



Blackpool Stormwater Improvements

Assessment of Effects on the Environment

Prepared for Auckland Council
Prepared by Beca Limited

5 June 2025



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Revision History

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1 Introduction

1.1 Purpose

This Assessment of Effects on the Environment (AEE) report has been prepared by Beca Limited (Beca) on behalf of Auckland Council Healthy Waters (ACHW) (the applicant), to support a resource consent application pursuant to Sections 9(2), 9(3) and 13 of the Resource Management Act 1991 (RMA) to undertake stormwater improvements in Blackpool, Waiheke Island.

Specifically, resource consent is sought for a **Non-Complying Activity** under the Auckland Unitary Plan (Operative in Part) (AUP:OP), Auckland Council District Plan – Hauraki Gulf Islands Section (ACDP:HGI), and Resource Management (Natural Environmental Standards for Freshwater) Regulations 2020 (NESF). This AEE has been prepared pursuant to Section 88 of the RMA, and in accordance with the Fourth Schedule.

1.2 Background and project description

ACHW has identified that an area of the suburb of Blackpool, Waiheke, is prone to flooding. Since 2017 there have been 33 flood issues reported, with frequent nuisance flooding to roads during small storm events and major road and property flooding during high rainfall events. ACHW have identified a lack of piped stormwater infrastructure in the upper catchment into the lower catchment, and due to this lack of drainage to the receiving environment, stormwater ponds at low points. The existing stormwater road culverts, open channels and driveway culverts are undersized and have limited capacity of <1 year ARI event. Additionally, the low-lying downstream aspect of Blackpool is sensitive to tidal conditions, exacerbating the flood risk when a storm coincides with high tide. Accordingly, improvements to stormwater infrastructure are required to improve flood resilience.

ACHW is proposing to replace existing stormwater culverts and pipes, form open stormwater channels and extend a stream bank by reducing the slope. Associated with the works, planting will be undertaken following completion of stormwater works along riparian margins and along the road reserve. Full details of the project and construction methodology are contained in Section 3 of this report.

1.3 Summary of consents required

Resource consent is sought under the ACDP:HGI as a **Non-Complying Activity** overall, and is required for the following activities:

- Offices, storage sheds, portable toilets, builders' workshops and site offices, scaffolding and falsework, and other buildings or structures of a similar character and the storage of construction materials where such buildings or materials as a Restricted Discretionary Activity (Rule 4.5.4).
- Construction noise not complying with permitted activity thresholds as a Non-Complying Activity (Rule 4.2).
- Network utility services not otherwise provided for comprising of new stormwater channels, swales and relocation of power poles as a Discretionary Activity (Rule 5.5.1).
- Activities in a Category A archaeological site as a Discretionary Activity (Rule 7.8.5.2).
- Works within natural hazard areas as a Restricted Discretionary Activity (Rule 8.5.1).
- Indigenous vegetation alteration or removal as a Restricted Discretionary Activity (Development Control 10c.5.1.2).
- Indigenous vegetation alteration or removal in roads as a Restricted Discretionary Activity (Development Control 10c.5.2.2).
- Earthworks within the coastal, wetland and waterbody yards as a Restricted Discretionary Activity (Development Control 10c.3.1).

Resource consent is sought under the AUP:OP as a **Discretionary Activity** overall, and is required for the following activities:

- Any activities in, on, under or over the bed of lakes, rivers, streams and wetlands not otherwise provided for being channel widening as a Discretionary Activity (Rule E3.4.1(A1)).
- Any activities not complying with general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.14 to E3.6.1.23 being a new culvert as a Discretionary Activity (Rule E3.4.1(A44)).
- Vegetation alteration and removal in the riparian area and coastal yards as a Restricted Discretionary Activity (Rule E26.3.3.1(A77)).
- Earthworks in the Sediment Control Protection Area as a Restricted Discretionary Activity (Rule E26.5.3.2(A107)).

Resource consent is also sought under Regulations 45 and 71 of the NESF as a **Discretionary Activity** for earthworks and vegetation clearance associated with construction of specified infrastructure within 10m of natural inland wetlands, and development of culverts in the beds of streams not meeting fish passage design requirements.

1.4 Structure of this report

Schedule 4 of the RMA sets out the information requirements for a resource consent application. This AEE has been prepared in a manner consistent with Schedule 4 and contains the following information:

- A description of the existing environment within which the activity takes place
- A description of the proposed works
- Reasons for consent
- An assessment of effects on the environment
- An assessment of the relevant statutory framework.

2 Site description

2.1 Site description and location

The proposal is located within the road reserve and within private properties along Tui Street, Rata Street, Nikau Road and Moa Avenue within the suburb of Blackpool, Waiheke (see Figure 1).

Tui Street, Rata Street and Nikau Road are local roads, varying in width from 3.5 – 8m, and serve primarily residential land uses. Moa Avenue is classified as a secondary road by the ACDP:HGI, as is up to 8m wide. Tui Street and Moa Avenue connect Ocean View Road to the north with Blackpool Beach.

The main urban centre of Oneroa is located further north.

The works will be undertaken within the road reserve and the properties listed in Table 1. Records of title are attached in **Appendix A**.

Table 1: Details of the properties that the works will be located within.

Address	Legal Description	Owner
36 Tui Street	Huruhi Urupa Block Lot 455 DP 33180	Auckland Council
11 Rata Street	Lot 454 DP 33180	MB McGivern & GM McGivern & McGivern Family Trustee Company Limited
32 Tui Street	Lot 431 DP 33180	Cameron Peter Michael Hodgson
30 Tui Street	Lot 430 DP 33180	Katherine Marie Robertson
13 Nikau Road	Lot 429 DP 33180	June Denise Ozanne
19 Moa Avenue	Lot 414 DP 22849	Auckland Council
17 Moa Avenue	Lot 386 DP 22849	RL Prince & S Prince
15 Moa Avenue	Lot 385 DP 22849	Margaret Kerridge
3 Moa Avenue	Lot 361 DP 22849	R Johnson & SM Johnson
166 Ocean View Road	Lot 359 DP 22849	RB O'Keefe & JR O'Keefe

The majority of properties (bar two) are residential properties, which contain a single residential dwelling per parcel with ancillary buildings. The property of 19 Moa Avenue is a local reserve (Waeroa Reserve) and contains a stormwater drain and outlet, and the property at 36 Tui Street (Blackpool Cemetery Reserve) contains a stormwater drain and open grass space with a few grave sites.



Figure 1: Site of works in Blackpool, Waiheke Island (outlined in red).

2.2 Land use, zoning and overlays

The area surrounding the site is primarily residential, with single dwellings on sites. Blackpool Beach and the coastal marine area is located to the south of the site, which is part of the Hauraki Gulf. The site is approximately 500m southwest from the Oneroa town centre.

2.2.1 Auckland Council District Plan – Hauraki Gulf Islands Section

The site and surrounding area are subject to the zones and overlays under the ACDP:HGI as outlined in Table 2 and Figure 2 to Figure 5 below.

Table 2: Zones and overlays applicable to the works under the ACDP:HGI.

ADCP provision	
Zones	<ul style="list-style-type: none">Island residential 1 (transitional residential) [dp]Road [dp]Open space 1 (ecology and landscape) [dp]Open space 2 (recreation and community facilities) [dp]
Overlays	<ul style="list-style-type: none">Archaeological site (map reference: 8-5) [dp]Building, object, property or place of special value (map reference: 8-2) [dp]Flood prone land – type A flood plain [dp]

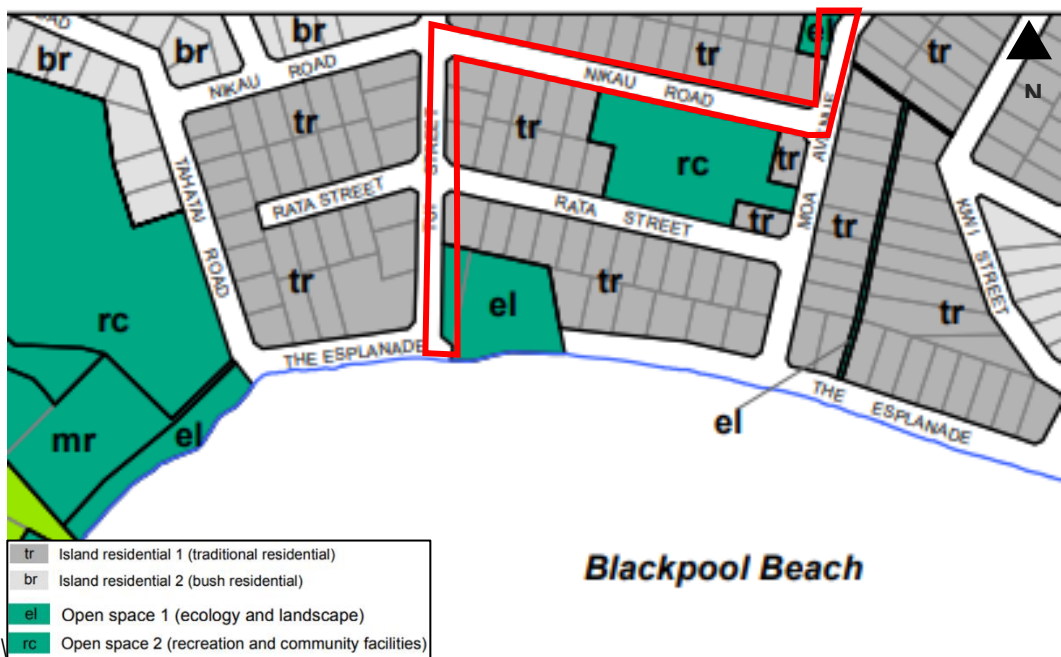


Figure 2: Zoning of the proposal under the ACDP:HGI (site outlined in red).

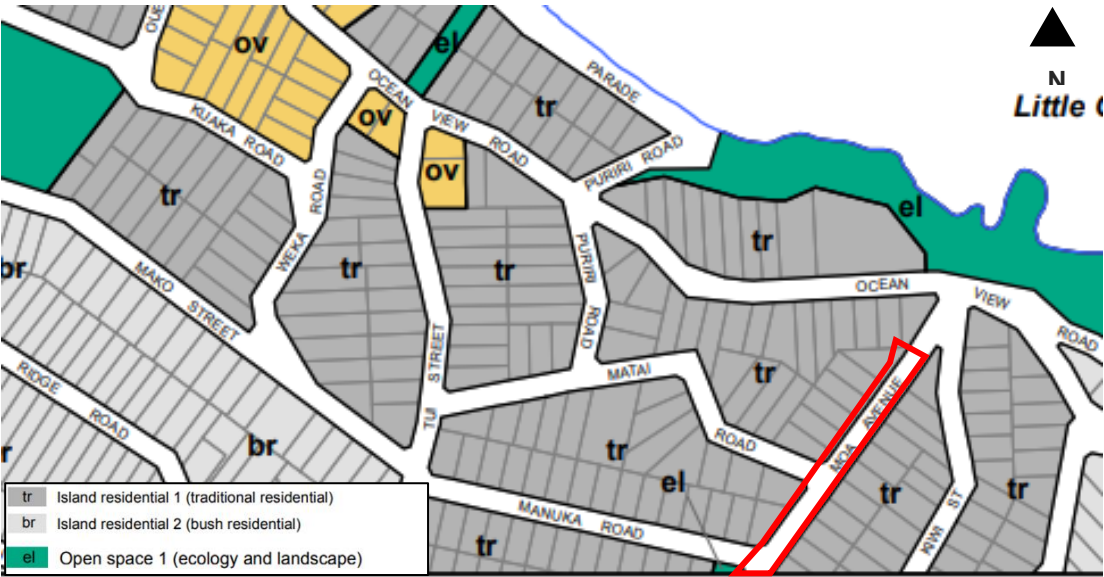


Figure 3: Zoning of the proposal under the ACDP:HGI (site outlined in red).

