

# Notification recommendation for an application for resource consent under the Resource Management Act 1991



Non-complying activity

## 1. Application description

Application numbers:	BUN60451970 (Council Reference) LUC60451971 (s9 land use consent) LUS60451972 (s13 streamworks consent)
Applicant:	Auckland Council
Site addresses / legal descriptions / site areas:	30 Tui Street, Oneroa, Waiheke Island 1081 / Lot 430 DP 33180 / 809m <sup>2</sup> 32 Tui Street, Oneroa, Waiheke Island 1081 / Lot 431 DP 33180 / 809m <sup>2</sup> 36 Tui Street, Oneroa, Waiheke Island 1081 / Lot 455 DP 33180 / 1,118m <sup>2</sup> 11 Rata Street, Oneroa, Waiheke Island 1081 / Lot 454 DP 33180 / 1,265m <sup>2</sup> 13 Nikau Road, Oneroa, Waiheke Island 1081 / Lot 429 DP 33180 / 809m <sup>2</sup> 3 Moa Avenue, Oneroa, Waiheke Island 1081 / Lot 361 DP 22849 / 941m <sup>2</sup> 15 Moa Avenue, Oneroa, Waiheke Island 1081 / Lot 385 DP 22849 / 1,032m <sup>2</sup> 17 Moa Avenue, Oneroa, Waiheke Island 1081 / Lot 386 DP 22849 / 926m <sup>2</sup> 19 Moa Avenue, Oneroa, Waiheke Island 1081 / Lot 414 DP 22849 / 966m <sup>2</sup> 166 Ocean View Road, Oneroa, Waiheke Island 1081 / Lot 359 DP 22849 / 908m <sup>2</sup> Blackpool Cemetery / Huruhi Urupa Block / 5,868m <sup>2</sup> Road Reserve – Moa Avenue, Nikau Road and Tui Street
<b>Auckland Council District Plan (Hauraki Gulf Islands) (ACDP:HGI)</b>	
Land unit:	Open Space 1 (Ecology & Landscape) Open Space 2 (Recreation and Community Facilities) Island Residential 1 (Traditional Residential)
Overlays, controls, special features, designations, etc:	Archaeological Site – 8-5: Te Huruhi Urupa (Category A) Flood Prone Land – Type A Flood Plain

Flood Prone Land – Type B Flood Plain

**Auckland Unitary Plan (Operative in part)**

Zoning and precinct:	Hauraki Gulf Islands
Overlays, controls, special features, designations, etc:	Overlays: High-Use Aquifer Management Areas Overlay - Waiheke Aquifer
	Controls: Stormwater Management Area Control – BLACKPOOL, Flow 2
	Coastal Inundation 1% AEP Plus 1m
	Macroinvertebrate Community Index – Urban
<b>Non-statutory:</b>	Overland Flow Path Flood Plain Flood Prone Area Coastal Inundation 1% AEP Areas Subject to Coastal Instability and Erosion – 2050 CHI-2888: Urupa CHI-5829: Midden (Shell)

## 2. Locality Plan



**Figure 1:** Location of subject sites (highlighted in yellow) and approximate route of stormwater upgrades (identified with a red line) within the wider receiving environment.

Source: Auckland Council GIS



**Figure 2:** Subject sites along eastern side of Tui Street, Blackpool Park (highlighted in yellow) and local surrounds. Source: Auckland Council GIS



**Figure 3:** Nikau Road and lower Moa Avenue local surrounds. Source: Auckland Council GIS.



**Figure 4: Subject sites along upper Moa Avenue and Ocean View Road (highlighted in yellow) and local surrounds. Source: Auckland Council GIS.**

### 3. The proposal, site and locality description

Kaitlyn Ritchie of Beca Ltd has provided a description of the proposal and subject site on pages 7 – 21 of the Assessment of Environmental Effects (AEE) titled: *Blackpool Stormwater Improvements – Assessment of Effects on the Environment*, dated 5 June 2025.

In summary, the applicant is proposing to replace existing stormwater culverts and pipes, form open stormwater channels and extend a stream bank by reducing the slope. The purpose of these works is to improve the flood resilience of the wider Blackpool catchment area. Planting will be undertaken following the completion of works along riparian margins and along the road reserve.

The existing stormwater channel from 13 Nikau Road to the coast at 36 Tui Street will be widened and deepened to allow for greater stormwater flow. A new open stormwater channel will be constructed along the northern side of Nikau Road within the road reserve. A replacement 1.8m diameter pipe will be constructed along Moa Avenue between Nikau Road and the reserve at 19 Moa Avenue to replace an existing 0.6m diameter pipe. A new open stormwater channel will then be constructed outside and through 17 Moa Avenue. A new 0.9m diameter pipe will be constructed under 15 Moa Avenue via open cutting methods. Finally, the remainder of the route to 166 Ocean View Road will consist of a new 0.6m diameter pipe constructed via horizontal directional drilling.

The physical works include:

- 52 weeks of civil works followed by 20 weeks of planting.
- The installation of box culverts of at least 1m wide by 1m high (with larger culverts in some sections) to convey the open stormwater channels under existing roads and vehicle crossings.
- The relocation of power poles.
- The removal of 4x generally protected trees and 2x Karo hedges.
- The transplantation of 6x generally protected Nikau and works within the dripline of 9x generally protected trees.
- The planting of 65x specimen trees.
- 5,500m<sup>2</sup> and 3,600m<sup>3</sup> of earthworks.
- 375 construction truck movements over 52 weeks of construction.

Having undertaken a site visit on 12 December 2024, I concur with that description of the proposal and the site and have no further comment.

## 4. Background

### Specialist Input

The proposal has been reviewed and assessed by the following specialists:

- Mr Bo Zhou, Auckland Council Development Engineer
- Mr Andrew Gordon, Auckland Council Noise Specialist
- Ms Naz Tavasoli, Auckland Council Streamworks Specialist
- Mr Paul Hansen, Auckland Council Arborist
- Ms Hester Hoogenboezem, Auckland Council Groundwater Specialist
- Mr Leo Gallagher, Auckland Council Archaeologist

### Local Board Input

The proposal has been reviewed by the Waiheke Local Board who provided the following comments dated 11 November 2025:

*'The board supports the proposed stormwater works which reflect part of the current and previous WLB Plans, and we support water sensitive design. We also acknowledge the extensive community communication and public meetings held with Blackpool residents by Healthy Waters over several years. Because the effects are more than minor, albeit positive, we recommend limited notification for those directly impacted including the Te Uri Karaka Urupā.'*

This feedback will be taken into consideration in the assessment below.

## Site History

Consent (Council ref)	Activity
BUN60342928 (2021)	New stormwater infrastructure along Moa Avenue including new pipes, roadside swales, and a coastal outfall at Blackpool Beach (unimplemented)

## Permitted activity assessments

In regard to groundwater diversion, a permitted activity check has been conducted by Auckland Council groundwater specialist, Ms Hester Hoogenboezem who concluded that the temporary diversion of groundwater will be for less than 10 days due to the excavations within the stream being progressively opened and closed. In addition, the pipes installed via directional drilling will be less than 1,200mm in diameter. Therefore, the proposed works will be a permitted activity under rule E.7.4.1(A27). As such, any adverse effects associated with groundwater diversion will not be discussed in the assessment below.

## Previous application LUC60442399

A similar application LUC60442399 was lodged on 20 December 2024 and subsequently withdrawn on 24 April 2025. This new application involves additional reasons for consent surrounding noise infringements and culvert works. The design of the stormwater channels has been updated to include various rocks and logs and a full planting plan has been provided. 14x Nikau trees have now been proposed to be transplanted to Blackpool Park rather than being fully removed.

## Neighbour interest

The owners of 30 Tui Street being a subject site for this proposal raised concerns on the proposal via email on 12 February 2025. Their concerns stated:

*'We are the owners of 30 Tui St, Waiheke. As currently designed, HW is proposing to permanently modify our land as part of the proposed works.*

*Accordingly, we expect to be notified and have the opportunity to submit in opposition to the application.'*

This feedback will be taken into consideration in the assessment below.

