

Decision on notification of an application for resource consents under the Resource Management Act 1991



Discretionary activity

Application number(s): BUN60375349 (Council Reference)
LUC60375390 (s9 land use consent)
LUS60385497 (ss13 & 14 streamworks permit)
WAT60375391 (s14 water permit)
DIS60380084 (etc) (s15 stormwater permit)

Applicant: Watercare Services Limited

Site address: 584 Sandspit Road, Warkworth and 297 Hamilton Road, Snells Beach

Legal description: Pt Lot 2 DP 571 – 584 Sandspit Road
Lot 5 DP 518032 – 297 Hamilton Road

Proposal:

To undertake bulk earthworks to establish launch platforms at 584 Sandspit Road and 297 Hamilton Road for the installation of a future wastewater pipeline and to install a temporary accessway at 584 Sandspit Road.

Resource consents are required for the following reasons:

Land use consent – s9 – LUC60375390

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

E36 Natural hazards and flooding

- To divert the entry or exit point, piping or reducing the capacity of any part of an overland flow path is a restricted discretionary activity under rule E36.4.1(A41). The exit point of the overland flow path at 297 Hamilton Road will be temporarily diverted, overland flow paths will be temporarily piped and likely have temporary reduced capacity at both sites.
- All other infrastructure in the 1 per cent annual exceedance probability (AEP) flood plain and/or in overland flow paths is a restricted discretionary activity under rule E36.4.1(A56). At 584 Sandspit Road the proposed temporary bridge is in the 1 per cent AEP flood plain and culverts are proposed within overland flow paths.

E25 Noise and Vibration

- To undertake works that do not comply with the permitted activity standards as the construction works will last longer than 20 weeks and a 5dBA reduction to the limits is

not being applied as required by Standard E25.6.27(4) is a restricted discretionary activity under rule E25.4.1(A2).

E26 Infrastructure

- To undertake general earthworks at 584 Sandspit Road of approximately 34,000m² and 30,000m³ cut and 11,000m³ fill (total 41,000m³) as the earthworks are greater than 2,500m² and 2,500m³ in a rural zone this is a restricted discretionary activity under rules E26.5.3.1(A97) and (A97A) respectively.
- To undertake general earthworks at 297 Hamilton Road of approximately 40,000m² and 122,000m³ cut as the earthworks are greater than 2,500m² and 2,500m³ in a rural zone this is a restricted discretionary activity under rules E26.5.3.1(A97) and (A97A) respectively.
- To undertake general earthworks that fails to meet the following standard and is a restricted discretionary activity under rule C1.9(2):
 - The proposal involves earthworks that will be greater than 5m² and 5m³ within the riparian margins of intermittent and permanent rural streams at 584 Sandspit Road not meeting Standard E26.5.5.2(12)(b).

584 Sandspit Road, Warkworth only

- To undertake vegetation alteration or removal within a riparian area that does not comply with Standards E26.3.5.1 to E26.3.5.4 is a restricted discretionary activity under rule E26.3.3.1(A77). The vegetation removal at 584 Sandspit Road in the riparian margin is between 49m² and 239m² and may require the removal of trees over 6m in height or 600mm in girth therefore not meeting Standard E26.3.5.2(1) and (3).
- To undertake general earthworks of approximately 3,450m² within an Outstanding Natural Landscape Overlay, as the earthworks are greater than 2,500m² and 2,500m³ is a restricted discretionary activity under rule E26.6.3.1(A118).
- To undertake general earthworks of approximately 180m² within the High Natural Character overlay, as the earthworks are greater than 10m² and 5m³ is a restricted discretionary activity under rule E26.6.3.1(A117).

E27 Transport

584 Sandspit Road, Warkworth only

- To construct a new vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3) where the site accesses an Arterial Road is a restricted discretionary activity under rule E27.4.1(A5).
- Parking, loading and access which is accessory but which does not comply with the standards for parking, loading and access is a restricted discretionary activity under rule E27.4.1(A2). The proposal does not meet the following standard:
 - To establish a vehicle crossing of approximately 11m width where a maximum of 9m is permitted when utilised for heavy vehicles in rural zones under Standard E27.6.4.3(T156).

Regional land use (operative plan provisions)

- To undertake general earthworks of approximately 32,000m² on land with a slope greater than 10 degrees and/or that is within the Sediment Control Protection Area at

584 Sandspit Road, as the earthworks are greater than 2,500m² is a restricted discretionary activity under rules E26.5.3.2(A106) and (A107).

- To undertake general earthworks of approximately 40,000m² on land with a slope greater than 10 degrees and/or that is within the Sediment Control Protection Area at 297 Hamilton Road, as the earthworks are greater than 2,500m² is a restricted discretionary activity under rules E26.5.3.2(A106) and (A107).

National Environmental Standard for Assessing and Managing Soils to Protect Human Health 2011 (297 Hamilton Road, Snells Beach)

- To undertake soil disturbance that is of a volume and for a duration exceeding the permitted activity threshold of regulation 8(3) where HAIL activities have occurred, and a Detailed Site Investigation has not been submitted is a discretionary activity under Regulation 11.

Water Permit – s14 – WAT60375391

- To undertake the diversion of ground water caused by an excavation that does not meet the permitted activity standards is a restricted discretionary activity under rule E7.4.1(A28).
- To undertake dewatering associated with a groundwater diversion authorised as a restricted discretionary activity is a restricted discretionary activity under rule E7.4.1(A20).