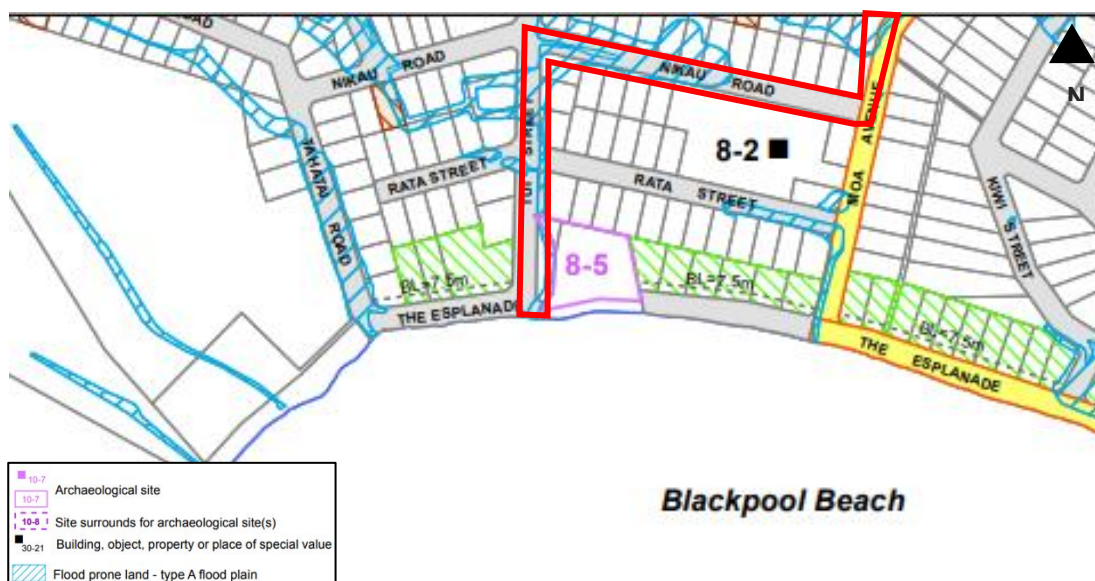


Figure 4: ACDP:HGI overlays for the proposal (site outlined in red).

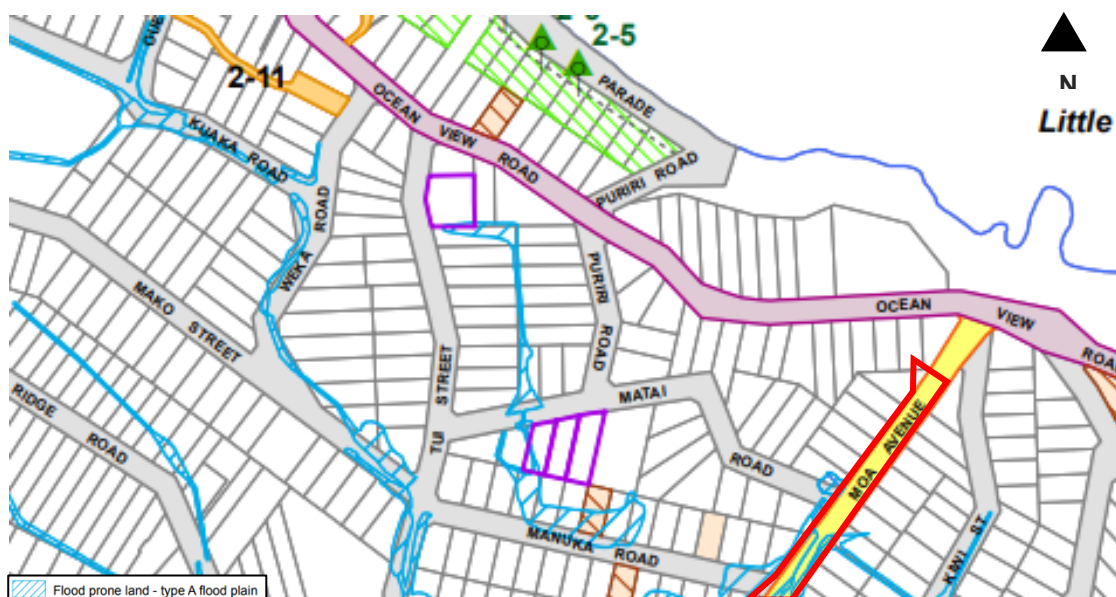


Figure 5: ACDP:HGI overlays for the proposal (site outlined in red).

2.2.2 Auckland Unitary Plan (Operative in Part)

The site and surrounding area are subject to the regional overlays and controls under the AUP:OP as outlined in **Error! Reference source not found.** and Figure 6. Of note, the site is located within a stormwater management area control – BLACKPOOL, Flow 2.

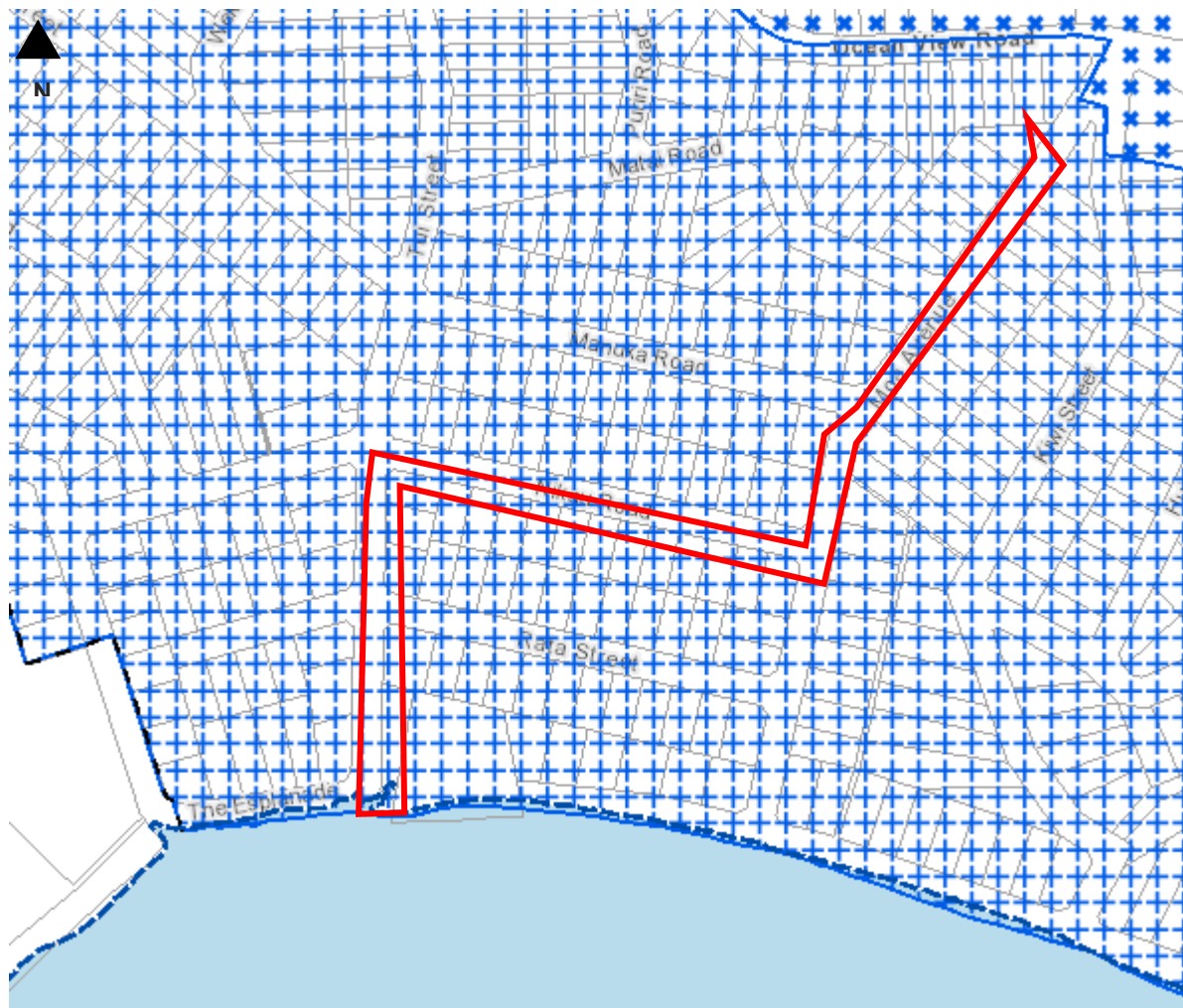


Figure 6: Stormwater Management Area Control - Flow 2 over the site (outlined in red).

2.3 Vegetation

An Arboricultural Assessment has been prepared for the project by The Tree Consultancy Company, and is attached as **Appendix E**.

The assessment identified 84 individual tree specimens and four tree groups within the site area (road reserve and private property). The vegetation is a mix of native and exotic species, the majority of which are moderate quality. Approximately 22% of the trees are Category A and B of arboricultural attributes under the BS5837 standards, indicating higher quality. A full list of trees and groups of trees including their description, size and condition is provided in **Appendix E**.

2.4 Archaeology

Several archaeological sites are located within the vicinity of the proposed works.

- The ACDP:HGI has identified an urupa site at 36 Tui Street, as shown in Figure 4 (Category A archaeological site (ID 8-5)) (refer Figure 4).
- A shell midden is recorded as site R11/306 by the New Zealand Archaeological Association on the same site.
- While outside the area of works, the Blackpool Library and Classroom is located at 23-35 Nikau Road which is scheduled in the ACDP:HGI as 8-2 (Figure 4).

An Archaeological Assessment for the works has been prepared by Origin Archaeology, and is attached as **Appendix D**. The project area has a history of Māori occupation, and the assessment has concluded that there is potential for previously subsurface in-situ archaeological remains to be present in the works area, particularly at 36 Tui Street. The urupa (R11/306) has moderate overall archaeological value.

2.5 Ecology

An Ecological Impact Assessment has been prepared for the project by Beca, and is contained in **Appendix F**. It describes the ecological values across the site which are summarised in the following sections.

2.5.1 Watercourses and riverine wetlands

A number of watercourses and wetlands are located within the project area as shown in Figure 7.

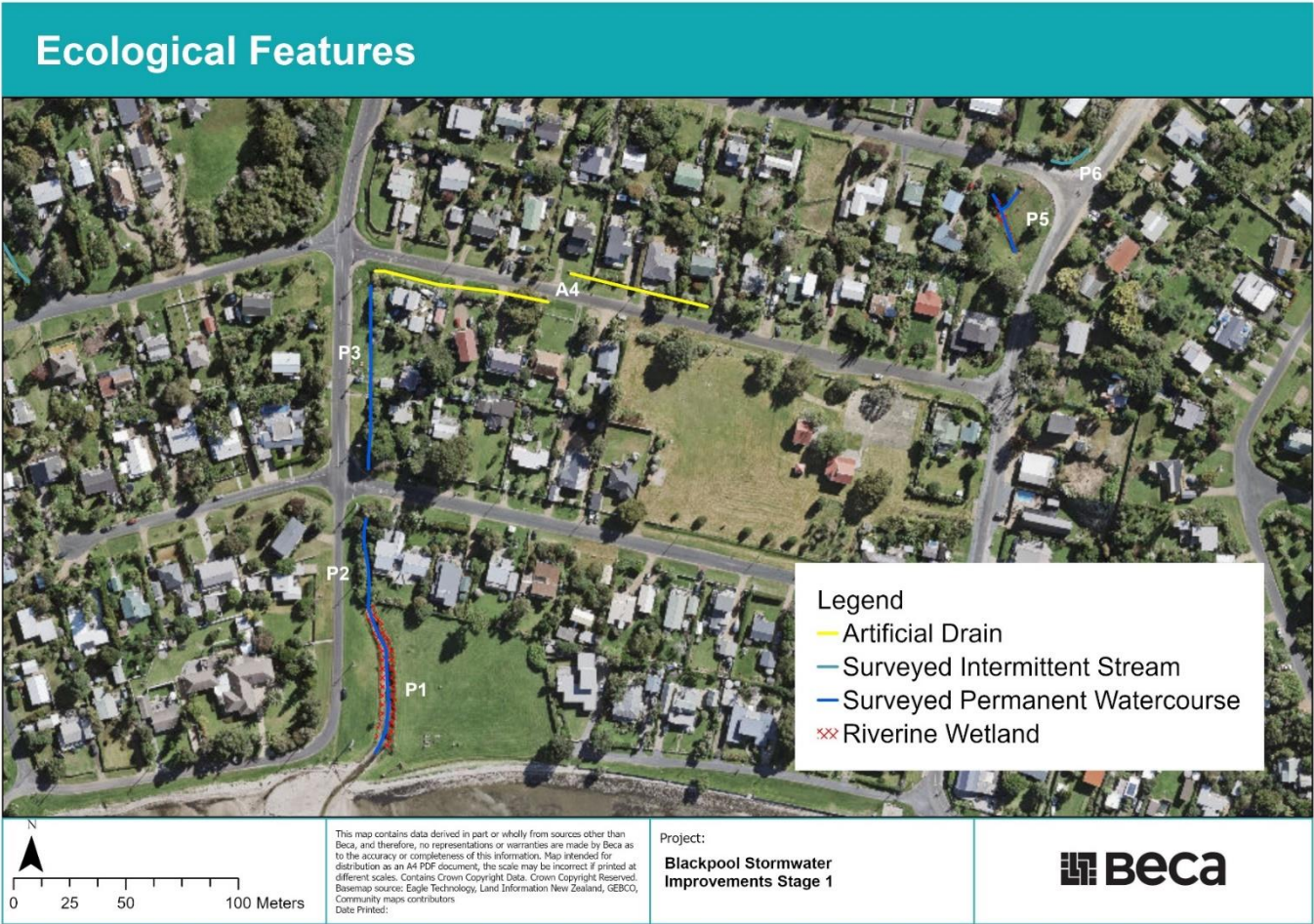


Figure 7: Wetland and watercourses within the project area (Ecological Impact Assessment - Appendix F).