## Mana whenua consultation

The applicant has consulted with all Mana Whenua groups with an interest in the subject sites as outlined in an email dated 10 July 2025. Ngāti Pāoa Iwi Trust via Tipa Compair was the only Mana Whenua group to register an interest in the proposal and raised concerns in a site hui organised by the applicant on 12 December 2024. Minutes from this hui were submitted with the application which outlines the key matters raised by Mr Compair (taken verbatim):

*Tipa mentioned that Ngāti Pāoa would be interested in being involved in the construction of the project. Further discussions to be made closer to the time of construction.*

*Tipa mentioned cultural monitoring will be required during construction. Healthy Waters are happy to arrange this with Ngāti Pāoa.*

*Tipa requested further investigation into how the extent of the Urupa was delineated in the planning maps. Further review of historic survey plans should be made including previous alignment of stream in relation to property boundaries.*

*Tipa asked if there is an opportunity to renew the fence between the Urupa and the waterway. Jesse to check whether budget is available.*

*Tipa was not supportive of the proposal to remove the Pōhutukawa tree on Nikau Road.*

*Tipa requested Healthy Waters to reconsider alternative options. Due to a change in representation of Blackpool Park, Tipa advised that alternative options could now consider utilising some space within Blackpool Reserve. Use by the Fire Brigade will need to be considered.*

*Tipa requested to prepare a cultural values assessment. He mentioned that a full report is not required, however he wants to make some recommendations for consent conditions.*

*Tipa was generally supportive of the project and mentioned that the project would provide an improvement to the area, but that the above points will need to be addressed to achieve full agreement. Healthy Waters will continue communications with Tipa / Ngāti Pāoa to resolve the above comments as the design is progressed to the next stage.*

A follow-up site hui was organised by the applicant on 9 October 2025 to address the previously outlined concerns raised by Ngāti Pāoa Iwi Trust via Mr Compain. Minutes from this hui were provided which outlines the key matters raised by Mr Compain (taken verbatim):

*Tipa noted that cultural monitoring will be required during the construction phase. Healthy Waters is happy to arrange this in collaboration with Ngāti Pāoa. Tipa also recommended that Hans Bader be engaged to undertake the archaeological monitoring during construction because he has a good understanding of cultural heritage in the area.*

*Tipa mentioned there are additional plans in the Maori Land Court maps which show the extent of the Urupā being potentially larger than shown in the Archaeological Report. Given the conflicting information, the agreed approach was for a surveyor to mark out the property boundaries of the Urupā shown in the Maori Land Court maps including the related properties Blocks 5F, 5D, and 5B. The archaeologist Hans Bader will be able to help the surveyor interpret the plans.*

*Tipa also requested that cultural monitoring will be required by a mana whenua representative nominated by Ngāti Pāoa and there needs to be an accidental discovery protocol implemented. A Purchase Order number will be supplied to Ngāti Pāoa for this.*

*Tipa expressed concern about the estimated \$100k cost to relocate the pōhutukawa tree and is not supportive of adding this to the overall project cost. He is comfortable proceeding with the initial arborist's recommendation to remove the tree. If removal of the tree is not possible due to Tree Owner Approval process, then Tipa will work with ACHW to find a suitable location within Blackpool Park.*

*Tipa advised that the Fire Brigade remains interested in utilising some space within Blackpool Reserve.*

*Tipa clarified that a Cultural Values Assessment is not required, however he wants to review the resource consent conditions prior to approval and the recommendations stated above shall be incorporated such as:*

- *Mark out of the historic property boundaries and Maori land blocks as per the Maori Land Court historic survey plans prior to construction.*
- *Mana Whenua representative to be on site to monitor earthworks within proximity to the Urupā.*
- *Use of Ngāti Pāoa's preferred and trusted archaeologist Hans Bader who has knowledge of the local area for archaeological monitoring.*

*Tipa was generally supportive of the project and mentioned that the project would provide an improvement to the area. Healthy Waters will continue communications with Tipa / Ngāti Pāoa as the design is progressed to the next stage.*

The applicant confirmed in emails dated 25 November 2025 and 4 December 2025 that the following conditions are offered to form part of the proposal, and therefore can be relied upon in the following s95 assessment, being:

- To mark out the historic property boundaries and Māori land blocks as per the Māori Land Court historic survey plans prior to construction.
- Mana Whenua representative to be on site to monitor earthworks within proximity to the Urupā.

The third condition to use Ngāti Pāoa Iwi Trust's preferred archaeologist for cultural monitoring is not offered due to it being ultra vires to rely on a specific named expert. The applicant has instead offered an advice note which '*identifies that Ngāti Pāoa's preferred expert is Hans Bader*'. Adverse effects on mana whenua values and iwi groups are considered below.

#### **Applicant agrees to conditions**

The applicant has proposed conditions to form part of the application to mitigate any actual and potential adverse effects.

## **5. Reasons for the application**

Resource consent is required for the following reasons:

### **Land use consent (s9) – LUC60451971**

#### Auckland Council District Plan (Hauraki Gulf Islands Section)

##### *Part 4 General Rules*

- To exceed the 4.6.2 permitted 75dB LAeq construction noise threshold is a **non-complying** activity under rule 4.2 for being an activity not otherwise specified within the plan. The proposed works will result in the following construction noise levels:
  - 85dB LAeq for up to one day at the following locations:

- 13 Moa Avenue
- 11 Rata Street
- 40 Nikau Road
- 80dB LAeq for up to two days at 13 Moa Avenue.
- 80dB LAeq for up to one day at the following locations:
  - 11 Moa Avenue
  - 32 Tui Street
  - 13 Nikau Road
  - 26 Nikau Road
- To locate site offices, storage sheds, portable toilets, builder's workshops and the storage of construction materials on a site for a period exceeding 12 months is a **restricted discretionary** activity under rule 4.5.4. The proposal involves the use of a construction laydown area involving the above structures at Blackpool Park and 36 Tui Street for a duration of 17 months (72 weeks).

#### *Part 5 Network utility services*

- To construct network utility services not otherwise provided for is a **discretionary** activity under rule 5.5.1. The proposal involves the construction of new stormwater channels and the ancillary relocation of power poles.

#### *Part 7 Heritage*

- To conduct earthworks and the planting of vegetation within a category A archaeological site is a **discretionary** activity under rule 7.8.5.3. The proposal involves earthworks and the planting of vegetation within the Te Huruhi Urupa site.

#### *Part 8 Natural hazards*

- To remove vegetation over 0.5m in height within 5m of the centreline of any permanent stream or the edge of any wetland is a **restricted discretionary** activity under rule 8.5.1(2).
- To remove vegetation over 2m in height within 10m of the centreline of any permanent stream or the edge of any wetland is a **restricted discretionary** activity under rule 8.5.1(3).
- To conduct earthworks within a flood prone area is a **restricted discretionary** activity under rule 8.5.1(5)(i).
- To conduct earthworks at an elevation less than 3m above mean high water springs when located within 20m of mean high water springs is a **restricted discretionary** activity under rule 8.5.1(5)(ii).
- To conduct earthworks at an elevation less than 1m above the edge of any adjacent permanent stream or wetland is a **restricted discretionary** activity under rule 8.5.1(5)(ii).

*Part 10c Development controls for land units and settlement areas*

- To remove, prune or conduct works within the dripline of any indigenous vegetation over 3m in height on a site is a **restricted discretionary** activity under rule 10c.5.1.2. The proposal involves the removal of:

- 1x 4m Karo at 36 Tui Street Reserve.
  - 1x 7m Pohutukawa at 11 Rata Street.
  - 4m Karo hedge at 11 Rata Street.

The proposal involves works within the dripline of:

- 1x 9m Pohutukawa at 11 Rata Street.
  - 3x 8m Karo at 32 Tui Street.
  - 2x 5m Pohutukawa at 28 Nikau Road.
  - 1x 6m Karo at 9 Moa Avenue.

