

Report for an application for resource consents under the Resource Management Act 1991



Discretionary activity

1. Application description

Application numbers:	BUN60381802 (Council Reference) LUC60381803 (s9 land use consent) LUS60381804 (s13 & s14 streamworks) WAT60381999 (s14 water permit)
Applicant:	Watercare Services Limited
Site addresses (above ground work only):	1 Bertram Street (Site 1) 584 Sandspit Road (Site 2) 46 Hamilton Road (Site 3) Duck Creek adjacent 114 Hamilton Road Road reserve adjacent 99 Hamilton Road (Site 4) 232 Hamilton Road (Site 5) 297 Hamilton Road
Legal descriptions:	Lot 125 DP 80664, Lot 130 DP 80665, Lot 131 DP 80666, Allot 405 Psh Of Mahurangi SO 46746, Lot 2 Sec 13 Allot 67 Psh Of Mahurangi SO 1150J, Lot 2 Sec 2 Allot 67 Psh Of Mahurangi SO 1150J, Lot 3 Sec 2 Allot 67 Psh Of Mahurangi SO 1150J, Lot 4 Sec 2 Allot - 1 Bertram Street Pt Lot 2 DP 571 – 584 Sandspit Road Lot 2 DP 194478 - 46 Hamilton Road Pt Allot 40 Parish of Mahurangi SO 1435B – 232 Hamilton Road Lot 5 DP 518032 – 297 Hamilton Road
Site areas:	3.7657ha – 1 Bertram Street 59.284ha – 584 Sandspit Road 10.6061ha – 46 Hamilton Road 28.6315ha – 232 Hamilton Road 75.5954ha – 297 Hamilton Road

Auckland Unitary Plan (Operative in part)

Zoning and precinct:

1 Bertram Street

Business - Mixed Use Zone

Open Space - Informal Recreation Zone

Open Space - Conservation Zone

584 Sandspit Road

Rural – Mixed Rural Zone

Coastal – General Coastal Marine Zone

Rural – Rural Coastal Zone, Whangateau to Waiwera coastal area

46 Hamilton Road

Rural - Rural Coastal Zone, Whangateau to Waiwera coastal area

Rural - Mixed Rural Zone

Duck Creek

N/A - Water

Road reserve adjacent 99 Hamilton Road

N/A - Road

232 Hamilton Road

Rural - Rural Coastal Zone, Whangateau to Waiwera coastal area

297 Hamilton Road

Rural - Rural Coastal Zone, Whangateau to Waiwera coastal area

Coastal - General Coastal Marine Zone

Rural - Countryside Living Zone

Overlays, controls, special features, designations, etc:

1 Bertram Street

Natural Resources: Significant Ecological Areas Overlay - SEA_T_3738, Terrestrial

Natural Heritage: Outstanding Natural Landscapes Overlay [rcp/dp] - Area 43, West Mahurangi Harbour

Controls: Height Variation Control - Warkworth, 13m

Controls: Coastal Inundation 1 per cent AEP Plus 1m
Control - 1m sea level rise

Controls: Macroinvertebrate Community Index - Exotic

Controls: Macroinvertebrate Community Index - Rural

Controls: Macroinvertebrate Community Index - Urban

Controls: Stormwater Management Area Control -
WARKWORTH, Flow 1

584 Sandspit Road

Natural Resources: Significant Ecological Areas Overlay
- SEA-M2-76a, Marine 2

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_6684, Terrestrial

Natural Resources: Natural Stream Management Areas
Overlay [rp]

Natural Heritage: Outstanding Natural Landscapes
Overlay [rcp/dp] - Area 43, West Mahurangi Harbour

Natural Heritage: High Natural Character Overlay
[rcp/dp] - AREA 58, Mahurangi River southern
escarpment

Controls: Arterial Roads

Controls: Coastal Inundation 1 per cent AEP Plus 1m
Control - 1m sea level rise

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index – Rural

46 Hamilton Road

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_6684, Terrestrial

Natural Heritage: Outstanding Natural Landscapes
Overlay [rcp/dp] - Area 43, West Mahurangi Harbour

Natural Heritage: High Natural Character Overlay
[rcp/dp] - AREA 58, Mahurangi River southern
escarpment

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rural

Duck Creek

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_2286, Terrestrial

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_6684, Terrestrial

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rural

Road reserve adjacent 99 Hamilton Road

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_2286, Terrestrial

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rural

232 Hamilton Road

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_2371, Terrestrial

Controls: Macroinvertebrate Community Index - Exotic

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rural

297 Hamilton Road

Natural Resources: Significant Ecological Areas Overlay
- SEA-M1-76b, Marine 1

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_2413, Terrestrial

Controls: Coastal Inundation 1 per cent AEP Plus 1m
Control - 1m sea level rise

Controls: Macroinvertebrate Community Index - Exotic

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Rural

Controls: Subdivision Variation Control - Rural, Algies
Bay Countryside Living

Designations: Designations - 9347, Wastewater
Purposes - Sewage Treatment and Disposal,
Designations, Watercare Services Ltd

Designations: Designations - 9363, Snells Beach
Wastewater Treatment Plant, Designations, Watercare
Services Ltd