Six watercourses have been identified across the site (P1- P6, A4). Overall, the ecological value of the watercourses has been assessed as low due to modification of the environment, limited habitat provision and fish passage being inhibited by culverts. The stream located at 36 Tui Street (P1) has moderate ecological value due to habitat available for intertidal vertebrates and coastal birds, presence of a riverine wetland and suitable fish passage.

2.5.2 Vegetation

Whilst there are several trees within the project area, the terrestrial vegetation is assessed as having low ecological value given that tree species present are not at risk (including pōhutukawa and Sydney golden wattle), are isolated from any contiguous forest in a modified landscape, have limited contribution to overall ecological network, and provide limited habitat for birds.

2.5.3 Native fauna

The freshwater fish values of the project have been assessed as moderate. The assessment identified shortfin eel and banded kokopu present in the site area, noting that these are more likely to be present in the watercourse at 36 Tui Street due to the open channel and are unlikely to be identified further upstream due to perched culverts and the modified nature of stream channels.

The bird values of the project area have been assessed as high. It is expected that there are several Regionally Vulnerable species (including red-billed gull, white fronted tern and variable oystercatcher) and one Regionally Endangered bird species (little shag) within 3km of the site. 15 native bird species have been identified within or in close proximity to the site (refer to **Appendix F** for further details).

There have not been any bats identified on Waiheke Island, and are thus not present around the project site.

The lizard values in the project area have been assessed as low given that there is little to no habitat available in the project area for lizard species that have been recorded within 2km of the site (including the copper skink, elegant gecko, moko skink and forest gecko).

3 Description of Project

3.1 Purpose

As set out in Section 1, Blackpool is prone to flooding as shown in Figure 8. Since 2017 there have been 33 flood issues reported, with frequent nuisance flooding to roads during small storm events and major road and property flooding during high rainfall events. ACHW have identified a lack of piped stormwater infrastructure in the upper catchment into the lower catchment, and due to this lack of drainage to the receiving environment, stormwater ponds at low points. The existing stormwater road culverts, open channels and driveway culverts are undersized and have limited capacity of <1 year ARI event. Additionally, the low-lying downstream aspect of Blackpool is sensitive to tidal conditions, exacerbating the flood risk when a storm coincides with high tide. Accordingly, improvements to stormwater infrastructure are required to improve flood resilience. The proposed works will reduce flooding as shown in Figure 9.



Figure 8: Existing flood extents without the proposed works (Source: Hydraulic Analysis Limited)

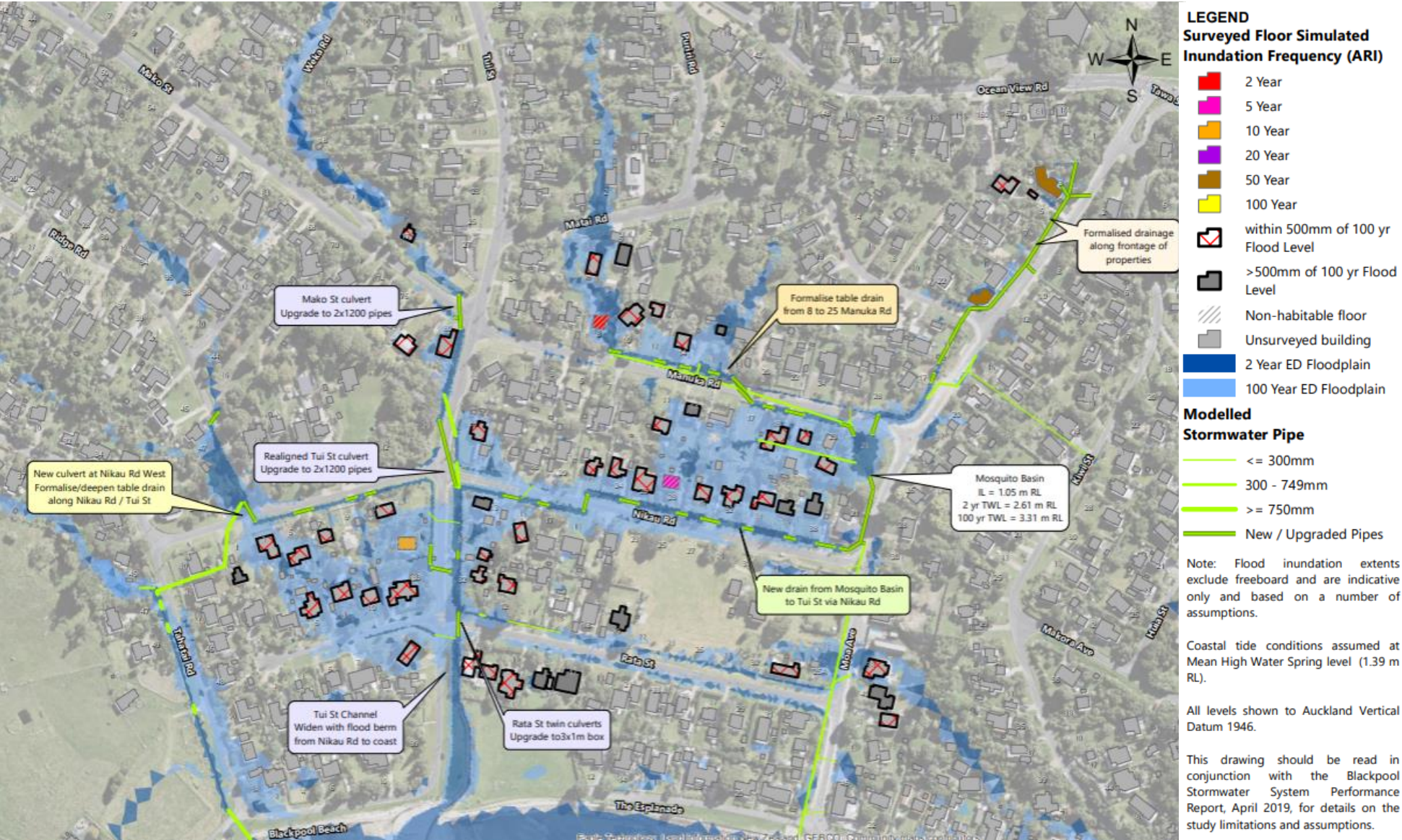


Figure 9: Flood extents with works and Mean High Water Spring Coastal Level (Source: Hydraulic Analysis Limited)

3.2 Project description

An overview of the project is shown in Figure 10 below and design drawings are provided in **Appendix B**. In summary, the project includes the following key elements:

- Widening of existing open stormwater channels along Nikau Road to 3m wide.
- Formation of an open channel and lowering the berm along the existing stream channel at 36 Tui Street.
- Cleaning the existing pipe, catchpit and outfall at the southern end of Tui Street to connect the new channel to the pipe outlet.
- Installation of culverts below and alongside Nikau Road, Rata Street and Moa Avenue outlined in Section 3.3 below).
- Replacement of an existing pedestrian bridge at 32 Tui Street.
- Formation of a 3m wide open channel on the southern side of Nikau Road outside 13 Nikau Road and the northern side adjacent to 20-40 Nikau Road
- Abandonment of the existing stormwater pipe in Moa Avenue from 19 Moa Avenue to outside to 40 Nikau Avenue (approximately 50m in length).
- Installation of a new 600mm low flow stormwater pipe connection to the existing Moa Avenue stormwater network and a 1500mm manhole.
- Installation of a 1800mm stormwater pipe from 19 Moa Avenue to 40 Nikau Road with transition chamber to culvert (approximately 55m in length). This pipe size is being increased from existing which will reduce the flood level during large storms (2yr ARI to 100yr ARI) but will not have any change to baseflows or smaller storms of significance to the wetland hydrology.
- Installation of a 1200mm stormwater pipe below Manuka Road (approximately 18m in length).
- Formation of a 3m wide open channel outside 28 Manuka Ave and 17 Moa Ave
- Installation of a 150m long 900mm stormwater pipe from 15 Matai Road to 2/3 Ocean View Road and Moa Avenue with associated manholes and connections to existing catchpits.
- Ancillary relocation of power poles within the road corridor approximately 2-3 m from their existing positions.
- Relocation of one pōhutukawa and 14 nikau trees from Nikau Road to Blackpool Reserve.
- Planting of native vegetation as detailed in the indicative Planting Plan and quantities provided in **Appendix I**.

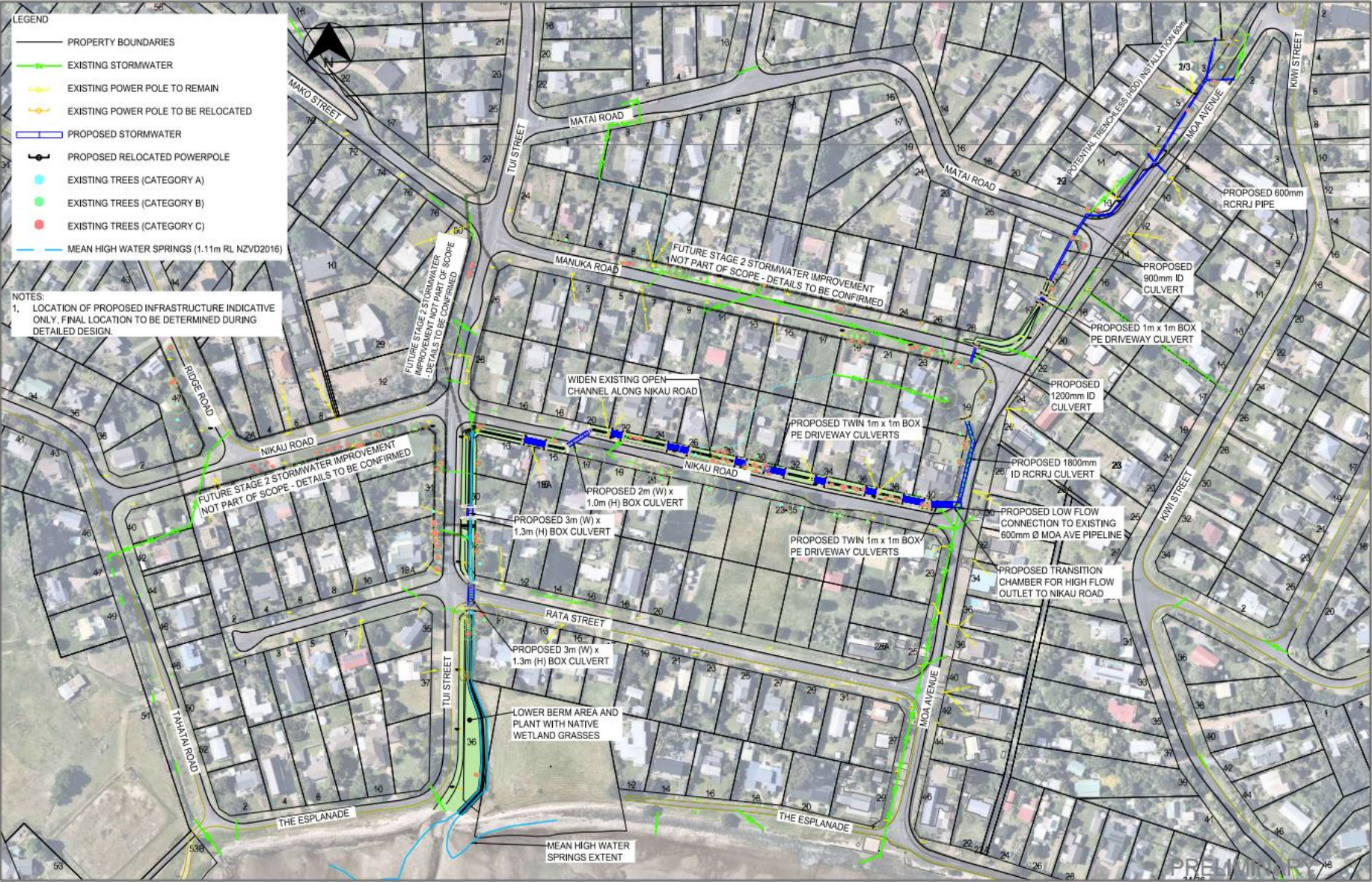


Figure 10: Overview of the proposed works (Drawing N.007799.60.01.C003 – Appendix B).

3.3 Culverts

Culverts will be constructed below Rata Street and Manuka Road, and beneath driveways on Tui Street, Nikau Avenue and Moa Avenue. All culverts provide for fish passage. Culverts below Rata Street and Manuka Road will differ in length, but will be pre-cast concrete culverts that are 3m wide and 1m high as demonstrated in Drawing N.007799.60 in **Appendix B**. The slopes will be reinforced with Flex MSE bags at the intersection with streams, and 300mm of road basecourse will be placed over the culvert as demonstrated in Figure 11.