- To remove or conduct works within the dripline of any indigenous vegetation over 3m in height within the legal road reserve is a **restricted discretionary** activity under rule 10c.5.2.2. The proposal involves the removal of:

- 1x 7m Pohutukawa within Nikau Road Reserve.
  - 1x 6m Cabbage Tree within Matai Road Reserve.
  - 6m Karo hedge within Moa Avenue Road Reserve.

The proposal involves the transplantation of:

- 6x 4m Nikau within Nikau Road Reserve.

The proposal involves works within the dripline of:

- 1x 5m Totara within Moa Avenue Road Reserve.
  - 1x 11m Pohutukawa within Moa Avenue Road Reserve.

- To conduct greater than 400m<sup>2</sup> of earthworks on slopes less steep than 1 in 6 is a **restricted discretionary** activity under rule 10c.5.5.3(2). The proposal involves 5,500m<sup>2</sup> of earthworks on slopes up to 1 in 12.
- To transport greater than 200m<sup>3</sup> of cleanfill off-site by public road is a **restricted discretionary** activity under rule 10c.5.5.3(3). The proposal involves the transportation of 3,000m<sup>3</sup> off-site by public road.
- To conduct earthworks within the 10c.5.6 30m coastal protection and 20m wetland and water body protection yards is a **discretionary** activity under rule 10c.3.1. The proposal involves earthworks within the full depth of these protection yards.

## *E26 Infrastructure*

- To remove vegetation over 6m in height or 600mm in girth within riparian or coastal areas is a **restricted discretionary** activity under rule E26.3.3.1(A77). The proposal involves the removal of 1x 7m Pohutukawa and 1x 6.5m Wattle tree within 20m of a natural wetland (riparian area).
- To conduct greater than 2,500m<sup>2</sup> of earthworks within the sediment control protection area is a **restricted discretionary** activity under rule E26.5.3.2(A107). The proposal involves 5,500m<sup>2</sup> of earthworks within 50m of the edge of a stream.

## Streamworks consent (s13) – LUS60451972

### Auckland Unitary Plan (Operative in Part)

#### *E3 Lakes, rivers, streams and wetlands*

- Any activities in the bed of streams and wetlands not otherwise provided for are a **discretionary** activity under rule E3.4.1(A1). The proposal involves the widening of stream and wetland beds to increase stormwater flows.
- Any works on lawfully existing culverts before 30 September 2013 that require greater than 10m of bed disturbance as per standard E3.6.1.10(1)(a) is a **discretionary** activity under rule E3.4.1(A26). The proposed replacement of the lawfully existing culvert under Rata Street will require bed disturbance greater than 10m.
- To construct a new culvert that requires greater than 10m of bed disturbance as per standard E3.6.1.14(2) is a **discretionary** activity under rule E3.4.1(A44). The proposed new culvert at 30 Tui Street will require bed disturbance greater than 10m.

### Resource Management (National Environmental Standards for Freshwater) Regulations 2020

#### *Construction of specified infrastructure*

- To clear vegetation within a natural inland wetland is a **discretionary** activity under rule 45(1) if it is for the purpose of constructing specified infrastructure. The proposal involves the removal of vegetation within the 36 Tui Street Reserve wetland and the 19 Moa Avenue Reserve wetland for the purposes of drainage works carried out by a local authority (Auckland Council).
- To conduct earthworks within a natural inland wetland is a **discretionary** activity under rule 45(2) if it is for the purpose of constructing specified infrastructure. The proposal involves earthworks within the 36 Tui Street Reserve wetland and the 19 Moa Avenue Reserve wetland for the purposes of drainage works carried out by a local authority (Auckland Council).

### *Culverts*

- To construct culverts within the bed of any river which does not have at least 25% of the culvert's diameter below the level of the bed as per regulation 70(2)(e) is a **discretionary** activity under rule 71(1). The proposed culverts at 30 Tui Street and across Rata Street do not achieve a minimum 25% embedment below the level of the bed.

## 6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In the instance, the effects of the proposed resource consents will overlap and thus they are considered together as a **non-complying** activity overall.

## 7. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

### Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not involve one or more of the activities specified in s95A(5)(b).

### Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

### Adverse effects assessment (sections 95A(8)(b) and 95D)

#### Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relate, or of land adjacent to that land

The council is to disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject sites is listed in the following table:

**Table 1**

Address

28, 31, 35, & 37 Tui Street

10, & 12 The Esplanade

10A, 12, 13, 15, 17, 18, 19, 20, 21, 23, 25, 27, 29, & 31 Rata Street

11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 28, 30, 32, 34, 36, 38, & 40 Nikau Road

1, 2, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 22, 23, 24, 25, 26, 28, 30, 32, 34, 36, & 38 Moa Avenue

23, & 28 Manuka Road

25 Matai Road

3, & 5 Kiwi Street

164, & 197-203 Ocean View Road



**Figure 5: Adjacent persons outlined in yellow. Subject sites marked with a red star. Source: Auckland Council GIS**

Any effect on a person who has given written approval to the application

No persons have provided their written approval

**Effects that may be disregarded**

Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful.

In this case the construction of stormwater channels as a network utility activity in all land units and roads requires consent as a discretionary activity and therefore a permitted baseline is not relevant for this proposal.

400m<sup>2</sup> of earthworks are permitted. However, due to the proposed earthworks being far greater than this (5,500m<sup>2</sup>), a permitted baseline would not form a particularly useful guide for assessing adverse effects associated with the proposed earthworks.

200m<sup>3</sup> of cleanfill are permitted to be trucked by public road. However, due to the proposed trucking of earthworks being far greater than this (3,000m<sup>3</sup>), a permitted baseline would not form a particularly useful guide for assessing adverse traffic effects associated with the proposed trucking movements.

In regard to vegetation works, the removal, pruning or works within the dripline of indigenous vegetation less than 3m in height or exotic vegetation of any height is a permitted activity. Given the majority of the proposed vegetation works fall under the above circumstances, a permitted baseline has been applied to assess only the effects of any works on generally protected vegetation under the plan. As such, only adverse arboricultural effects on generally protected vegetation will be assessed below.

In regard to the use of the construction laydown area for a duration of 17 months, construction related structures and the storage of materials are permitted for a duration of up to 12 months under rule 4.5.3(1). The additional 7 months required for the proposal is related to the planting works and will require fewer structures and materials compared to the 12-month civil works period. As such, a permitted baseline has been applied to assess only the effects of the extended 7 months required for the planting works. Therefore, only adverse effects beyond the permitted 12-month period for construction-related structures and storage of materials will be assessed below.

### Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed. In this instance, this includes:

- A built-up residential area along the full route of the proposed stormwater channels. Adjacent sites contain single dwellings surrounded by areas of lawn and landscaping contained within the Island Residential 1 (Traditional Residential) land unit.
- The Tui Street Reserve and adjacent Blackpool Cemetery Reserve are located either side of the end of the proposed stormwater channel and include open lawn areas contained within the Open Space 1 (Ecology and Landscape) land unit. The Blackpool Cemetery Reserve includes a category A Urupā archaeological site with visible gravestones and fencing around the boundary of the reserve.
- Blackpool Park located to the south of the proposed stormwater channel along Nikau Road and being the site of a proposed construction laydown area is a large recreational area with a large lawn area to the west and is contained within the Open Space 2 (Recreation and Community Facilities) land unit. Within the eastern half of the park is the category B former Blackpool School buildings and site surrounds.

- The end of the proposed stormwater channel will be located adjacent to and will discharge to the coastal marine area at Blackpool Beach.
- The reserve at 19 Moa Avenue consists of a small open area with a riverine wetland surrounding an open watercourse contained within the Open Space 1 (Ecology and Landscape) land unit.
- The permitted activities, and the bulk and location of buildings enabled by the plan on the surrounding sites, form part of the reasonably foreseeable receiving environment.
- Resource consent BUN60342928 has approved a similar stormwater pipe along Moa Avenue with a coastal outfall at Blackpool Beach in June 2021. No works have begun on this consent and due to this new application duplicating part of the stormwater pipe route, it is considered unlikely that this consent will be implemented.
- There are no other unimplemented resource consents on the subject site or adjacent areas.