Streamworks consent (ss 13 & 14) – LUS60385497 (584 Sandspit Road, Warkworth)

- To install a new structure, being a culvert of 37m in length being more than 30m in length within an intermittent stream is a discretionary activity under rule E3.4.1(A33).

Discharge permit – s15 – DIS60380084 (297 Hamilton Road, Snells Beach)

- To undertake soil disturbance of more than 200m³ in excess of 2 months and the level of soil contamination may exceed the Permitted Activity soil acceptance criteria of Standard E30.6.1.4 and no Detailed Site Investigation or Contaminated Site Management Plan has been submitted is a discretionary activity under rule E30.4.1(A7).

The reasons for consent are considered together as a discretionary activity overall.

Decision

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

Public notification

Under section 95A of the RMA, this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it;
 - b. there are no outstanding or refused requests for further information; and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
 - a. there is no plan rule or regulation in an NES that specifically precludes public notification of the application; and
 - b. the application is for activities other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
 - a. the application is for activities that are not subject to a plan rule or regulation in an NES that specifically requires it; and
 - b. the activities will have or are likely to have adverse effects on the environment that are no more than minor because:
 - the potentially contaminated soil at 297 Hamilton Road can be managed through a contaminated site management plan to ensure that the receiving environment, including the Mahurangi Harbour is not affected;
 - while the earthworks are extensive, all soil (except contaminated soil) will be retained on site and appropriate erosion and sediment control measures will be in place throughout works to ensure that there is no adverse discharge and therefore effect on the quality of the receiving environment;
 - the proposed temporary culverts are of an appropriate size to ensure that adverse effects in relation to upstream or downstream capacity of the overland flowpaths are not affected, and there is no adverse effect on the capacity of the flood plain at 584 Sandpit Road;
 - the proposed groundwater dewatering and diversion can be suitably managed by the offered conditions of consent to ensure no adverse effects on the environment result;
 - taking into account the proposed replacement planting, and on-site arborist monitoring the works in the riparian margin will result in less than minor adverse effects on the ecological and arboricultural values in regard to vegetation. While lizards are present in the location and will likely be disturbed due to the vegetation removal, the proposed Scouting and Relocation Plan by the applicant will ensure that only minor adverse effects on lizards may result;
 - the installation of a 37m long culvert in the intermittent stream is necessary to provide access and enable the launch platform at 584 Sandspit Road, due to the

- temporary nature of the works and the reinstatement of the stream following works, adverse effects on the stream's ecological values will be less than minor
- taking into account the extent of works within the outstanding natural landscape and area of high natural character and the mitigation offered, adverse effects on this landform will be temporary and result in less than minor adverse effects on natural character and landscape values of this landform that will be negligible on reinstatement
 - an archaeologist will be engaged and a precautionary Authority to Modify obtained from Heritage New Zealand prior to works commencing that will ensure the nearby archaeological sites are not affected or if disturbed appropriate protocols will be in place;
 - the applicant has undertaken ongoing engagement with relevant iwi regarding the project, appropriate management techniques will be in place during works, overall it is considered that this will ensure less than minor adverse effects on cultural values;
 - the vehicle crossing on Sandspit Road can be managed to an acceptable level through a construction traffic management plan and specific temporary traffic measures. The activity will have a minor adverse effect on the safe and efficient operation of the road network;
 - the proposal will not result in cumulative effects on the wider environment, either by itself or in conjunction with the resource consent application for the wastewater pipeline;
 - Overall, the works can be suitably managed to avoid, remedy or mitigate adverse effects on the environment.
4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Limited notification

Under section 95B of the RMA, this application shall proceed with limited notification because:

1. Limited notification is neither mandatory nor precluded under steps 1 and 2.
2. However, under step 3, the following persons are found to be adversely affected by the proposal:
 - the owners and occupiers of 4, 4A, 4B, 4C and 6 Hamilton Road due to the proximity of the proposed vehicle crossing to their site access and the impact it will have on their ability to access their properties. In addition, when considering the cumulative effects of the combined activities across this application and the pipeline application these persons will also be adversely affected.
 - No other persons are adversely affected because appropriate measures will be in place throughout works to control the removal of potentially contaminated soils, disturbance of soil and the take and diversion of groundwater. While the construction will be audible from outside the site taking into account the permitted

levels and the nature of the works the construction noise levels are considered reasonable and will not result in adversely affected persons. The traffic from the activity can be managed within the roading network and will not affect access to other sites.

3. In addition, under step 4, there are special circumstances that warrant the application being limited notified to other persons being those persons who own the land below which the pipeline (subject of a separate resource consent application) will be installed. This is because the applications are inherently linked and it would be artificial to notify one application and not the other.

Accordingly, this application shall proceed with **LIMITED NOTIFICATION**. Notice of this application shall be served on the affected persons, being the owners and occupiers of the properties listed below, unless their written approval is otherwise obtained:

- Puhinui Scenic Reserve
- 360 Sandspit Road
- 526 Sandspit Road
- 4 Hamilton Road
- 4A Hamilton Road
- 4B Hamilton Road
- 4C Hamilton Road
- 6 Hamilton Road
- 48 Hamilton Road
- 50 Hamilton Road
- 114 Hamilton Road
- 86 Lawrie Road
- 103 Hamilton Road
- 108 Lawrie Road
- 178 Hamilton Road
- 200 Hamilton Road
- 43 Rivendell Place



Mark C Farnsworth MNZM

Duty Commissioner

26 November 2021