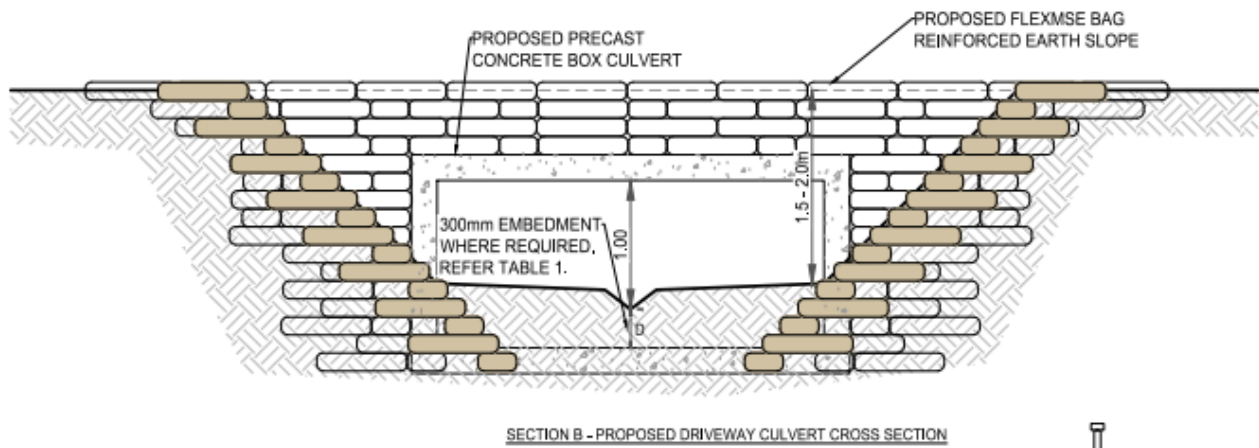


Figure 11: Cross-section of driveway culverts (Drawing N.007799.60 - Appendix B).

The culvert on Rata Street will be embedded 300mm below the level of the bed and the culvert on Manuka Road will be embedded 200mm below the level of the bed.

Culverts beneath driveways on Tui Street, Nikau Avenue and Moa Avenue will vary in length between 6m and 12m, and are twin LDPE corrugated culverts that are 1m high by 1m wide. The culverts will be seated on 125mm of compacted GAP40 and geotextile, and the area surrounding it will be backfilled as shown in Figure 12. The earth slopes either side of the culverts will be supported by Flex MSE bags. The culvert at the driveway of 30 Tui Street will be embedded 300mm below the level of the bed.

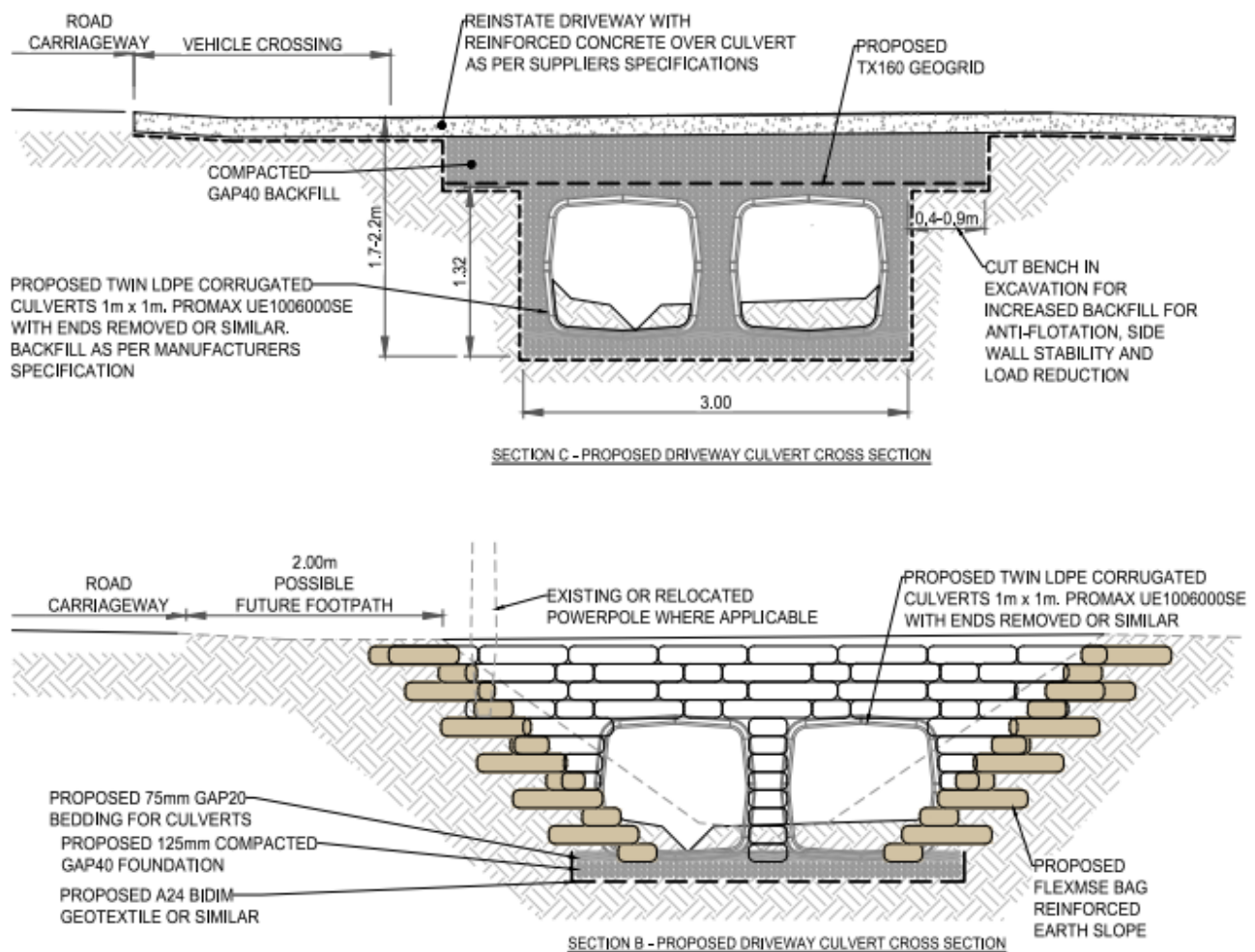


Figure 12: Cross-sections of proposed driveway culverts (Drawing N.007799.60 - Appendix B).

3.4 Construction methodology

The proposed works will be undertaken over a period of approximately 72 weeks. The civil works are anticipated to take approximately 52 weeks, and planting works are anticipated to take approximately 20 weeks to complete.

The following section provide an indicative construction methodology which will be finalised once a contractor is appointed and to the commencement of works.

Works are expected to be undertaken moving from downstream (Tui Street) to upstream in seven main sections:

- Open cut waterway along Tui Street from the beach outlet to Rata Street.
- Road culvert across Rata Street.
- Open cut waterway along Tui Street from Rata Street to Nikau Road.
- Open cut waterway along Nikau Road.
- Culvert along Moa Avenue.
- Open cut waterway from Manuka Road to 15 Moa Avenue.
- Pipeline from 15 Moa Avenue to 3 Moa Avenue (likely to be horizontal directional drilling).

A site compound will be established at either Blackpool Park or at 36 Tui Street and is expected to be required for the full 72 week construction period. A decision has not yet been made on the preferred location; therefore, consent is being sought for both options.

The indicative construction methodology is expected to comprise:

- Relocation of the power poles prior to works by Vector.
- Removal of trees where required by an arborist prior to site establishment.
- Site establishment and implementation of traffic management measures.
- Staged civil works across the 7 locations. This will involve staging the erosion and sediment control measures around each location which will typically comprise (refer **Appendix C** for further details):
 - Bund upstream waterway and installation of novacoil pipes to divert stream flows.
 - Set up erosion and sediment controls, such as silt fences, sediment ponds and bunds as detailed in the erosion and sediment control plan.
 - Removal of fish and aquatic species from the works area.
 - Pump out water to create a dry working area.
 - Install culverts
 - Excavation to form the waterway.
 - Installation of in-stream features (root wads, coir logs, rocks or grade control)
 - Installation of topsoil and planting media where required for excavation).
 - Stabilisation of exposed area with jute matting.
 - Removal of flow diversion and reinstatement of flow through completed sections.
- Disestablishment of works site.
- Reinstatement and restoration planting.

A detailed methodology will be prepared ahead of works commencement by the contractor, once engaged.

3.4.1 Vegetation works

As identified in the Arboricultural Assessment (**Appendix E**), the proposal requires works in the protected root zone of 15 tree specimens across the site area, which are a mix of native and exotic vegetation. Additionally, 20 trees and three groups of karo trees (hedges) will be removed to facilitate the works. One pōhutukawa and 14 nīkau palms on Nikau Road will be relocated to Blackpool Park.

The Arboricultural Assessment has recommended replacement planting of 23 trees. Riparian vegetation will also be planted as detailed in the indicative Planting Plan provided in **Appendix I**.

3.4.2 Earthworks

The works will require approximately 3,600m³ of earthworks over an area of 5,500m². Culverts will be installed via trenching, while pipes along Moa Avenue will likely be installed via directional drilling.

Approximately 1,710m² of earthworks will be undertaken in the Sediment Control Protection Area (100m landward of the mean high water springs and 50m from the edge of streams or wetlands). Approximately 115m³ of earthworks over an area of 45m² will be undertaken within 10m of the natural inland wetland at 19 Moa Avenue.

Earthworks will be managed via an erosion and sediment control plan, which will be prepared by the contractor. An indicative Erosion and Sediment Control Plan is attached as **Appendix C**. Measures will be implemented in accordance with the *Auckland Council Guidance Document 005: Erosion and Sediment Control* (2016), and will include:

- Diversion of clean water.
- Dirty water and water from culvert excavations treated via settlement tanks or sediment ponds.
- Inlet protection on catchpits in the works area.

- Cut and cover method to minimise bare soil exposure.
- Stabilisation of channel banks progressively with jute matting.

3.4.3 Traffic

The proposed works is expected to result in an additional 375 construction truck movements over the 53 weeks of construction. The clean fill disposal location for the proposed works has not yet been confirmed, therefore specific truck routes cannot be identified. While over the duration of the project this will be an average of 2 truck movements per day, it is likely excavation works will happen intermittently during the programme and a maximum of 10 construction truck movements per day which will have no noticeable impact on traffic regardless of the route taken by trucks. A construction traffic management plan will be developed by the contractor prior to the commencement of works and submitted to Auckland Transport for approval under the Corridor Access Request process.

4 Reasons for consent

This section sets out the reasons for resource consent and the activities that can be undertaken as a permitted activity. As bundled, resource consent is required as a **Non-Complying Activity** under the AUP:OP, the ACDP:HGI and the NES:F.

4.1 Auckland Council District Plan – Hauraki Gulf Islands Section

Resource consent is required under the ACDP:HGI for a **Non-Complying Activity** for the activities outlined in Table 3 below.

Table 3: Reasons for consent under the Auckland Council District Plan - Hauraki Gulf Islands Section.

Rule	Activity Status	Comment
Rule 4.5.4 Offices, storage sheds, portable toilets, builders' workshops and site offices, scaffolding and falsework, and other buildings or structures of a similar character and the storage of construction materials where such buildings or materials	Restricted Discretionary	The proposal requires the use of a construction laydown area for the duration of the project at either Blackpool Park or at 36 Tui Street for the full 72 week construction period. As this exceeds the permitted duration of 12 months under Rule 4.5.3, resource consent is required as a Restricted Discretionary Activity under Rule 4.5.4.
Rule 4.2 Activities not otherwise specified	Non-Complying	The Acoustic Assessment (Appendix J) has identified construction noise at seven properties that exceed permitted thresholds under Rule 4.6.2 by up to 10 dB L _{Aeq} . This is not provided for under the ACDP:HGI and is thus a Non-Complying Activity .
Rule 5.5.1 Network utility services not otherwise provided for as permitted, or restricted discretionary activities	Discretionary	The proposal requires development of new stormwater channels and swales along Tui Street, Nikau Road and Moa Avenue. The works also involve ancillary relocation of power poles. These activities are not provided for in Table 5.5.1, and are a Discretionary Activity .
Rule 7.8.5.2 Activities in a Category A archaeological site	Discretionary	The reserve adjacent to the coast at 36 Tui Street is a Category A archaeological site (ID 8-5) (noted to be an urupā). Earthworks and disturbance will occur at the edge of this site, which is a Discretionary Activity pursuant to Rule 7.8.5.2.
Rule 8.5.1 Works within natural hazard areas	Restricted Discretionary	The project will be undertaken within flood prone land as mapped by the ACDP:HGI (see Figure 4 and Figure 5). Additionally, indigenous vegetation greater than 0.5m and 2m in height will need to be removed within 5m and 10m of the centreline of a stream. Works will also be undertaken on Tui Street at an elevation of less than 3m within 20m of the mean high-water springs.