#### Adverse effects

The consultant has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This can be found on pages 27-34 of the AEE.

The AEE concludes that any adverse effects of the proposal upon the wider environment would be less than minor. I adopt this assessment and provide the following comments:

#### **Adverse landscape and amenity effects**

The proposed stormwater channels and associated earthworks will be located below ground level such that they are not perceived as overly dominant changes to the landform as viewed from the streetscape. The proposed comprehensive mitigation planting will assist in screening the stormwater channels over time and ensure that any exposed surfaces from excavations are well vegetated. This planting will also assist in contributing to the amenity of the streetscape and achieving the objectives of the Island Residential 1 (Traditional Residential) land unit by overall increasing the indigenous vegetation cover of the wider Blackpool area.

The removal of 4x generally protected trees and 2x hedges will result in a minimal change to the existing amenity of the streetscape in the short-term while the proposed planting of 65x specimen trees along the proposed stormwater channel will suitably mitigate and enhance the amenity of the streetscape in the long-term.

The earthworks will be undertaken in a progressive manner such that the visual impact of the earthworks and associated construction activity will be isolated to a singular part of the proposed route at each time. Topsoil will be installed for planting and exposed areas will be covered with jute matting at the completion of each earthworks stage. The progressive nature of the earthworks will also minimise the amount of stockpiling occurring within the road reserve at any one time. The applicant has also offered conditions requiring all construction activity to be limited to standard daytime hours from Monday to Saturday. These measures will overall minimise the visual impact of the proposed earthworks and ensure that a suitable degree of amenity is obtained for the surrounding environment throughout construction.

Although stormwater channels are not a network utility activity that is provided for within the Hauraki Gulf Islands District Plan, they have a low-lying nature below ground level and natural appearance as a result of the comprehensive riparian and wetland planting, and addition of stream-like features such as rocks and logs. Therefore, their presence within the road reserve, the Island Residential 1 (Traditional Residential) and open space land units do not detract from the residential and natural well-landscaped amenity anticipated within these land units and the streetscape.

Regarding views from the coast, the stormwater outfall point at the coast will remain as a natural stream albeit slightly widened. The proposed riparian planting within the Tui Street Reserve will further ensure that the natural landscape values of Blackpool Beach and the coast are retained over the long-term. Construction works in visual proximity to the coast will be limited to the stream widening works within Tui Street Reserve and will take approximately 2 weeks to complete. This short timeframe will ensure that the associated earthworks as visible from the coast will not result in an overly extended disturbance to coastal views and will be of a level and timeframe that is generally anticipated within the receiving environment for coastal developments.

In regard to the construction laydown areas, these will be used for up to 17 months which is 7 months longer than the permitted 12-month period for construction-related structures. This additional timeframe is required to undertake the planting work which will not require large equipment or large stockpiles of materials. As such, the use of these areas will be relatively small in scale and low in intensity. The location of the laydown areas are well setback from neighbouring residential areas and community facilities including the old Blackpool School buildings. The applicant has offered conditions requiring all construction activity including that within the laydown area to be limited to standard daytime hours from Monday to Saturday. The overall 17-month duration although exceeding the permitted length will still be of a temporary nature that does not lead to an overly extended nuisance to the existing level of residential amenity within the wider environment.

Overall, any adverse landscape and amenity effects from the proposal on the wider environment will be less than minor.

### **Adverse public access effects**

The construction laydown areas are proposed to be located within either the 36 Tui Street Reserve or Blackpool Park and consent is being sought for both options. The 36 Tui Street Reserve effectively acts as a widened area of road reserve with additional grassed areas. Due to its small size and lack of facilities, the reserve provides limited recreational value with provision of other recreational area at Blackpool Beach and the surrounds maintained.

Blackpool Park is a larger recreational reserve consisting of large open grass areas, the historic Blackpool School buildings and a basketball hoop area contained within the Open Space 2 (Recreation and Community Facilities) land unit. It is primarily used for passive recreation. An assessment on public access effects from the use of a portion of Blackpool Park as a construction laydown area has been provided by the consultant in an email dated 14 November 2025. It notes that the proposed laydown area will consist of 12% of the reserve area and will be located away from the key facilities including the old Blackpool School buildings and basketball hoop area such that access to these will be retained throughout the duration of construction. Although the laydown area will occupy a central location within the park,

substantial areas of the reserve will remain available for recreation including 2,500m<sup>2</sup> of grassed area to the west of the compound and 6,500m<sup>2</sup> of area including the old Blackpool School buildings and basketball hoop area to the east of the compound.

I concur with and adopt the above assessment noting that sufficient areas will remain available for recreational opportunities within Blackpool Park during construction. In addition, the total 17-month duration of the construction laydown areas will ensure that this use of public space will be temporary. Overall, I consider that any adverse public access effects from the proposal will be less than minor.

### **Adverse streamworks and wetland effects**

The proposal is supported by an ecological impact assessment, wetland and watercourse assessment, and fish management plan all prepared by Beca Ltd which have been reviewed by Auckland Council streamworks specialist, Ms Naz Tavasoli. Ms Tavasoli supports the proposal noting that adverse effects on the stream and wetland environment will be appropriately managed during construction and considers the ongoing level of adverse effects from the proposed streamworks and associated fish passage to be very low.

Regarding sediment and construction discharge, Ms Tavasoli notes that the applicant has proposed a suitable erosion and sediment control plan consistent with best practice and includes measures such as diverting clean water, treating discharge through settlement tanks and sediment ponds, installing inlet protection on catchpits, using a cut-and-cover method to limit bare soil exposure, and progressively stabilising channel banks with jute matting. Sediment from excavations will be removed from the existing stream via a dewatering pump which will discharge to a turkeys nest or settling tank. Ms Tavasoli notes these measures are considered adequate to ensure that the risk of sediment and contaminants discharging to the coast is considered to be low and the level of effect to be negligible.

Regarding native fish mortality and injury, Ms Tavasoli notes that the temporary nature of work, staged manner of watercourse works and restoration of the stream following construction will all ensure adverse effects on fish passage are considered to be low. The proposed timing of works during summer months when the intermittent stream is likely dry further reduces the risk of adverse ecological effects.

Regarding temporary loss of vegetation within the Tui Street Reserve riverine wetland, this will be suitably mitigated through the proposed comprehensive planting of wetland vegetation within the next planting season. Overall, this planting will restore wetland functions making any disturbance temporary with minimal long-term impact on the ecosystem.

Although the proposed embedment of the culverts on Rata Street and 30 Tui Street do not meet the minimum 25% diameter requirement, Ms Tavasoli agrees with the applicants assessment in that the culverts will still be placed 300mm below the level of the stream bed and therefore meet the recommended embedment depth in the latest NIWA fish passage guidelines for box culverts. The applicant notes there is little benefit in embedding the proposed culverts deeper than this given the soft bottomed nature of the existing stream.

Regarding the operational effects of the proposed culverts, Ms Tavasoli notes that the enlarged size and proposed embedment will allow for suitable fish passage and adequate flow for the existing stream.

I adopt Ms Tavasoli's assessment noting that adverse effects on the existing streams and riverine wetlands will be minimised and the overall function of the streams and wetlands will be restored and enhanced over the long-term. The implementation of new and replacement culverts will have temporary adverse effects that will be mitigated to a less than minor level through the adherence to a comprehensive erosion and sediment control plan.

### **Adverse heritage and archaeological effects**

The proposal is supported by an archaeological report prepared by Origin Archaeology which has been reviewed by Auckland Council historic heritage specialist, Mr Joe Mills. Mr Mills supports the proposal noting that impacts on both scheduled and unscheduled archaeological and historic heritage sites are deemed to be small in scale and suitably mitigated through archaeological monitoring, recording, and reporting. The likelihood of burials being located outside the scheduled extent of Huruhi urupā and within the works area is considered distinctly low given the presence of shifting stream banks adjacent to the urupā. For the remainder of the proposed works, the potential for unrecorded archaeological material to be encountered is considered to be low and can be suitably mitigated through the implementation of accidental discovery protocols.

