

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



Discretionary activity

Application number(s): BUN60381802 (Council Reference)
LUC60381803 (s9 land use consent)
LUS60381804 (s13 & s14 streamworks)
WAT60381999 (s14 water permit)

Applicant: Watercare Services Limited

Site address: 1 Bertram Street, 584 Sandspit Road, 46 Hamilton Road, Duck Creek adjacent 114 Hamilton Road, Road reserve adjacent 99 Hamilton Road, 232 Hamilton Road and 297 Hamilton Road

Legal description: Lot 125 DP 80664, Lot 130 DP 80665, Lot 131 DP 80666, Allot 405 Psh Of Mahurangi SO 46746, Lot 2 Sec 13 Allot 67 Psh Of Mahurangi SO 1150J, Lot 2 Sec 2 Allot 67 Psh Of Mahurangi SO 1150J, Lot 3 Sec 2 Allot 67 Psh Of Mahurangi SO 1150J, Lot 4 Sec 2 Allot - 1 Bertram Street

Pt Lot 2 DP 571 – 584 Sandspit Road

Lot 2 DP 194478 - 46 Hamilton Road

Pt Allot 40 Parish of Mahurangi SO 1435B – 232 Hamilton Road

Lot 5 DP 518032 – 297 Hamilton Road

Proposal:

To install a wastewater pipeline from Warkworth to Snells Beach by trenchless means, together with temporary reception and inspection shafts at various locations and to remove excess tunnel spoil from the launch platform sites

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60381803

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

E26 Infrastructure

- To undertake general earthworks over an area of 3,000m² and of an approximate volume of 3,500m³ for the temporary accessway, hardstand and temporary inspection shaft at 584 Sandspit Road, 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 standards and is a restricted discretionary activity under rule C1.9(2):
 - The proposal involves earthworks of approximately 650m² and 400m³ that will be greater than 5m² and 5m³ within the riparian margins of an intermittent rural stream at 584 Sandspit Road therefore not meeting Standard E26.5.5.2(12)(b).
 - The proposal involves land disturbance and stockpiling of soil within the 1% AEP flood plain for more than 28 days at 1 Bertram Street therefore not meeting Standard E26.5.5.2(A28).
- To undertake general earthworks of approximately 3,700m³ for the temporary accessway, hardstand and temporary inspection shaft at 232 Hamilton Road, as the earthworks are greater than 2,500m³ in a rural zone this is a restricted discretionary activity under rule E26.5.3.1(A97A).
- To undertake general earthworks of approximately 6,600m³ for the removal of the tunnel spoil from 584 Sandspit Road and 297 Hamilton Road, as the earthworks are greater than 2,500m³ at each site in a rural zone this is a restricted discretionary activity under rule E26.5.3.1(A97A).

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).
- To undertake tunnelling works that exceed the permitted threshold of standard E25.3.30 of 0.3mm/s between 10.00pm and 7.00am as it relates to 43 Rivendell Place and 4C Hamilton Road as levels are predicted to be up to 1.0mm/s. This is a restricted discretionary activity under Rule E25.4.1(A2).

E27 Transport

- To increase the intensity of use of a vehicle crossing at 584 Sandspit Road 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(A6).

Regional land use (operative plan provisions)

- To undertake earthworks of 3,000m² on land with a slope greater than 10 degrees and within a Sediment Control Protection Area for the temporary accessway, hardstand and temporary inspection shaft at 584 Sandspit Road, as the earthworks are greater than 2,500m² this is restricted discretionary activity under rule E26.5.3.2(A106) and (A107) respectively.

Water permit (s14) – WAT60381999

- To undertake the diversion of groundwater caused by an excavation that does not meet the permitted activity standards at 1 Bertram Street, 584 Sandspit Road, 46 Hamilton

Road, road reserve Hamilton Road and 232 Hamilton Road 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 at 584 Sandspit Road, 46 Hamilton Road, Hamilton Road road reserve and 232 Hamilton Road and dewatering at 1 Bertram Street not meeting the permitted activity standards is a restricted discretionary activity under rule E7.4.1(A20).

Streamworks permit (ss13 & 14) – LUS60381804 – adjacent 114 Hamilton Road

- To install a temporary dam and divert structure within the stream bed located in a significant ecological area that complies with the standards of E3.6.1.15 is a discretionary activity under Rule E3.4.1(A27).

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 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 earthworks can be suitably managed through erosion and sediment control plans to ensure that adverse effects on the receiving environment are avoided, remedied or mitigated;
 - the works will not result in adverse effects on the capacity of existing flood plains and overland flowpaths in or near the works areas;
 - the proposed temporary flue within a permanent stream will be in place for a maximum of seven days and can be installed and removed such that effects of bed disturbance, restriction of fish passage, fish fatality and sediment discharges appropriately managed or mitigated. Overall, there will be no degradation or loss of the stream environment;
 - the take and diversion of groundwater will not result in adverse effects on the Pakiri Formation aquifer;
 - the applicant has undertaken ongoing engagement with relevant iwi regarding the project, appropriate management techniques will be in place during works, overall, it considered that this will ensure less than minor adverse effects on cultural values;
 - the construction traffic can be suitably managed through the offered construction traffic management plans, including temporary traffic measures, to ensure the safe and efficient operation of the road network such that adverse effects will be no more than minor, and
 - 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 bulk earthworks;
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 43 Rivendell Place and 4C Hamilton Road due to the potential vibration from the tunnel boring being felt at night. As well as the owners and occupiers of 4, 4A, 4B, 4C and 6 Hamilton Road due to the adverse disruption caused by the proximity of their vehicle crossing to that of the temporary vehicle crossing for 584 Sandspit Road; the combined traffic and noise from the operation of the site and the close proximity of the temporary access road to their dwellings affecting their amenity values and the cumulative effects of the combination of activities under this application and the bulk earthworks application for the launch platforms.
 - No other persons are adversely affected because:

- appropriate measures including surveying and monitoring of adjacent structures will be undertaken to ensure adverse effects from groundwater diversion and dewatering do not result;
 - the earthworks will not result in adverse dust or lighting for any particular person due to the controls proposed;
 - the noise levels from the proposed works, while audible, will be within an acceptable threshold taking into account the permitted baseline. Appropriate mitigation can be utilised during the night-time that will be managed through a construction noise and vibration management plan;
 - traffic at the various sites can be suitably managed through construction management plans to ensure adverse effects do not result on any other particular person;
 - due to the location of works, and separation from residential dwellings no other person will be affected in regard to the combined, cumulative, effects of this application and that for the bulk earthworks.
3. Under step 4, there are also special circumstances that warrant the application being limited notified to other persons besides those identified above. This is because the applicant (a Council Controlled Organisation) has given an expectation to at least some of the owners of properties the pipeline will traverse under that they will be considered affected persons. This is considered unusual enough to warrant special circumstances and notify these persons.

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

A handwritten signature in black ink, appearing to read "Mark Farrant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Duty Commissioner

26 November 2021