Rule	Activity Status	Comment
		Resource consent is therefore required as a Restricted Discretionary Activity under Rule 8.5.1.
Development Control 10c.5.1.2 Indigenous vegetation alteration or removal	Restricted Discretionary	The proposed works require works within the dripline of native vegetation greater than 3m in height in private property, and removal of 5 trees. This is not provided for under permitted activities in Development Control 10c.5.1.1, and is thus a Restricted Discretionary Activity under Development Control 10c.5.1.2.
Development Control 10c.5.2.2 Indigenous vegetation alteration or removal (roads)	Restricted Discretionary	The works require removal of 11 native trees and tree groups in the road reserve greater than 3m in height. Works are also required in the drip zone of seven indigenous trees greater than 3m in height in the road reserve. This is not provided for under permitted activities in Development Control 10c.5.2.1, and is thus a Restricted Discretionary Activity under Development Control 10c.5.2.2.
Development Control 10c.3.1 Earthworks	Discretionary	The proposed works require 3,600m ³ of earthworks over an area of 5,500m ² . As earthworks will be undertaken within the coastal, wetland and waterbody yards, Development Control 10c.5.6 cannot be met. Resource consent is therefore required under Development Control 10c.3.1 as a Discretionary Activity .

The activities outlined in Table 4 can otherwise be undertaken as Permitted Activities under the ACDP:HGI.

Table 4: Permitted Activities under the ACDP:HGI.

Rule	Comment
Rule 5.5.1 Underground water network utilities	The proposed works require construction of new underground pipes and culverts within the road reserves of Moa Avenue, Rata Street, Nikau Avenue and Manuka Road. This is a Permitted Activity within Table 5.5.1, and is not subject to development controls 5.6.2-5.6.10.
Development Control 10c.5.1.1 Vegetation removal or alteration	Vegetation removal is required in private property. For the indigenous vegetation that is less than 3m in height or exotic vegetation, any removal, alteration or works in the dripline is a Permitted Activity pursuant to Development Control 10c.5.1.1.
Development Control 10c.5.2.1 Vegetation removal or alteration (road reserve)	The proposal requires the removal of more than ten trees within the road reserve that are less than 3m in height (indigenous vegetation) or exotic vegetation. Additionally, works are required in the dripline of trees within the road reserve that are less than 3m in height (indigenous vegetation) or exotic vegetation. This is a Permitted Activity pursuant to Development Control 10c.5.2.1.

4.2 Auckland Unitary Plan (Operative in Part)

The regional provisions of the Auckland Unitary Plan (Operative in Part) apply to this application. Resource consent is required under this plan as a **Discretionary Activity** for the activities outlined in Table 5.

Table 5: Reasons for consent under the regional provisions of the AUP:OP.

Rule	Activity Status	Comment								
E3.4.1(A1) Any activities in, on, under or over the bed of lakes, rivers, streams and wetlands not otherwise provided for	Discretionary	The existing channel of the steam at 36 Tui Street will be widened. This is not provided for under Chapter E3 of the AUP:OP, and thus requires resource consent as a Discretionary Activity pursuant to Rule E3.4.1(A1).								
E3.4.1(A44) Any activities not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.14 to E3.6.1.23	Discretionary	The new culvert at 30 Tui Street will not comply with Standard E3.6.1.14, as bed disturbance will exceed 10m either side of the structure during construction. Thus, resource consent is required as a Discretionary Activity pursuant to Rule E3.4.1(A44).								
E26.3.3.1(A77) Vegetation alteration or removal that does not comply with Standards E26.3.5.1 to E26.3.5.4	Restricted Discretionary	<p>This rule applies to any vegetation alteration within the riparian area or coastal area. The riparian area is defined as within 20m of natural wetlands and streams (permanent and intermittent). The coastal area is defined as the number of metres from the edge of the coast relevant to the zone, identified in the Auckland Council District Plan – Hauraki Gulf Section as detailed below.</p> <table><tr><td></td><td>Island residential 1</td><td>Open space 1</td><td>Open space 2</td></tr><tr><td>Coastal yard</td><td>30m</td><td>30m</td><td>40m</td></tr></table> <p>The Arboricultural Assessment (Appendix E) has identified two trees (Trees 3 and 68) within the coastal and riparian yards exceeding 6m in height that need to be removed for the works. This does not comply with Standard E26.3.5.2, and thus requires consent as a Restricted Discretionary Activity pursuant to Rule E26.3.3.1(A77).</p>		Island residential 1	Open space 1	Open space 2	Coastal yard	30m	30m	40m
	Island residential 1	Open space 1	Open space 2							
Coastal yard	30m	30m	40m							
E26.5.3.2(A107) Greater than 2,500m ² within the Sediment Control Protection Area other than for maintenance, repair, renewal, minor infrastructure upgrading	Restricted Discretionary Activity	The project requires 3,600m ³ of earthworks over an area of 5,500m ² . The majority of earthworks will occur within the Sediment Control Protection Area, and thus will require consent as a Restricted Discretionary Activity pursuant to Rule E26.5.3.2(A107).								

The following activities can otherwise be undertaken as a Permitted Activity under the AUP:OP, as outlined in Table 6.

Table 6: Permitted Activities under the AUP:OP.

Rule	Comment
E7.4.1(A17)	

Rule	Comment
Dewatering or groundwater level control associated with a groundwater diversion permitted under the Unitary Plan	The excavation works for the project will require dewatering of standing groundwater and temporary diversion of groundwater due to the highly variable nature of groundwater near the beach and foreshore.
E7.4.1(A28) Diversion of groundwater caused by any excavation (including trench) or tunnel	Any excavation and the excavation of trenches will be opened and progressively closed with durations of less than 10 days. The pipes installed via directional drilling are less than 1200mm in diameter. These activities are thus exempt from standards E7.6.1.10, and are a Permitted Activity pursuant to Rules E7.4.1(A17) and E7.4.1(A28).
E3.4.1 (A2) Conservation planting complying with the standards in E3.6.1.2	<p>The proposed works including planting within wetlands. Conservation planting is a permitted activity provided the standards in E3.6.1.2 are complied with, including that the planting must:</p> <ul style="list-style-type: none"> • be a non-invasive species in aquatic conditions. • be species native to the area unless it is not practicable to do so. • not be a pest in a pest management strategy prepared under the Biosecurity Act 1993 or declared as an unwanted organism by a chief technical officer constituted under the same act. <p>As detailed in the indicative Planting Plan in Appendix I, all proposed species are native, non-invasive species.</p>
E3.4.1(A23) Replacement, upgrading or extension of existing structures complying with the standards in E3.6.1.12	The works require replacement of pipes and culverts along Tui Street. The proposed works will not require erosion control structures and will not extend more than 10m either side for the structures, and construction effects will be managed via stream diversions and erosion and sediment control measures. This complies with Standard E3.6.1.12 and E3.6.1.10, and is thus a Permitted Activity pursuant to Rule E3.4.1(A23).
E26.5.3.2(A101) Up to 10,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area other than for maintenance, repair, renewal, minor infrastructure upgrading	The project will require earthworks outside the Sediment Control Protection Area on slopes of less and greater than 10 degrees. This will be less than 2,500m ² and will comply with Standards E26.5.5.2 through implementation of erosion and sediment control measures, as detailed in Appendix C . These earthworks will be a Permitted Activity pursuant to Rules E26.5.3.2(A101) and E26.5.3.2(A104).
E26.5.3.2(A104) Up to 2,500m ² where the land has a slope equal to or greater than 10 degrees other than for maintenance, repair, renewal, minor infrastructure upgrading	

4.3 National Environmental Standards for Freshwater (NESF)

The proposed infrastructure is considered to be 'specified infrastructure' as defined in the National Policy Statement: Freshwater Management. Specified infrastructure is defined as any public flood control, flood protection or drainage works carried out by or on behalf of the local authority.

The proposed works require 115m³ of earthworks over an area of 45m² within 10m of the natural inland wetland identified at 19 Moa Avenue. Additionally, removal of vegetation is required within the riverine wetland at 36 Tui Street. Resource consent is therefore required as a **Discretionary Activity** under Regulation 45 of the National Environmental Standards for Freshwater 2020 (NESF) for earthworks within 10m of a natural inland wetland.

The three culverts on the bed of streams beneath the driveway of 30 Tui Street, across Rata Street and across Manuka Road do not comply with the conditions of Regulation 70(2), as embedment of the culverts do not meet 25% in compliance with Regulation 70(2)(e). Thus, the placement of culverts is a **Discretionary Activity** pursuant to Regulation 71 of the NESF.

The proposed works involve the planting of native vegetation, including within natural inland wetlands for the purpose of restoration. Land disturbance for the purpose of restoration planting is a **Permitted Activity** under Regulation 38(2) because it complies with the relevant conditions as follows:

- The planting will comply with the general conditions on natural inland wetland activities in regulation 55:
 - At least ten days prior, the information in Regulation 55(2) will be provided to Auckland Council
 - Planting will not result in discharge of contaminants.
 - The planting will not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain; and
 - The planting will not alter the natural movement of water or involve taking or discharging water.
 - The planting will be undertaken by hand.
 - Only indigenous species that are appropriate to a natural inland wetland will be planted in the wetland.
- There is no limit to the land disturbance area under Regulation 38(4)(b) as the land disturbance is for planting for restoration purposes.

4.4 Other approvals

4.4.1 Heritage New Zealand Pouhere Taonga

As the works require disturbance of a recorded archaeological site and previously unidentified archaeological remains, an Archaeological Authority will be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 as recommended in the Archaeological Assessment (**Appendix D**).

5 Assessment of Effects on the Environment

This section sets out an assessment of effects on the environment of the project, with particular regard given to the consents triggers and the relevant matters for discretion or control, and/or the relevant objectives and policies of the ACDP:HGI, AUP:OP and NESF.

5.1 Summary of Positive Effects

As set out in Section 1 the purpose of the project is to improve stormwater management within the Blackpool area so as to reduce flooding. Once the project is completed it is anticipated that it will reduce flooding within properties and the road reserve of the downstream catchment of Blackpool, and increase capacity of the stormwater system in larger high rainfall events.

The project involves improvements to the existing stormwater channels and drains through the area including associated riparian planting, and this will bring a number of other benefits including:

- Improving the habitat and in-stream environment for freshwater fish.
- Improving the stability of stream banks and reduce erosion.
- Enhancing the riparian margin with the proposed planting and improving the overall amenity of the area.

5.2 Earthworks

5.2.1 Erosion and Sedimentation Effects

The proposed works involves earthwork generating activities, including within the riparian area of permanent and intermittent streams and the coastal yard. Where not appropriately managed, earthworks have the potential to cause erosion and generate sediment-laden runoff that would be discharged to the freshwater and coastal water receiving environment.

To manage the potential discharges of sediment during construction, erosion and sediment controls will be installed in accordance with Auckland Council's Technical Publication GD05, for the duration of land disturbance activities and until the land is returned to an erosion-resistant state. A draft Erosion and Sediment Control Plan (ESCP) is contained in the drawings for the project in **Appendix C**. Proposed controls include:

- Diversion of clean water.
- Dirty water and water from culvert excavations treated via settlement tanks or sediment ponds.
- Inlet protection on catchpits in the works area.
- Cut and cover method to minimise bare soil exposure.
- Stabilisation of channel banks progressively with jute matting.

The appointed contractor will be responsible for preparing a final ESCP which will detail design specifications for all erosion and sediment control devices aligned with the finalised design and the contractor's earthworks methodology.

Appropriate mitigation and management measures will be put in place in accordance with GD05 and the Draft Erosion and Sediment Control Plan, such that any potential adverse effects can be managed appropriately.

5.2.2 Permanent Landform Modification

The proposed works include will result in permanent landform modification on four private properties being:

- 11 Rata Street
- 32 Tui Street

- 30 Tui Street
- 13 Nikau Street.

As shown in the figures below, whilst the proposed works will be relocating the stream channel toward the road corridor and away from dwellings, the banks of the stream will also be graded which will result in currently flat sections of land that adjoin the road corridor to become a planted bank. This will result in a change to the landform of private properties. Engagement with these property owners is ongoing as described in Section 6, and appropriate approvals for undertaking the works will be obtained under the Local Government Act.