I adopt Mr Mills' assessment noting that the adverse effects on surrounding scheduled and unscheduled archaeological and historic heritage sites can be suitably mitigated through monitoring, recording and reporting. The low likelihood of encountering burials associated with the Huruhi urupā will ensure that the proposed works will avoid the damage and destruction of the urupā nor will the heritage values of the urupā including its visual contribution, intactness and community association be reduced. Overall, any adverse heritage effects from the proposal will be less than minor.

### **Adverse arboricultural effects**

The proposal is supported by an arboricultural report prepared by The Tree Consultancy Company which has been reviewed by Auckland Council arborist, Mr Paul Hansen. Mr Hansen supports the proposal noting that the removal of 4x generally protected trees and 2x Karo hedges will be suitably mitigated by the planting of 65x 45L specimen trees. The proposed works within the dripline will be suitably mitigated by measures such as protective fencing and supervision by a suitably qualified arborist.

I adopt Mr Hansen's assessment noting that sufficient mitigation planting has been achieved for the proposed removals while mitigation measures including protective fencing and arborist supervision will be implemented for the proposed works within the dripline. Regarding the transplantation of 6x Nikau, these can be feasibly transplanted given their small root ball with adverse effects being mitigated by the proposed tree relocation methodology. Overall, any adverse arboricultural effects from the proposal will be less than minor.

### **Adverse noise effects**

The proposal is supported by an acoustics report prepared by SLR Consulting which has been reviewed by Auckland Council noise specialist, Mr Bin Qiu. Mr Qiu supports the proposal noting that the proposed management and mitigation measures such as restricting works to daytime hours only, implementing acoustic screening, and restricting machinery sizes will suitably minimise noise and vibration effects from the proposed construction works.

I adopt Mr Qiu's assessment and note that beyond those persons considered adjacent, noise will comply with those permitted levels. It is however noted the project duration does exceed that provided by the plan as of right for construction activities. However, given the progressive construction methodology along the channel route, it is noted that no single area will experience noise for the full 17 month duration of works except for truck movements from the construction laydown areas. Each progressive stage is anticipated to take on average 2 to 8 weeks to complete which is of a duration generally anticipated for construction projects within the surrounding environment. Noisy activities including open trenching, asphalt cutting, drilling, compaction, and tree removal will have durations of approximately 1-2 days each which is of a timeframe that is consistent with other standard construction projects and not anticipated to result in a general nuisance or detraction of amenity for the surrounding environment. The applicant has also offered to condition that all construction activity occurs within the hours of 7:30am to 6pm Monday to Saturday to avoid times that are especially sensitive for the surrounding residential environment.

Overall, the proposed mitigation measures will ensure that adverse noise effects to the wider environment are suitably mitigated such that any adverse noise effects will be less than minor.

### **Adverse traffic effects**

Traffic matters in relation to the proposed trucking of 3,600m<sup>3</sup> of cleanfill off the site by public road has been reviewed by Auckland Council Development Engineer, Mr Bo Zhou. Mr Zhou notes that traffic volumes, road infrastructure and landfill facilities has the potential to be adversely affected by this amount. Mr Zhou recommends that the total trips of a six-wheeled tipper (20-tonne load weight maximum) be limited to 20 return trips per day to avoid any excessive burden on the existing roading infrastructure and landfill facilities. In addition, the earthworks activity will not be carried out during peak hours to avoid unnecessary road disturbance and traffic congestion.

I adopt Mr Zhou's assessment noting that the applicant has offered conditions in an email dated 19 November 2025 requiring return trucking trips to be no more than 20 per day and only occur from 9am to 4pm Monday to Friday while the size of trucks will also be limited to a maximum loading weight of 20 tonnes. I note that a total of 375 return trips are anticipated to occur for the proposal occurring over a timeframe of 53 weeks with an average return truck movement of 2 return truck movements per day during off-peak times. Overall, these anticipated average daily movements combined with the restrictions on the maximum size of the truck and maximum daily movements will ensure that the truck movements will be occasional and of a level that is consistent with other potential trucking movements on the streets such as deliveries, waste management and road/power line maintenance vehicles. In addition, the applicant has offered to condition that a construction and traffic management plan is provided prior to the commencement of works.

I note that road closures will be necessary to undertake the proposed culvert and open channel excavation works. As each culvert and channel section will be constructed one at a time, road closures will be isolated to individual roads at a time. Detours as a result are anticipated to be small in scale due to the grid-like road layout of the Blackpool area. Any potential increase in traffic as a result of the detours are also anticipated to be negligible given the existing low traffic volumes of the area.

Overall, I consider that any adverse traffic effects from the proposal will be less than minor.

### **Adverse geotechnical effects**

The proposal is supported by a geotechnical report prepared by Ormiston Associates Ltd which has been reviewed by Auckland Council Development Engineer, Mr Bo Zhou. Mr Zhou who notes that no obvious signs of any deep-seated instability or significant shallow instability is present on the site. As the works consist of trenching and backfilling only, the risks of causing significant instability are considered to be very low. Due to limitations on the number of trucking movements allowed, longer exposure of stockpiles are expected and a full erosion and sedimentation control plan will be provided prior to the commencement of any earthworks to ensure the proposed erosion and sedimentation control adequately manages these periods of longer exposure. In addition, all earthworks will be undertaken in accordance with GD05 and supervised by a suitably qualified engineer.

I adopt Mr Zhou's assessment noting that the works are limited to trenching and backfilling only with minimal risk of instability while suitable erosion and sedimentation control measures will be employed to manage adverse effects associated with the longer exposure of stockpiles. Overall, I consider that any adverse geotechnical effects from the proposal will be less than minor.

### **Adverse natural hazard effects**

The proposal is supported by a natural hazard assessment prepared by Beca Ltd which has been reviewed by Auckland Council development engineer, Mr Bo Zhou. Mr Zhou notes that the proposal will overall improve the flooding situation on the site and due to the works being for trenching and backfilling only, the risk of natural hazards occurring is considered to be very low.

I adopt Mr Zhou's assessment noting that the removal of vegetation along the existing streams and wetlands will be mitigated by the comprehensive planting of riparian and wetland species which will provide suitable bank stability and erosion protection. Regarding the risk of flooding during construction, the applicant has proposed clean water diversions constructed using sandbags within the existing channel to enable the existing stream flow to continue during works. The height of the sandbags will be set to enable overtopping during storm events to prevent upstream flooding. Contractors will monitor weather events to ensure working areas can be stabilised prior to any event to ensure that no significant scour and discharge of sediment will occur. The applicant has offered to condition a finalised erosion and sediment control plan to be prepared prior to works that includes these mitigation measures. The proposal will overall result in a reduction of flooding risk to the wider environment over the long-term and include sufficient mitigation measures to avoid the risk of flooding during construction. The likelihood of flooding to occur as a result of the proposal is considered to be very low and effects on public safety and property are considered to be negligible. As such, I consider that any adverse natural hazard effects from the proposal will be less than minor.

### **Adverse cultural effects**

The applicant has undertaken sufficient consultation with mana whenua groups over an extended timeframe with Ngāti Pāoa Iwi Trust being the only mana whenua group to express an interest in the proposal. I defer the assessment on adverse cultural effects on Ngāti Pāoa Iwi Trust to the s95b assessment below.

In terms of wider mana whenua values, and noting the engagement undertaken to date, I note that no concerns or interests were raised by any other mana whenua group. In addition, the proposed erosion and sedimentation controls will be sufficient to ensure that sediment and other contaminants are not discharged to the existing stream or coast and therefore the mauri (lifeforce) of the stream and coast will be maintained. The proposed riparian planting will further enhance the quality of the stream over the long-term.

### **Adverse effects conclusions**

Based on the preceding assessment, I conclude that any effects from the proposal on the wider environment are less than minor.

### **Step 4: public notification in special circumstances**

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary to suggest that public notification should occur.

