

The purpose of the CNVMP is to identify and require the adoption of the best practicable option to minimise construction noise and vibration from the works and to minimise any exceedance of the criteria set out in Conditions DC13 and 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 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 DC6).
- c. The construction noise and vibration standards for the Project (from conditions DC13, DC14 and DC15).
- d. Mitigation options including alternative strategies to identify and implement the Best Practicable Option (BPO) in accordance with section 16 of the RMA, for work and activities that cannot practicably comply with the relevant noise and/or vibration limits in DC13 and DC14. This section shall set and require the adoption of the BPO for these works and shall set out noise limits for these works and activities.
- e. Identification of any properties that require a pre-construction building condition survey.
- f. Procedures, 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 DC12.
- i. Noise and vibration monitoring and reporting requirements as required by Condition DC16.
- j. Procedures for review of the CNVMP throughout the works.

12. **Noise Communication Protocols**

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 peak particle velocity (PPV) for more than three days, at least 3 days prior to the works commencing.

The written advice shall clearly describe 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.

13.

Construction Noise

Construction noise shall be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise. The construction noise shall comply with the following noise standards when measured and assessed 1m from the façade of any occupied building containing an activity sensitive to noise unless a higher noise limit is provided in 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 cannot be achieved these activities and receivers shall be identified in the CNVMP required by DC11 and the best practicable option shall be specified and adopted.

14.

Construction Vibration

Except as provided for below, vibration levels arising from construction activity on the site shall not exceed 2 mm/s peak particle velocity (PPV) 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.

- 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.

15. A level of 2 mm/s peak particle velocity (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 any time.

16. **Construction Noise and Vibration Monitoring**

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 activities sensitive to noise, for the purpose of confirming compliance with the relevant noise standards and validating the levels predicted in the noise and vibration assessment. Monitoring shall also be conducted as it is required by the certified CNVMP

17. **Landscape and Visual and Arboricultural**

The Requiring Authority shall ensure that:

- 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. All works are contained to a defined footprint as small as practicably possible.
 - c. Disturbed areas are recontoured so they tie into existing contours including natural depressions in identified wetlands.
 - d. Revegetation is undertaken including:
 - i. Planting in general accordance with Drawing 2013649.001 around Wetland C.
 - ii. Low level planting around curtilage of new aboveground structures at the Pump Station at 23A Brigham Creek Road; and.
 - iii. Replacement planting on a 2:1 basis of any trees removed from the riparian area of Slaughterhouse Stream, and the Tamiro Road stormwater pond associated with the proposed works.
 - e. Revegetation planting is maintained for no less than 5yrs. All planting and maintenance must be in accordance with best practice methodologies of Te Haumanu Taiao, or other subsequent Council restoration guide.
18. 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.

19. **Terrestrial Ecology**

An Ecological Management Plan (EMP) must be prepared prior to the Start of Construction, prepared by a suitably qualified and experienced person (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 that it includes the matters listed in (a) to (c) below by the Council, prior to any works commencing within the site and implemented in all respects.

The EMP must include, but not be 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 dependent).
- b. Long-tailed Bat Management, in accordance with best practice methodologies, a description of methods to avoid impacts on bats, including roost feature

identification, salvage protocols, relocation protocols, and supervised habitat clearance/transfer protocols.

- 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.

20. **Network Utilities**

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.

21. CCTV of the stormwater outlet shall 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.

22. 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 routine operation, maintenance and renewal of existing assets within the road reserve.
23. Following construction of the Gravity Main through the Tamiro Road Stormwater Wetland embankment, the Requiring Authority shall not require Healthy Waters to seek written approval under section 176(1)(b) of the RMA for works for routine operation and maintenance of the stormwater pond. 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.

24. **Defence**

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)

25. 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 Obstacle Limitation Surface (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 OLS 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.

26. 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 be provided to NZDF for comment, acceptance, finalisation and implementation.

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

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

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

Advice note:

The purpose of the Communications Plan is 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.

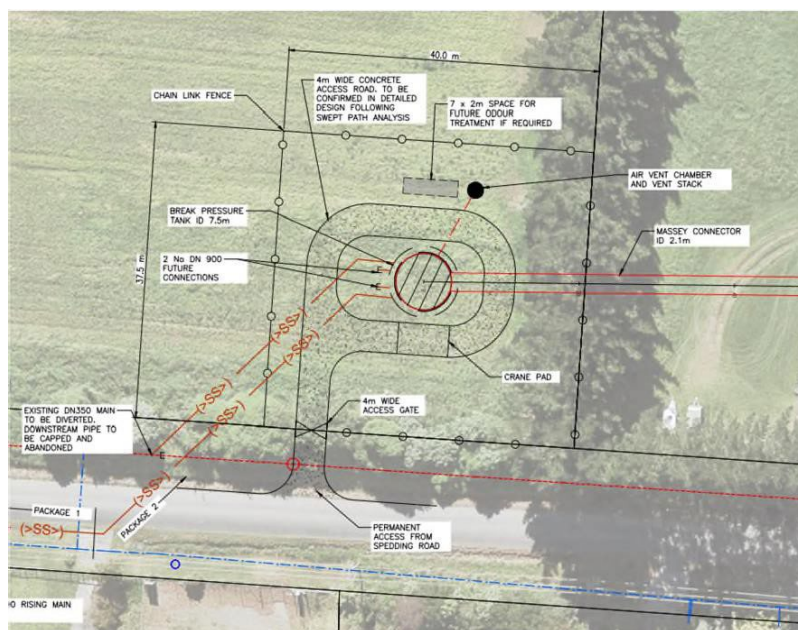


Figure 1. Break Pressure Tank Site Layout 8 Spedding Road

27. **Water and Power**

Watercare shall use reasonable endeavours to connect the proposed Pump Station to water and power supply from Spedding Road extension provided:

- There is a public water and/or public power supply available within proximity to the Pump Station; and
- The supply is available at the time that the Pump Station is ready to connect.

If the public water and power supply is not available at the time when the Pump Station is ready to be connected, then Watercare shall connect to the supply on Brigham Creek Road.

28. **Operational Lighting of Pump Station - Bats**

Any external operational lighting required for the Pump Station shall be designed with a means of automatic off switch to minimise the amount of time that external lighting from the Pump Station may impact bats navigating at night. This may include timers or motion sensors.

29. **Cultural Protocols**

The Requiring Authority shall provide the opportunity for Ngāti Whātua o Kaipara representatives to undertake cultural monitoring associated with earthworks for the project, particularly in relation to earthworks in and around streams and wetlands. A minimum of 10 working days' notice shall be given.

30. Prior to the commencement of earthworks, the Requiring Authority shall provide the opportunity for Ngāti Whātua o Kaipara representatives to undertake karakia (or site blessing), and at any other time as agreed between Watercare and Ngāti Whātua o Kaipara representatives.

The site blessing:

- a. shall be located on site;
- b. shall be scheduled not less than five working days before the anticipated commencement of earthworks; and
- c. shall include all persons directly involved in the project (including but not limited to Watercare and contractor representatives).

31. The Requiring Authority shall provide the opportunity for Ngāti Whātua o Kaipara representatives to input into the development of the landscape design and planting required to be undertaken in accordance with DC17, including the selection of native plants.

Attachments

[No attachments.]