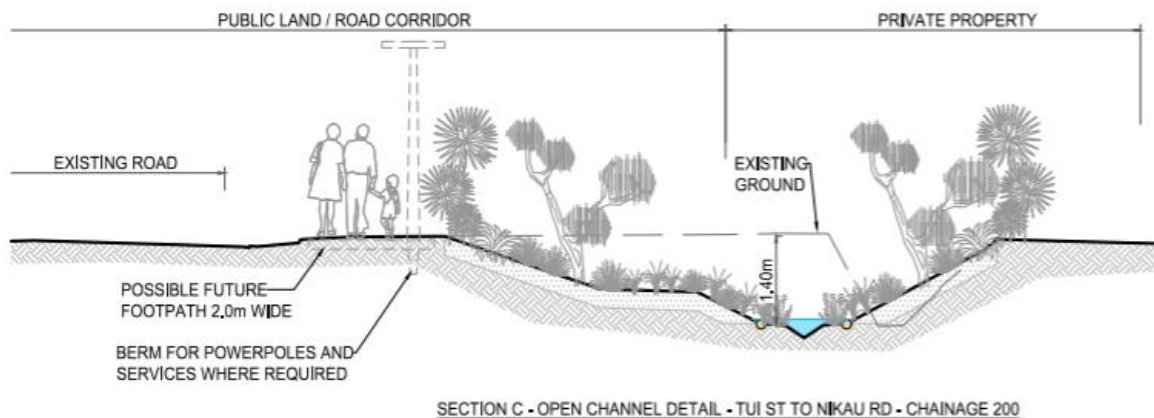


Figure 13: Cross Section of works at 30 Tui Street (Source: Healthy Waters, Appendix B)

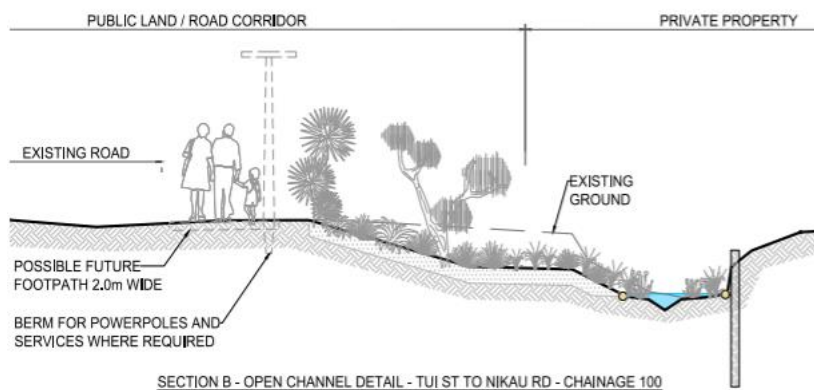


Figure 14: Cross Section of works at 11 Rata Street (Source: Healthy Waters, Appendix B)

5.3 Arboricultural Effects

An Arboricultural Assessment has been undertaken by The Tree Consultancy Company to support the application and is attached as **Appendix E**. A summary of the potential effects and proposed mitigation measures are provided below.

5.3.1 Tree removal

The proposed works require removal of 20 trees and three groups of karo trees. Of these, 1 tree (cabbage tree – 75) and the karo trees are protected trees, and will be removed from the road reserve and private properties. The majority of the protected trees to be removed are mature and in good condition, and their loss would result in an ecosystem services deficit if no mitigation were undertaken.

Therefore, the Arboricultural Assessment recommends replacement planting of 23 trees planted within public land in Blackpool within the first planting season following completion of works and maintained for at least three years.

5.3.2 Tree relocation

One pōhutukawa and 14 nikau trees will be relocated from Nikau Road to Blackpool Reserve. Relocation of trees may result in a sudden drop in water status because of lost root zone. For the pōhutukawa, this may be chronic for several years, even with irrigation applied. If the taproot of the nikau palms is damaged, there is a reduction in the chances of survival of the tree.

A tree relocation methodology is proposed in the Arboricultural Assessment to manage adverse effects on the relocated trees. In summary, key measures include:

- A meeting with Auckland Council prior to relocation to determine the new location of the trees.
- Tree relocation is undertaken by qualified and experienced arborists with experience of relocating trees.
- Excavation of a pit for each relocated tree with a diameter 2m wider than the extracted root ball.
- The root ball diameter of the pōhutukawa must be at least 8m in the direction parallel to the road, and as far as possible in the direction perpendicular to the road.
- The root ball diameter for the nikau palms should be at least 2m in diameter and 1m deep.
- Excavations of root balls should be initially by hand methods, pneumatic or hydraulic soil displacement. Once root balls perimeters are exposed, any roots shall be cut cleanly and the root ball wrapped in hessian to prevent drying.
- Lifting tree frames must be used to extract and place trees in new locations.
- Well-composted woodchip of no less than 150mm depth must be placed over the extracted rootball. Mulch should be replenished every six months for three years.
- Irrigation is to be carried out for two hours every second day during the months of November to April when there is no precipitation within 48 hours. Irrigation will continue for one year.

In addition to the above, the relocated trees will be inspected annually by a trained and experienced arboricultural professional to check for signs of stress, dieback, deterioration, or any other indication that any of the trees are failing. In the event that, within the five-year period, any of the trees should show signs of irrecoverable deterioration, chronic stress, is dead, or otherwise looks to be in a mortality spiral, it is to be replaced with suitable trees as identified in the Arboricultural Assessment. Nīkau palms will be replaced at 4:1 (four new trees for each nīkau that fails / dies), and the pōhutukawa is to be replaced with eight new trees if it fails / dies.

5.3.3 Works in the protected root zone

The project also requires works in the protected root zone of 15 tree specimens. Where works are required in the protected root zone, this has potential to result in a decline in the health (root loss-induced water stress) and stability of trees without appropriate mitigation measures implemented during construction.

It is anticipated that impacts on trees from root loss will be recovered within two years bar Tree 70, which may need to be removed within 10 years due to gradual decline from damage to the roots from construction. This vegetation loss will be mitigated by replacement planting.

A tree protection methodology is proposed in the Arboricultural Assessment to be followed during construction to minimise or avoid effects on vegetation during the project construction. In summary, key measures include:

- Tree protection forming part of any site-specific hazard management.
- Appointment a suitably qualified and experienced arborist to supervise and coordinate all works and activities in the root zone of protected trees for the duration of the project.

- A pre-commencement meeting being undertaken with the supervising arborist, Council's monitoring officer, Council's arborist and the site foreman to discuss matters pertaining to the works and protection of trees.
- Installation of protective fencing prior to commencement of works. This fencing will be maintained for the duration of works and will prevent storage of materials, spoil, fill, soil, equipment or machinery within root zones.
- Installation of above-ground erosion and sediment control measures when within the root zone of trees.
- Avoiding storage of materials, spoil, fill, soil, equipment or machinery within root zones unless authorisation is granted by the supervising arborist and placed on hard surfaces.
- Excavations in or around the root zones of trees will be undertaken in conjunction with the supervising arborist. This will be undertaken via a combination of hand digging, hydro-excavation, pneumatic excavation and machine excavation.
- Severance of any roots will be undertaken by the supervising arborist, and exposed cut faces will be immediately covered by moist soil.
- Roots required to remain exposed for the works will be covered by protective material to protect them from damage.

5.3.4 Summary of Effects

Due to the replacement planting and proposed tree protection and relocation methodology, any adverse effects on protected vegetation from the project will be adequately managed and mitigated.

5.4 Effects on Archaeology

Given the known archaeological sites within the project area, an Archaeological Assessment (**Appendix D**) has been undertaken to assess the potential effects of the project.

This has identified a moderate-high potential for unidentified subsurface archaeological remains to be encountered by the works, which may be modified or destroyed by earthworks.

However, whilst there is an identified urupā in the project works area at 36 Tui Street (ID 8-5 in the ACDP:HGI) the Archaeological Assessment considers that the works will have no identifiable effects on values that the site is scheduled for, as the urupā is located to the east of the works (so some distance from the physical works). Further, the proposed works will control flooding, which will reduce damage to the urupā.

In addition, an Archaeological Authority will be applied for the works. This will set out the archaeological controls to be implemented including archaeological investigation and recording should any archaeological remains be encountered during the proposed works.

Additionally, works will be undertaken under the AUP:OP Accidental Discovery Protocol.

5.4.1 Summary of Effects

Potential effects on the scheduled urupā and unidentified archaeological remains will be appropriately managed and mitigated via an Archaeological Authority, distance from the works and an Accidental Discovery Protocol.

5.5 Ecological Effects

An Ecological Impact Assessment has been undertaken for the works and is attached as **Appendix F**. A summary of potential effects and proposed mitigation measures are provided below.

5.5.1 Potential Effects

The main potential adverse effects in relation to ecological effects will arise during construction. These effects will be temporary in nature and will be minimised through the implementation of mitigation and management measures. Potential effects includes the temporary loss of vegetation and habitat, temporary fish habitat and fish passage disturbance, and potential for sediment laden water discharging to the stream which are summarise in the following. Further details are set out in **Appendix F**.

Temporary disturbance to fish passage

As the project requires working in the stream channel it will require diverting water flow in isolated sections and excavating the channel banks. This has the potential to result in the complete obstruction of fish passage in the works area and upstream area for the duration of construction.

Adverse effects on fish passage are assessed to be Low without specific mitigation, due to the temporary nature of works, staged manner of watercourse works, and restoration of the stream following construction.

Fish passage and in-stream habitat following changes to stream morphology and culvert upgrades

The floodplain channels and stream banks will be modified to improve stormwater drainage and minimise flooding during rainfall events. These works include lowering the floodplain, trimming stream banks, widening channels and replanting with native species. Three new culverts will also be installed in the bed of a stream or connected area that do not meet the requirements of Regulation 70(2) of the NESF due to the embedment not being 25% of the culvert diameter. The two culverts adjacent to Tui Street will provide an improvement to current fish passage limitations, including allowing passage for swimming species, with 300 mm embedded. The culvert beneath Manuka Road will be embedded by 200 mm, this will also improve on current fish passage conditions where the culvert is perched, blocked, and undersized. Overall, there will be a positive effect on instream freshwater habitat, as replanting will provide additional streamside habitat during floods, and will improve shading, bank stability, reduce erosion and increase organic debris which will provide instream habitats and reduce water temperatures. Fish passage will also be improved in the catchment.

Native fauna injury/mortality during construction

Instream works has the potential to result directly in the injury and mortality of freshwater fish if they are isolated in the works area. Without mitigation this has been assessed as having a Moderate level of adverse effect, due to the recorded presence of shortfin eels and banded kokopu within the stream channel, and the minimal effect of any injury/mortality on the known population extent and size.

Tree clearance in the project area has been assessed as having a Low level of adverse effect on native bird populations. This assessment is predicated on the limited existing roosting and nesting habitat in the works area, and that the trees proposed for removal are disconnected from areas of continuous vegetation or are isolated to stands near residential dwellings.

Loss of terrestrial vegetation

The removal of protected trees is anticipated to have a Very Low level of effect as while their removal will result in a very slight change in existing baseline conditions, planting is proposed.

Temporary loss of wetland vegetation

Temporary vegetation clearance is required in the riverine wetland margins at Tui Street. This has been assessed as having a Moderate level of effect. As the banks will be replanted with native vegetation, any potential effect is temporary in nature and with planting there is not expected to be residual effects.

Instream habitat quality

Excavation of stream banks and bed will result in clearance of instream habitat and release of sediment into the stream channel, which may affect freshwater fauna. This has been assessed as having a Low to Moderate level of effect prior to mitigation, as uncontained sediment discharge has the potential to smother freshwater habitats and clog fish gills causing death. With implementation of erosion and sediment control measures, it is anticipated that the mitigated level of effect will be Low.

5.5.2 Proposed Mitigation

The Ecological Impact Assessment proposes a range of mitigation for effects on freshwater fish, native birds, and loss of vegetation.

Fish Management Plan

To minimise effects on fish during construction a draft Fish Management Plan has been prepared and will be finalised and implemented during streamworks (**Appendix K**). The draft Fish Management Plan includes:

- A detailed methodology for capture relocation of all native fish, which includes fish exclusion and fish salvage methodologies (gee minnow trapping, fyke trapping and electric fishing).
- Biosecurity management methods, including gear sterilisation and pest fish procedures.
- Release location of all captured native fish, including holding and transfer of fish procedures.
- The requirement for a Fish Salvage Summary Report to be prepared following completion of fish salvage.

Native bird management

If vegetation is removed during bird nesting season (August – March), bird nest checks should be undertaken by a suitably qualified and experienced person prior to removal. If any nests are identified and removal of the tree is unavoidable, the tree should be cordoned off until nesting birds have fledged or the nest is abandoned.

Riparian/wetland revegetation planting

The project includes replanting of riparian margins following completion of works in accordance with the indicative Planting Plan in **Appendix I**. It is recommended that planting be undertaken within the first planting season (May-September) following completion of construction and be inspected biannually for a total of five years.

5.5.3 Summary of Effects

Overall with the proposed mitigation measures and replanting undertaken the Ecological Impact Assessment has concluded that the any temporary impact will be managed such that there will be no residual effects on freshwater fauna, terrestrial vegetation, instream habitats, birds or wetlands.