### **Public notification conclusion**

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

## 8. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

### Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal abuts the coastal edge of Waiheke which is the subject of a Ngāi Tai Ki Tāmaki coastal statutory acknowledgement. As part of the Applicants engagement process, Ngāi Tai Ki Tāmaki were contacted but did not respond. The proposed works are located outside of the coastal statutory acknowledgement area but will result in increased stormwater discharge to this area. During the construction phase, the proposed erosion and sedimentation control plan including measures such as dewatering pumps, settling tanks and clean water diversions will ensure that any sediment or contaminants as a result of the proposed works will be suitably removed from the works area prior to discharging downstream. As such, the risk of sediment or contaminants reaching the coast is considered to be low and the level of effect to be negligible. In terms of ongoing effects following construction, the proposed riparian planting will overall reduce erosion and the generation of contaminants within the stormwater channels such that the quality of stormwater discharge to the coast is improved. Therefore, the proposal is not considered to detract from the quality of the water nor its life supporting capacity. As a result, it is considered that Ngāi Tai Ki Tāmaki are not adversely affected to a minor or more degree in relation to their statutory acknowledgement area and they are therefore not an adversely affected persons in relation to this proposal.

## Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

## Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

## Adversely affected persons assessment (sections 95B(8) and 95E)

No persons are considered to be adversely affected by the proposal due to the following reasons:

### **Persons at Blackpool Cemetery Reserve and Ngāti Pāoa Iwi Trust**

This site includes the category A Te Huruhi Urupā site involving burial sites surrounded by an open grass area and fencing along the edge of the existing stream. The site is under private ownership and is listed on the record of title as '*being a Māori reservation for the purpose of a burial ground for the members of the Ngāti Pāoa tribe*'. The proposed earthworks to widen the existing stream will occur partially within the westernmost portion of this site.

### Amenity

The proposed works will result in the permanent modification of the westernmost portion of this site. The stormwater channel itself will be comprehensively planted such that it does not detract from the high visual amenity values of the cemetery reserve. However, I consider that the permanent modifications to this site will adversely affect the owner's peaceful enjoyment of their own land and restrict their ability to use a portion of their site for the period of works. As such, I consider that the overall amenity afforded to persons on these sites will be adversely affected by the proposal to a more than minor degree.

## Cultural

Ngāti Pāoa Iwi Trust have an established cultural connection with the site given its use as an Urupā for members of Ngāti Pāoa. The applicant has undertaken extended consultation with Ngāti Pāoa Iwi Trust (via Tipa Compain) who raised concerns regarding the true extent of the Urupā in a site hui dated 9 October 2025. Minutes on this matter include (taken verbatim):

*Tipa mentioned there are additional plans in the Māori Land Court maps which show the extent of the Urupā being potentially larger than shown in the Archaeological Report. Given the conflicting information, the agreed approach was for a surveyor to mark out the property boundaries of the Urupā shown in the Māori Land Court maps including the related properties Blocks 5F, 5D, and 5B. The archaeologist Hans Bader will be able to help the surveyor interpret the plans.*

The site hui concluded with Mr Compain being generally supportive of the proposal provided that their recommended conditions are incorporated into the final decision. Minutes on this matter include (taken verbatim):

*Tipa clarified that a Cultural Values Assessment is not required, however he wants to review the resource consent conditions prior to approval and the recommendations stated above shall be incorporated such as:*

- *Mark out of the historic property boundaries and Māori land blocks as per the Māori Land Court historic survey plans prior to construction.*
- *Mana Whenua representative to be on site to monitor earthworks within proximity to the Urupā.*
- *Use of Ngāti Pāoa's preferred and trusted archaeologist Hans Bader who has knowledge of the local area for archaeological monitoring.*

*Tipa was generally supportive of the project and mentioned that the project would provide an improvement to the area. Healthy Waters will continue communications with Tipa / Ngāti Pāoa as the design is progressed to the next stage.*

The applicant confirmed in emails dated 25 November 2025 and 4 December 2025 that the first two recommended conditions from Ngāti Pāoa Iwi Trust are offered as part of the proposal however, the third condition to use Ngāti Pāoa Iwi Trust's preferred archaeologist for cultural monitoring is not offered due to it being ultra vires to rely on a specific named expert. The applicant has instead offered an advice note which '*identifies that Ngāti Pāoa's preferred expert is Hans Bader*'.

Although Ngāti Pāoa Iwi Trust have indicated that a cultural values assessment is not required and have provided their general support of the proposal, I consider Ngāti Pāoa Iwi Trust to be an adversely affected person to a more than minor degree for the following reasons:

- The proposed works will result in the permanent modification of an Urupā site which Ngāti Pāoa Iwi Trust have a cultural connection to.
- Ngāti Pāoa Iwi Trust have stated that there are discrepancies between various historical maps of the Urupā. As such, the extent of works within the Urupā site may be greater than that outlined within the lodged archaeological report.

- The recommended conditions by Ngāti Pāoa Iwi Trust have not been fully offered by the applicant. I also note that the finalised set of conditions may change as a result of the submission process. As Ngāti Pāoa Iwi Trust's support relies on their recommended conditions being part of the finalised decision, there is a risk that Ngāti Pāoa Iwi Trust are adversely affected if they are not included in the submission process.

### **Persons at 11 Rata Street, 30 & 32 Tui Street, & 13 Nikau Road**

These sites are located within the proposed route of the stormwater channels. The proposed works on these sites include earthworks to form 9m wide channels partially within the westernmost portion / site frontage of these sites and partially within the road reserve. A 7m Pohutukawa tree and 4m Karo hedge will be removed from 11 Rata Street. New culverts are proposed to replace the vehicle and pedestrian bridges over the existing channel at 30 and 32 Tui Street, and 13 Nikau Road.

#### Amenity

The proposed works will result in the permanent modification of the westernmost portions / site frontages of these sites with works extending up to 5m within the site boundaries. The stormwater channels themselves will be comprehensively planted such that they do not detract from the residential and natural visual amenity anticipated within these sites. However, I consider that the permanent modifications to these sites will adversely affect the owner and occupier's peaceful enjoyment of their own land and restrict their ability to use a portion of their site frontage. As such, I consider that the overall amenity afforded to persons on these sites will be adversely affected by the proposal to a more than minor degree.

#### Noise

The proposed works will infringe the permitted construction noise levels at 11 Rata Street, 32 Tui Street and 13 Nikau Road by up to 5-10 dB for an anticipated duration of one day. These exceedances and the associated acoustics assessment prepared by SLR Consulting Ltd have been reviewed by Auckland Council noise specialist, Mr Bin Qiu. Mr Qiu supports the proposed exceedances noting that the exceedance is intermittent for a single day. Mr Qiu notes that the proposed mitigation measures offered through a construction noise and vibration management plan can feasibly minimise construction noise to a reasonable level. Construction vibration although noticeable is not anticipated to result in any building damage.

I adopt Mr Qiu's assessment above noting that the anticipated construction noise and vibration will be intermittent, short in duration and suitably mitigated by a construction noise and vibration management plan. As such, any adverse noise effects on persons at these sites will be less than minor.

#### Access

The proposed construction of new culverts will result in temporary restrictions on access to these properties. Each culvert is anticipated to take an average of 3-4 days to complete. The applicant has proposed the following mitigation options for residents to ensure suitable access is maintained to each site during this time:

- Providing alternative temporary vehicle access to the property if available.

- Providing space for street parking in the berm where pedestrian only access is sufficient.
- Contractors can cover the excavations with a temporary bridge outside of working hours and co-ordinate times during the day if residents need access at specific times. This can be achieved by stopping work and lifting a temporary bridge over the excavations.

It is noted that temporary pedestrian access can be provided for all sites during culvert installations by providing access away from the culvert works area. Given the mitigation options that can feasibly be provided to persons at these sites, I consider that any adverse access effects from the proposed culvert works at these sites will be less than minor.

### **Persons at 15 & 20 – 40 Nikau Road**

The proposed stormwater channel will pass through the road reserve immediately adjacent to these sites. The proposed works within the road reserve include earthworks to form 5m wide channels, the construction of culverts for each vehicle crossing serving these sites, the removal of a 7m Pohutukawa tree outside 26 Nikau Road and a 6m Karo hedge outside 40 Nikau Road.