5.6 Natural Hazards

A Natural Hazard Assessment has been undertaken and is provided in **Appendix G**. The proposed works will be undertaken within flood-prone areas identified in the ACDP:HGI, and will require vegetation removal within 10m of streams. Vegetation removal has the potential to adversely impact the stability of stream banks, and earthworks within flood-prone areas may increase sediment-laden runoff or exacerbate flood hazards.

The project will result in an overall improvement to public safety and properties, as the depth and extent of flood hazards will be reduced with the new stormwater channel, culverts and stormwater pipes. Additionally, velocities of stormwater flows will be reduced. No material will be stockpiled within the flood prone areas during construction, and erosion and sediment control measures seek to minimise any sediment-laden water discharge.

The vegetation proposed to be removed by the works does not currently contribute significantly to the stability of stream banks, or act as erosion protection. The species proposed for planting following construction have root systems that will provide bank stability and erosion protection, and thus will improve the existing stream bank hazard.

5.6.1 Summary of effects

The proposed works will result in an improvement to flood and stream bank stability hazards. Any potential effects during construction will be managed by the construction methodology and erosion and sediment control measures.

5.7 Construction Noise and Vibration Effects

An Acoustic Assessment and Construction Noise and Vibration Management Plan prepared by SLR Consulting New Zealand has been undertaken and is attached as **Appendix J**. A summary of the potential effects and management methods is included below.

5.7.1 Construction noise

The Acoustic Assessment has identified construction noise exceedances of 5-10dB L_{Aeq} at seven properties with mitigation applied. Of these properties, noise exceedances of 5dB L_{Aeq} are anticipated at all properties for pavement cutting, open cut trenching, compaction and tree removal. Exceedances of 10dB L_{Aeq} are anticipated at 13 Moa Avenue, 11 Rata Street and 40 Nikau Road for compaction, tree removal and pavement cutting.

The Acoustic Assessment has identified that these exceedances will be predominantly for one day, the exception being open cut trenching at 13 Moa Avenue which will have noise exceedances for two days. However, the assessment has concluded that internal noise levels will not exceed 60dB L_{Aeq} . With implementation of the Construction Noise and Vibration Management Plan, and due to the temporary nature of the exceedances, the Acoustic Assessment has concluded that construction noise effects are reasonable and acceptable.

5.7.2 Construction vibration

The Acoustic Assessment has noted that there are no relevant vibration thresholds under the ACDP:HGI. Notwithstanding, vibration may be perceptible at surrounding properties intermittently during construction. With implementation of management measures in the Construction Noise and Vibration Management Plan and the distances to surrounding receivers, the Acoustic Assessment has concluded that vibration effects can be managed to minimise amenity impacts and avoid cosmetic damage to buildings.

5.7.3 Construction Noise and Vibration Management Plan

The Acoustic Assessment and Construction Noise and Vibration Management Plan contains measures to manage and minimise the impacts of construction noise and vibration on surrounding receivers. These management measures include the following:

- Neighbour communication: should be undertaken with the immediately neighbouring owners and/or occupants prior to commencement of and during construction activities. The communication will provide

expected durations of construction activities and mitigation measures, and contact details for noise and vibration concerns.

- Noise mitigation measures including:
 - Using the smallest and/or quietest machine practicable for the works.
 - Where practicable, works to be undertaken at times when closest neighbouring properties are unoccupied.
 - Acoustically effective screening to block the line of sight between the source and the receiver.
 - No activity to be undertaken within laydown areas outside the hours of 7:30am – 6:00pm, Monday to Saturday.
 - Where possible, tree and vegetation removal shall be done using an excavator.

5.7.4 Summary of effects

Through implementation of the Construction Noise and Vibration Management Plan, and the temporary duration of construction noise, potential construction noise and vibration effects on the receiving environment will be reasonable and acceptable and have been assessed as less than minor.

5.8 Effects of Temporary Activities

A construction yard will be required for a maximum of 14 months, which is two months longer than the permitted threshold of 12 months. The additional two months will primarily be used for planting contractors. The planting works will not require large equipment, nor large stockpiles, which would intrude on visual amenity of the residential area. The works will be undertaken during the daytime and will not require additional lighting. It is likely that there will be up to two truck movements per day, and thus any noise and traffic will be indistinguishable from that during the 12 months of construction.

Overall, any temporary effects associated with the construction yard being in place for longer than 12 months are anticipated to be less than minor.

5.9 Summary

Overall, potential adverse effects from the project will be appropriately managed and mitigated such that they are less than minor. The implementation of erosion and sediment control measures, a Construction Noise and Vibration Management Plan, tree protection measures, replanting plans, a Fish Management Plan and native bird management will manage and mitigate any temporary effects. Once the works are completed there will be an overall improvement in flooding in the area, and as a result of the improvements to the stream channel and replanting of the riparian margins, are expected to lead to an overall ecological benefit.

6 Consultation

6.1 Mana Whenua

ACHW engages with Mana Whenua on all projects that require resource consent for activities that Mana Whenua have an interest in. Projects are added to a spreadsheet that is circulated monthly amongst all Mana Whenua groups in Auckland. The spreadsheet includes a high-level description of the Project and the indicative timing on when the resource consent application will be lodged. Mana Whenua groups review the new Projects and report back to Healthy Waters on which Projects they would like to partner on or undertake further engagement.

Prior to addition to the spreadsheet ACHW have been engaging with Ngāti Paoa Iwi Trust regarding the project from August 2023. This Project was added to the Mana Whenua engagement spreadsheet in April 2024 and sent to groups to inform them about the Project. The project was last circulated on 16th December 2024. Ngāti Paoa Iwi Trust was the only iwi to indicate their interest in the project. Engagement with Ngāti Paoa Iwi Trust has included:

- An invitation to the community meeting in August 2023
- Email correspondence and feedback received in September 2023
- Provision of latest designs in November 2023 and July 2024
- Invitation to community meeting in September 2024
- Site walkover in December 2024

Follow up engagement regarding potential relocation of a Pohutukawa tree, cultural monitoring during construction and provision of archaeological information. Communication is attached as **Appendix H**.

The most recent and key feedback from the site walkover relating to the project included general support for the project. Ngāti Paoa Iwi Trust are interested in being involved during construction and the provision for cultural monitoring. The Ngāti Paoa Iwi Trust representative was not supportive of the proposal to remove the Pōhutukawa tree on Nikau Road and requested other options be considered. ACHW have previously considered various options to protect the Pōhutukawa tree, however the alternative options were not found to be feasible. ACHW investigated the feasibility of relocating the Pōhutukawa tree to Blackpool Reserve, and have communicated options considerations to Ngāti Paoa Iwi Trust. However, in the event relocation is not feasible or the tree health is not sustainable, resource consent is being sought to remove the tree.

ACHW propose to include cultural monitoring during construction and will incorporate feedback into the design where possible.

ACHW are continuing to work with Ngāti Paoa Iwi Trust who have indicated an interest to prepare a Cultural Values Assessment. The outcomes of the CVA will be incorporated into the project where possible. Engagement will be ongoing as the project progresses.

6.2 Auckland Transport

A Corridor Access Request (CAR) will be submitted to Auckland Transport (AT) prior to construction to gain formal approval for the works in the road reserve.

6.3 Landowners

The project involves works on a number of private properties. Healthy Waters have notified the property owners and are following processes under the Local Government Act. Appropriate approvals will be obtained prior to undertaking the works. This process is separate to the resource consenting process. Healthy Waters are continuing to engage with landowners.

7 Statutory Assessment

This section provides an analysis of the project against the relevant legislative framework and concludes by providing an assessment against Part 2 of the RMA.

7.1 Section 104 – Consideration of applications

Section 104 of the RMA sets out the matters which a consent authority must have regard to, subject to Part 2 of the RMA, when considering an application for resource consent. With respect to this project, the relevant parts of section 104 include:

- Any actual and potential effects on the environment of allowing the activity (104(1)(a));
- Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity (104(1)(ab));
- Any relevant provisions of a national environmental standard, national policy statement, regional policy statements, and plans (104(1)(b)); and
- Any other matter the consent authority considers relevant and reasonably necessary to determine the application (104(1)(c)).

The actual and potential effects on the environment of allowing the activity are set out in Section 5 of this report. In summary, the potential effects that require resource consent relate primarily to ecological, erosion and sedimentation, arboricultural, and natural hazard effects. Mitigation and management measures are proposed such that any effects have been appropriately avoided and mitigated, and any ongoing effects will be managed appropriately. In addition, the proposed works will improve stormwater conveyance, reduce effects from flood events, and provide positive ecological benefits as a result of improvements with the stream channels and replanting of stream banks.

Section 7.2 assesses the project in relation to the relevant provisions of national, regional policy statements and plans (under Section 104(1)(b)).

There are not considered to be any other matters of relevance and reasonably necessary to determine the application (Section 104(1)(c)).

7.2 Section 104(1)(b) – Relevant planning documents

7.2.1 New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS guides activities within New Zealand's coastal environment, seeking to safeguard the ecosystems and integrity. Under Policy 1 of the NZCPS, the coastal environment extent includes "*islands within the coastal marine area*", which applies to Waiheke Island. Policies and objectives considered most relevant to the project include:

- Objective 6 – enabling communities to provide for their social, economic and cultural wellbeing and health and safety through development that can functionally only be located in the coastal environment.
- Policy 6 – recognising the provision of infrastructure in the coastal environment is important to the social, economic and cultural wellbeing of people and communities.
- Policy 11 – protect indigenous biological biodiversity in the coastal environment.
- Policy 22 – require that development will not result in a significant increase in sedimentation in coastal water.

The project aligns with the objectives and policies of the NZCPS, as the development of stormwater infrastructure in the coastal environment is required for the ongoing social and economic wellbeing of the

Blackpool community, without compromising the values of the coastal area. The erosion and sediment control measures will prevent sedimentation of coastal waters, and temporary effects on indigenous biodiversity will be appropriately managed and mitigated so there will be no residual effects.

7.2.2 National Policy Statement for Freshwater Management 2020 (NPS:FM)

The overarching concept of the NPS:FM is Te Mana o te Wai, which refers to the fundamental importance of water, and recognises that protecting the health of freshwater protects the health and well-being of the environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. In line with Te Mana o te Wai, the NPS:FM has the objective of ensuring that natural and physical resources are managed in a way that prioritises the health of water bodies first, the health needs of people second and the ability of people and communities to provide for their well-being third. Policies considered most relevant to the project include:

- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.
- Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.
- Policy 9: The habitats of indigenous freshwater species are protected.

Alongside the project's purpose being to improve stormwater conveyance, the works will preserve fish passage in the existing stream environment, and will enhance the existing natural wetland and riverine wetland through planting. The proposed works align directly with the purpose of Te Mana o te Wai, prioritising the health of water bodies including the fauna within them, while ensuring ongoing stormwater conveyance improved.

7.2.3 National Policy Statement for Indigenous Biodiversity 2023 (NPS:IB)

The National Policy Statement for Indigenous Biodiversity (NPS:IB) applies to indigenous biodiversity in the terrestrial environment and recognises that the health and wellbeing of people and communities are dependent of the health and wellbeing of indigenous biodiversity, and in return people have a responsibility to care for it and nurture it. The overall objective of the NPS:IB is 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 policies which are considered most relevant to the application include:

- 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.
- Policy 14: Increased indigenous vegetation cover is promoted in both urban and nonurban environments.

The project area does not contain any SEA overlays and therefore is not considered to be a Significant Natural Area (SNA). The purpose of the project is to improve stormwater conveyance and reduce effects of flood events, which enables activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing. The works promote positive ecological outcomes with proposed native planting including planting within the wetland margins and riparian area. This planting is anticipated to enhance habitat for freshwater fish and outside the stream channel, and increase the indigenous dominance of the site. Therefore, the project is considered to align with the NPS:IB.

7.2.4 Auckland Regional Policy Statement

The Auckland Regional Policy Statement (ARPS) (Chapter B of the AUP:OP) sets out a high order overarching policy framework with more specific policies, objectives and implementation methods than those contained in sections of the AUP:OP for managing the use, development and protection of the natural and physical environment of the Auckland Region. When considering an application for resource consent, a consent authority must, subject to Section 104 of the Act, consider the relevant provisions of the ARPS. The relevant provisions of the ARPS are outlined below.

Chapter B3 Infrastructure, Transport and Energy

Relevant Provisions: B3.2.1(1)-(4), (8), B3.2.2(1)-(3), (6), (8) & (9)

Chapter B3 (Infrastructure, transport and energy) identifies the quality of the environment, and the well-being of people and communities are affected by choices about the management of and investment in infrastructure. The objectives identify the need to develop infrastructure that is efficient, effective, and provides for the safety and well-being of communities, whilst avoiding, remedying, or mitigating adverse effects on the quality of the environment and historic heritage. The policies provide for the locational requirements of infrastructure, in particular the functional need to be located in areas subject to natural hazards.