#### Amenity

The proposed stormwater channels will be comprehensively planted such that they do not detract from the residential and natural visual amenity anticipated within these sites. The associated earthworks will be temporary taking 2-4 weeks to complete each portion while exposed surfaces will be covered in topsoil and jute matting at the completion of each portion in preparation for planting. Overall, I consider that any adverse amenity effects from the proposal on these sites will be less than minor.

#### Noise

The proposed works will infringe the permitted construction noise levels at 26 and 40 Nikau Road by up to 5-10 dB for an anticipated duration of one day. These exceedances and the associated acoustics assessment prepared by SLR Consulting Ltd have been reviewed by Auckland Council noise specialist, Mr Bin Qiu. Mr Qiu supports the proposed exceedances noting that the exceedance is intermittent for a single day. Mr Qiu notes that the proposed mitigation measures offered through a construction noise and vibration management plan can feasibly minimise construction noise to a reasonable level. Construction vibration although noticeable is not anticipated to result in any building damage.

I adopt Mr Qiu's assessment above noting that the anticipated construction noise and vibration will be intermittent, short in duration and suitably mitigated by a construction noise and vibration management plan. As such, any adverse noise effects on persons at these sites will be less than minor.

#### Access

The proposed construction of new culverts will result in temporary restrictions on access to these properties. Each culvert is anticipated to take an average of 3-4 days to complete. The applicant has proposed the following mitigation options for residents to ensure suitable access is maintained to each site during this time:

- Providing alternative temporary vehicle access to the property if available.

- Providing space for street parking in the berm where pedestrian only access is sufficient.
- Contractors can cover the excavations with a temporary bridge outside of working hours and co-ordinate times during the day if residents need access at specific times. This can be achieved by stopping work and lifting a temporary bridge over the excavations.

It is noted that temporary pedestrian access can be provided for all sites during culvert installations by providing access away from the culvert works area. Given the mitigation options that can feasibly be provided to persons at these sites, I consider that any adverse access effects from the proposed culvert works at these sites will be less than minor.

### **Persons at 17 Moa Avenue**

This site is located within the proposed route of the stormwater channel. The proposed works on this site include earthworks to form a 3.5m wide channel within the north-eastern corner of the site and an up to 7m wide channel partially within the easternmost portion / site frontage of this site and partially within the road reserve. A new culvert is proposed to allow the existing driveway to cross the stormwater channel.

#### Amenity

The proposed works will result in the permanent modification of the easternmost portion / site frontage of this site with works extending up to 6m within the site boundaries. The stormwater channels themselves will be comprehensively planted such that they do not detract from the residential and natural visual amenity anticipated within this site. However, I consider that the permanent modifications to this site will adversely affect the owner and occupier's peaceful enjoyment of their own land and restrict their ability to use a portion of their site frontage. As such, I consider that the overall amenity afforded to persons on 17 Moa Avenue will be adversely affected by the proposal to a more than minor degree.

#### Access

The proposed construction of a new culvert will result in temporary restrictions on access to this site. The culvert is anticipated to take an average of 3-4 days to complete. The applicant has proposed the following mitigation options for residents to ensure suitable access is maintained to this site during the construction period:

- Providing alternative temporary vehicle access to the property if available.
- Providing space for street parking in the berm where pedestrian only access is sufficient.
- Contractors can cover the excavations with a temporary bridge outside of working hours and co-ordinate times during the day if residents need access at specific times. This can be achieved by stopping work and lifting a temporary bridge over the excavations.

It is noted that temporary pedestrian access can be provided for this site during the culvert installation by providing access away from the culvert works area. Given the mitigation options that can feasibly be provided to persons at this site, I consider that any adverse access effects from the proposed culvert works at 17 Moa Avenue will be less than minor.

### **Persons at 15 Moa Avenue**

This site is located within the proposed route of the 900mm underground stormwater pipe along Moa Avenue. The pipe will be located within an open grassed section of the site and constructed via open excavation methods with earth placed over the pipe on completion of installation to bury it underground.

#### Amenity

The proposed works will be temporary as the soil to be placed over the installed underground pipe will be suitably grassed or vegetated at the completion of works. The installation of the pipe on this site is anticipated to take 2 weeks to complete and will involve excavations within an open lawn area of the site. Although the works are temporary, I consider that the two-week period of excavations will adversely affect the owner and occupier's peaceful enjoyment of their own land and restrict their ability to use this lawn area during the construction period. As such, I consider that the overall amenity afforded to persons on 15 Moa Avenue will be adversely affected by the proposal to a more than minor degree.

### **Persons at 3 – 13 Moa Avenue & 166 Ocean View Road**

These sites are located within the proposed route of the underground stormwater pipes for the upper catchment of the proposal. The pipes through these sites will be constructed via horizontal directional drilling.

#### Amenity

The proposed pipes will be located underground and not visible from the subject sites. The use of horizontal directional drilling will avoid the need for excavations to occur within these sites and therefore the associated effects of construction will not detract from the residential amenity anticipated within these sites.

#### Noise

The proposed works will infringe the permitted construction noise levels at 11 and 13 Moa Avenue by up to 5-10 dB for an anticipated duration of two days. These exceedances and the associated acoustics assessment prepared by SLR Consulting Ltd have been reviewed by Auckland Council noise specialist, Mr Bin Qiu. Mr Qiu supports the proposed exceedances noting that the exceedance is intermittent for a short duration. Mr Qiu notes that the proposed mitigation measures offered through a construction noise and vibration management plan can feasibly minimise construction noise to a reasonable level. Construction vibration although noticeable is not anticipated to result in any building damage.

I adopt Mr Qiu's assessment above noting that the anticipated construction noise and vibration will be intermittent, short in duration and suitably mitigated by a construction noise and vibration management plan. As such, any adverse noise effects on persons at these sites will be less than minor.

#### **All persons, including those listed above:**

- In terms of residential amenity, all other persons not specifically assessed above are considered to have sufficient separation distance from the works to ensure that the adverse effects on them are less than minor.

- In terms of construction noise, all other persons not specifically assessed above are sufficiently separated from the works to ensure that any construction noise is within permitted levels. The progressive methodology of the construction work will ensure that adjacent sites will only experience construction noise for limited periods of the project duration. Overall, any construction noise experienced by persons will be of a temporary duration and general nuisance that is of a less than minor level. In terms of earthworks and geotechnical effects, the works are limited to trenching and backfilling only such that the risk of any significant instability to persons is considered to be very low. In addition, the applicant has prepared a suitable erosion and sedimentation control plan which will ensure that any silt and sediment generated from earthworks will be managed appropriately within the subject sites and no off-site effects are anticipated provided the recommendations are adhered to.
- In terms of construction traffic effects, these will be of a temporary nature and consistent with other potential trucking movements such as deliveries, waste management and maintenance vehicles. The applicant has also offered conditions requiring a construction and traffic management plan to be implemented prior to the commencement of works. Trucking movements associated with the 3,000m<sup>3</sup> to be moved off-site will also be subject to a maximum of 20 return trips per day and will only occur during weekdays between 9am and 4pm to mitigate against any adverse amenity and noise effects on neighbouring sites. I note that road closures will be necessary to undertake the proposed culvert and open channel excavation works. As each culvert and channel section will be constructed one at a time, road closures will be isolated to individual roads at a time. Detours as a result are anticipated to be small in scale due to the grid-like road layout of the Blackpool area. Access to residents affected will be maintained at all times during these road closures.
- In terms of streamworks effects, the proposed erosion and sediment control plan with best practice measures such as diverting clean water, treating discharge through settlement tanks and sediment ponds, installing inlet protection on catchpits, using a cut-and-cover method to limit bare soil exposure, and progressively stabilising channel banks with jute matting will be sufficient to ensure that the quality of streams for adjacent sites is maintained throughout construction. In the long-term, the proposed comprehensive riparian planting will enhance the ecological values of the stream for adjacent sites.
- In terms of wetland effects, the temporary loss of vegetation within the existing riverine wetlands will be suitably mitigated through the proposed comprehensive planting of wetland vegetation. Overall, this planting will restore wetland functions for adjacent sites and ensure that minimal ecological impacts are experienced by persons.