Comment:

The project involves formation of stormwater channels, installation of culverts and pipes, and benching of an existing stream. The works will improve stormwater conveyance and reduce stormwater flows from a flood event. Whilst the project has a functional requirement to be located within a stream and hazard environment, it has been designed to maintain existing stream channels and will improve ecological outcomes via riparian planting and improving fish passage. As outlined in section 5 of this report, any potential adverse effects of the project can be appropriately avoided, remedied, or mitigated.

Chapter B7 Natural Resources

Relevant Provisions: B7.3.1(3), B7.3.2(4)-(6), B7.4.1(1), (4), (6), B7.4.2(7)-(9).

Chapter B7 identifies pressures on natural resources need to be managed for environmental, social, economic, and cultural wellbeing. Objectives and policies seek to enhance freshwater systems, and avoid the loss and significant modification of streams, wetlands, and margins, unless it is necessary to provide for the safety of communities, the enhancement and restoration of freshwater systems and values, or infrastructure. Where practicable, policies seek to restore and enhance freshwater systems when development occurs. Objectives and policies also seek to safeguarding the life-supporting capacity and the natural, social and cultural values of freshwater and coastal water and progressively improve degraded water quality over time. They seek to reduce existing adverse effects from stormwater runoff on coastal and freshwaters and recognise Mana Whenua values, mātauranga and tikanga associated with coastal water and freshwater.

Comment:

As discussed above, alongside the purpose of the project being to improve stormwater conveyance and flooding, the works will improve ecological outcomes by native planting which will enhance habitats and increase the indigenous dominance of the site. During construction, appropriate ecological, erosion and sediment controls will be in place to manage potential effects on freshwater systems and fauna. Therefore, the project is consistent with the objectives and policies of Chapter B7.

Chapter B10 Environmental Risk Natural hazards and Climate Change

Relevant Provisions: B10.2.1(1), (2), B10.2.2(5), (7), (9), (12).

Chapter B10 identifies that climate change and the exacerbation of natural hazards pose significant risks and challenges to the Auckland region. The relevant objectives and policies seek to ensure that communities are more resilient to climate change, including that adverse effects are avoided or mitigated so that risks to people, property, infrastructure and the environment are not increased.

Comment:

The risk of proposed works to, and from natural hazards has been assessed in Section 5.7. This project has been undertaken to reduce flood hazards during high rainfall events, thus reducing risks to people and property. The risks from and to natural hazards during construction will be appropriately managed and mitigated, and the project will have an overall positive effect on natural hazards.

7.2.5 Auckland Unitary Plan (Operative in Part)

Chapter E3 Lakes, river, streams and wetlands

Relevant Provisions: E3.2 (1), (2), (5), (7), E3.3(2), (5), (7), (11), (12), (15).

The objectives and policies of Chapter E3 acknowledge the importance of the beds and margins of rivers, lakes, streams and wetlands for the protection of ecology, biodiversity, the mauri of the freshwater environment and Mana Whenua values. The objectives and policies protect streams from degradation and permanent loss. The objectives provide for structures in, on, under or over the bed of a stream where there is a functional or operational need for the structure to be in that location or traverse that area. The provisions also seek that the passage of fish is maintained, or improved, by instream structures and that riparian environments are enhanced.

Comment:

As discussed above, alongside the purpose of the project being to improve stormwater conveyance and reduce flood hazards, the works promote positive ecological outcomes and aim to improve fish habitat and fish passage within the existing stream environment and to restore and enhance the riverine wetland environment. Proposed native planting will also enhance habitats and increase the indigenous dominance of the site. While the stream channel will be modified via widening, this will not adversely affect water conveyance. During construction, appropriate ecological, erosion and sediment controls will be in place to manage potential effects on freshwater systems and fauna. Therefore, the project is consistent with the objectives and policies of Chapter E3.

Chapter E11 Land Disturbance

Relevant Provisions: E11.1(1), (2), E11.3(2)-(6), (7)

The objectives and policies of Chapter E11 seek to ensure land disturbance is undertaken in a manner that avoids, remedies, or mitigates adverse effects on the environment. Sediment generated from land disturbance is to be minimised, while earthworks are to be designed and undertaken in a manner that ensures safety of surrounding land, buildings, and structures. In addition, the provisions seek to enable land disturbance necessary to provide for people and communities social, economic and cultural well-being, and their health and safety.

Comment:

The project responds to the relevant objectives and policies of Chapter E11, as the proposed land disturbance will enable improved stormwater infrastructure reducing flood hazard risk. Earthworks will be undertaken by the contractor in accordance with GD05, so that any adverse effects are appropriately mitigated. Given the location of the works, no buildings or structures are anticipated to be affected by the

works. Overall, with the proposed erosion and sediment controls in place, it is considered the project aligns with the provisions of Chapter E11.

Chapter E15 Vegetation Management

Relevant Provisions: E15.2(1), E15.3(1), (2), (7).

The objectives and policies in Chapter E15 seek to protect vegetation in sensitive areas including riparian margins to maintain ecosystem services and indigenous biological diversity values, whilst providing for appropriate development and infrastructure. The provisions seek to manage adverse effects from development.

Comment:

As discussed, there is a requirement for infrastructure to be developed in this location. Effects on vegetation will be managed in accordance with tree protection and relocation measures, and 23 trees will be planted to compensate for the loss of vegetation. Therefore, the project is consistent with the objectives and policies in Chapter E15.

7.2.6 Auckland Council District Plan – Hauraki Gulf Islands Plan

The proposed works are consistent with objectives and policies of the ACDP:HGI for the following reasons:

- Objective 4.5.1 and Policy 1 seek to permit activities while limiting effects on neighbouring properties, including limiting time for ancillary structures and storage of materials associated with a construction activity. The project requires a temporary construction yard for 14 months. As discussed in Section 5.7 above, the additional construction yard duration above the permitted threshold will be utilised for planting, which will generate less than minor effects on neighbouring properties.
- Objective 5.3.1 and Policy 2 seek to provide for the efficient operation and maintenance of utility services, including new and established network utility services. The project's purpose is to maintain and improve the existing stormwater system in Blackpool, which will reduce flood hazard risks.
- Objective 5.3.2 and Policy seek to ensure that adverse effects associated with network utilities including noise and earthworks are avoided, remedied and mitigated and assessed where the standards are not met. The project requires earthworks and construction noise that exceed permitted standards. As discussed in section 5 above, the implementation of an Erosion and Sediment Control Plan and a Construction Noise and Vibration Plan will appropriately manage adverse effects from earthworks and construction.
- Objective 7.3 seeks to recognise and protect heritage resources. As discussed in section 5.4 above, the proposed works will not be undertaken the scheduled heritage site, and any adverse effects will be managed by an Archaeological Authority and Accidental Discovery Protocol.
- Objective 8.3 seeks to avoid adverse effects of natural hazards on the environment, including life, property and infrastructure. The project will reduce flood hazards during high rainfall events for Blackpool, and any temporary effects on natural hazards during construction will be managed.

7.3 Section 104D – Particular restrictions for non-complying activities

For a resource consent with an overall non-complying activity status the decision maker is required under section 104D of the RMA to determine the following:

(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of –

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

The proposed works are considered to meet the first test ((1)(a)) of section 104D, as the proposed noise exceedances will affect seven receivers for a maximum two days. Through implementation of Construction Noise and Vibration Management Plan measures, the construction noise exceedances are considered to be reasonable and acceptable. Thus, the adverse effects associated with construction noise will have less than minor effects.

The proposed works are also considered to satisfy the second test ((1)(b)) established in section 104D as assessed in section 7.2.6 above. The activities will not be contrary to the objectives and policies of the relevant planning documents.

7.4 Part 2 – Purpose and Principles

The Purpose of the RMA, set out in Section 5, is to promote the sustainable management of natural and physical resources, which includes enabling “people and communities to provide for their social, economic, and cultural wellbeing.” This must be achieved in the context of Section 5(2), in particular the responsibility of (b) for “safeguarding the life-supporting capacity of air, water, soil and ecosystems” and (c) for “avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

The broader principles of the RMA are set out in Sections 6 – 8 of the RMA. Matters of particular relevance to this application include:

- Section 6(a) – the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development
- Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- Section 6(h) – the management of significant risks from natural hazards
- Section 7 (b) the efficient use and development of natural and physical resources
- Section 7(f) – maintenance and enhancement of the quality of the environment

It is considered that the project will achieve sustainable management of natural and physical resources and be consistent with Part 2 of the RMA for the following reasons:

- The project will maintain the capacity of streams within the Blackpool area and will enhance the ecology of the riparian margins through planting.
- The project will increase instream habitat and fish passage for freshwater species through planting and replacement culverts.
- The project will reduce flood risk for the Blackpool area and will not exacerbate risks during construction.
- Mitigation and management measures are proposed such that any effects have been appropriately avoided and mitigated, and any ongoing effects will be managed appropriately.

8 Notification

Section 95A to 95F of the RMA sets out a stepped process for determining whether an application for resource consent should be publicly or limited notified. While it is noted that the decision on notification sits solely with Council, the relevant elements of these steps are summarised below and are intended to assist Council in its notification assessment.

8.1 Concerning public notification and as set out in Section 95A:

The application does not meet the criteria in Section 95A(3) that would otherwise require mandatory public notification, specifically:

- The applicant does not request this application be publicly notified (95A(3)(a)).
- The provisions of Section 95C are not relevant at this stage (95A(3)(b)).
- This application does not relate to exchange of recreation reserve land (95A(3)(c)).
- In relation to Section 95A(4) the application is not precluded from public notification in accordance with the matters identified in Section 95A(5).
- In relation to Section 95A(7) there are no relevant rules that require the application to be publicly notified. The AEE concludes that the proposed works are likely to have adverse effects that are less than minor for the following reasons:
 - The construction works will be temporary in nature;
 - Any adverse effects will be avoided, remedied or mitigated through the methods as outlined in section 5 of this AEE;
 - The proposal will have a range of positive effects on the environment as detailed in section 5 including improved stormwater conveyance and reduced risk of flooding hazards.
- In relation to Section 95A(9) there are not considered to be any special circumstances existing that warrant the application being publicly notified.

8.2 Concerning limited notification as set out in Section 95B:

- There are no protected customary rights or customary marine title groups affected by the work (Section 95B(2)).
- The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgment (section 95B(3)).
- Limited notification is not precluded pursuant to the criteria set out in section 95B(6).
- The application does not involve a boundary activity or prescribed activity in respect of section 95B(7).
- The adverse effects of the proposal, including on any potentially affected persons and adjoining properties, have been assessed in the AEE and accompanying technical reports. If the decision maker determines to limited notification of the application, it is noted that the proposed works include will result in permanent landform modification on four private properties being:
 - 11 Rata Street
 - 32 Tui Street
 - 30 Tui Street
 - 13 Nikau Street.
- There are no special circumstances in relation to the application that warrant notification of the application to any other persons (section 95B(10)).

9 Conclusion

This report has been prepared on behalf of Auckland Council Healthy Waters as part of a resource consent application for improvements to the stormwater system with associated earthworks, vegetation removal and alteration, and stream works in Blackpool, Waiheke Island.

The upgraded stormwater system will improve stormwater conveyance and reduce flood hazard risk. It will also improve ecological outcomes with riparian planting, increasing instream habitat.

An assessment of effects on the environment has been undertaken for the project and has concluded that any potential adverse effects will be appropriately managed and mitigated.

An assessment has been made against the relevant policies and objectives of the ACDP:HGI, AUP(OP) and RMA in accordance with s104. Overall, the project will be consistent with the direction of the plans, and the purpose of the RMA.



Appendix A – Records of Title

B

Appendix B – Design Drawings



Appendix C – Erosion and Sediment Control Plans



Appendix D – Archaeology Assessment



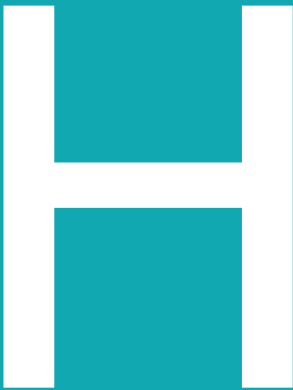
Appendix E – Arboricultural Assessment



Appendix F – Ecological Impact Assessment



Appendix G – Natural Hazards Assessment



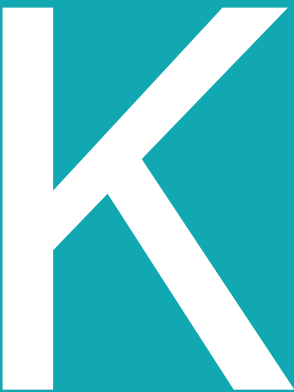
Appendix H – Mana Whenua communication



Appendix I – Indicative Planting Plan



Appendix J – Acoustic Assessment



Appendix K – Fish Management Plan