- In terms of arboricultural effects, the proposed removal of generally protected vegetation will be sufficiently mitigated by the proposed comprehensive planting such that the vegetated and landscaped amenity of adjacent sites will be maintained.
- In terms of natural hazard effects, the proposal will overall lower the risk of flooding for adjacent sites compared to the existing situation. The proposed riparian planting will also provide suitable bank stability and erosion protection to avoid associated instability for sites located adjacent to the stormwater channels.
- Although the proposed construction duration of 17 months exceeds the permitted temporary construction limits, I note that the progressive nature of the construction work will ensure that any adjacent persons will not experience the full duration of construction works except for those adjacent to the construction laydown areas. The construction laydown areas are well separated from adjacent residential neighbours such that any general nuisance or detraction of amenity will not be overly discernible from adjacent sites. In addition, the applicant has offered to condition all construction activity including that within the laydown area to only occur between 7:30am to 6pm Monday to Saturday.

## Conclusion

Overall, the adverse effects on any persons not specifically mentioned above are less than minor.

## Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrants it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary to suggest that notification to any other persons should occur.

## Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

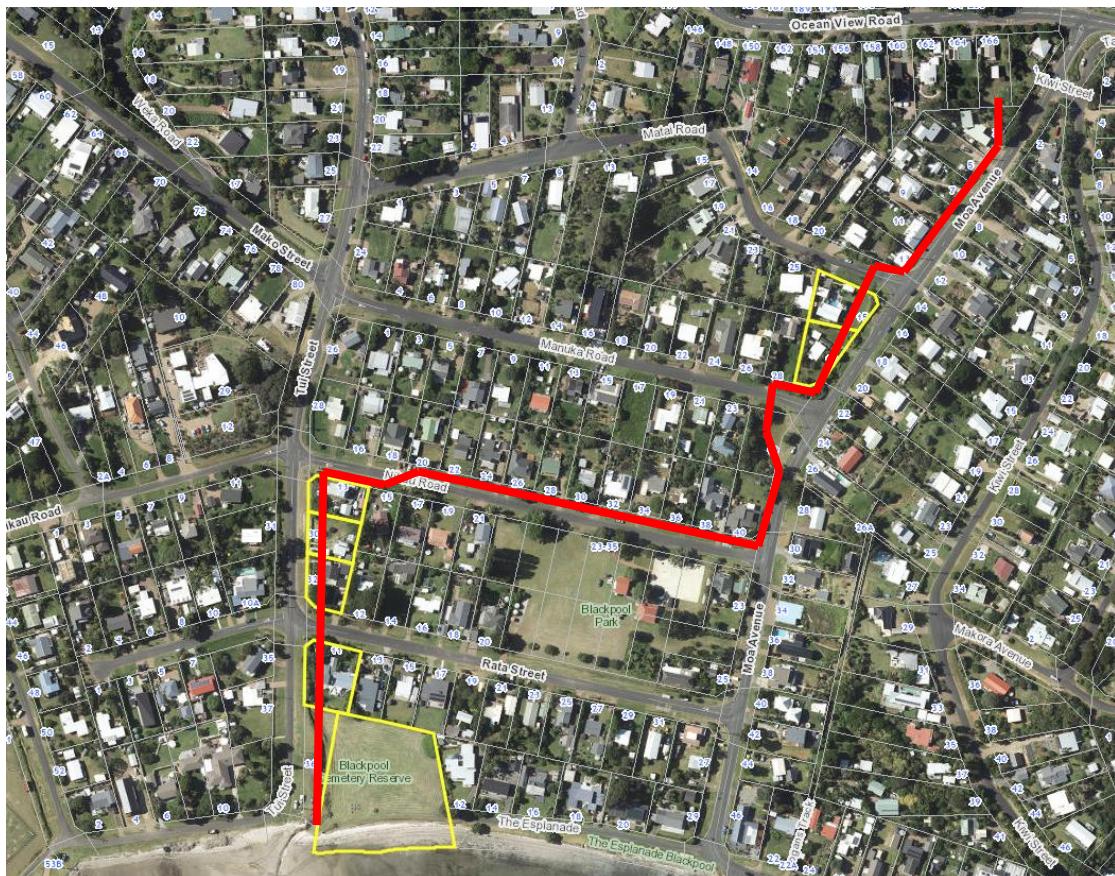
- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for activities other than that specified in s95B(6)(b).
- Under step 3, limited notification is required as it is considered that the activities will result in persons to be adversely affected.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed with limited notification and notice of this application should be served to the following persons:

Address	Legal Description	Owner and occupier
Blackpool Cemetery	Huruhi Urupa Block	NC Bird & H Clarke & K Taupaki
		Ngāti Pāoa Iwi Trust
11 Rata Street, Oneroa, Waiheke Island 1081	Lot 454 DP 33180	MB McGivern & GM McGivern & McGivern Family Trustee Company Limited
11 Rata Street, Oneroa, Waiheke Island 1081	Lot 454 DP 33180	Occupier
32 Tui Street, Oneroa, Waiheke Island 1081	Lot 431 DP 33180	Cameron Peter Michael Hodgson
32 Tui Street, Oneroa, Waiheke Island 1081	Lot 431 DP 33180	Occupier
30 Tui Street, Oneroa, Waiheke Island 1081	Lot 430 DP 33180	Katherine Marie Robertson
30 Tui Street, Oneroa, Waiheke Island 1081	Lot 430 DP 33180	Occupier
13 Nikau Road, Oneroa, Waiheke Island 1081	Lot 429 DP 33180	June Denise Ozanne
17 Moa Avenue, Oneroa, Waiheke Island 1081	Lot 386 DP 22849	RL Prince & S Prince
17 Moa Avenue, Oneroa, Waiheke Island 1081	Lot 386 DP 22849	Occupier

15 Moa Avenue, Oneroa, Waiheke Island 1081	Lot 385 DP 22849	Margaret Kerridge
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The relationship of these persons to the subject site are identified on the following map of the site and surrounds:



**Figure 6: Affected persons highlighted in yellow. Proposed stormwater channel route highlighted in red.**

## 9. Notification recommendation

### Limited notification

For the above reasons under section 95A this application may be processed without public notification.

Under section 95B, this application should proceed with limited notification because the following persons are adversely affected:

Address	Legal Description	Owner and occupier
Blackpool Cemetery	Huruhi Urupa Block	NC Bird & H Clarke & K Taupaki
		Ngāti Pāoa Iwi Trust

11 Rata Street, Oneroa, Waiheke Island 1081	Lot 454 DP 33180	MB McGivern & GM McGivern & McGivern Family Trustee Company Limited
11 Rata Street, Oneroa, Waiheke Island 1081	Lot 454 DP 33180	Occupier
32 Tui Street, Oneroa, Waiheke Island 1081	Lot 431 DP 33180	Cameron Peter Michael Hodgson
32 Tui Street, Oneroa, Waiheke Island 1081	Lot 431 DP 33180	Occupier
30 Tui Street, Oneroa, Waiheke Island 1081	Lot 430 DP 33180	Katherine Marie Robertson
30 Tui Street, Oneroa, Waiheke Island 1081	Lot 430 DP 33180	Occupier
13 Nikau Road, Oneroa, Waiheke Island 1081	Lot 429 DP 33180	June Denise Ozanne
17 Moa Avenue, Oneroa, Waiheke Island 1081	Lot 386 DP 22849	RL Prince & S Prince
17 Moa Avenue, Oneroa, Waiheke Island 1081	Lot 386 DP 22849	Occupier
15 Moa Avenue, Oneroa, Waiheke Island 1081	Lot 385 DP 22849	Margaret Kerridge

There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, I recommend that this application is processed on a limited notified basis.



George Bell

Intermediate Planner  
Resource Consents

Date: 5 January 2026

## 10. Notification determination

Approved for release

Sections 95A and 95B recommendation approved for release to the duty commissioner for determination.



Caitlin Perkins  
Team Leader  
Resource Consents

Date: 5 January 2026