2. Locality Plan

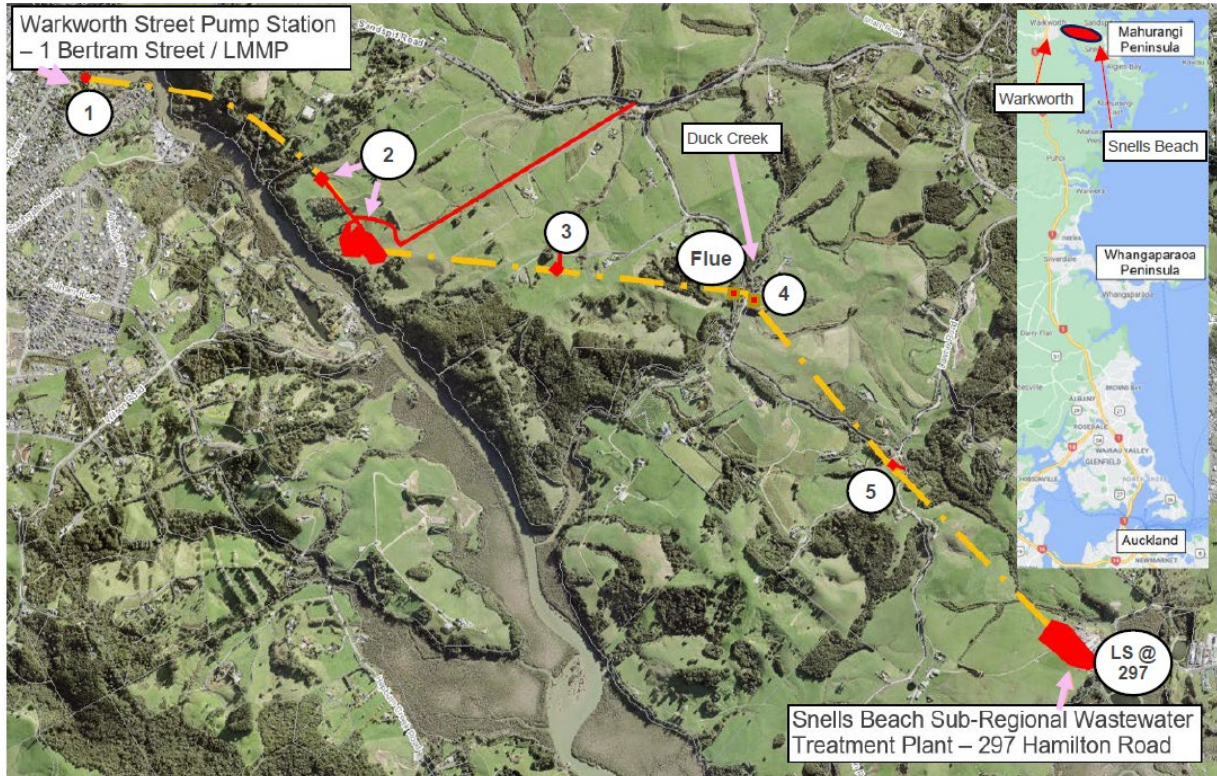


Figure 1: Location of pipeline and above ground sites (Source: AEE)

3. The proposal, site and locality description

Rachael Clark of Beca Limited has provided a description of the proposal and subject site on pages 3 to 24 of the Assessment of Environmental Effects (AEE) titled: *Warkworth to Snells Transfer Pipeline Project: Resource Consent Application for pipeline and associated infrastructure, and temporary aboveground reception and inspection shaft sites*, dated July 2021, as amended by the letter dated 20 September 2021 titled *Partial Response to Request for Further information – Warkworth to Snells Transfer Pipeline and Associated Works* and further emails.

Having undertaken site visits on 6 May 2021 and 25 October 2021, I generally concur with that description of the proposal and the sites.

In summary it is proposed to install a wastewater transfer pipeline from the wastewater pump station at Lucy Moore Memorial Park, Warkworth to the Snells Beach Wastewater Treatment Plant at Hamatana Road. The proposed pipeline will be installed by trenchless means at a depth of between 5m and 60m between these two points, using a small tunnel boring machine (TBM). Except for the launch platform sites, the pipeline will extend under mostly private land, as well as the Mahurangi River, road reserve, and Duck Creek. The pipeline will extend under the following properties:

- 1 Bertram Street (Lucy Moore Memorial Park)
- Puhinui Scenic Reserve
- 360 Sandspit Road
- 526 Sandspit Road

- 584 Sandspit Road
- 4 Hamilton Road
- 4C Hamilton Road
- 46 Hamilton Road
- 48 Hamilton Road
- 50 Hamilton Road
- 114 Hamilton Road
- 99 Hamilton Road
- 86 Lawrie Road
- 103 Hamilton Road
- 108 Lawrie Road
- 178 Hamilton Road
- 200 Hamilton Road
- 232 Hamilton Road
- 297 Hamilton Road.

The TBM requires two temporary hardstand launch platforms to support the launch of the TBM at the surface. These platforms will be at 297 Hamilton Road and 584 Sandspit Road, a temporary access road is also proposed at 584 Sandspit Road. The works associated with the establishment and reinstatement of the launch platforms and access road are subject to a separate resource consent application which is further described in Section 4 (BUN60375349). That application was lodged prior to the subject (pipeline) application; however, they are now being processed concurrently.

In addition, to the above, the installation of the pipeline requires the following above ground works which are the subject of this application:

- a reception shaft at 1 Bertram Street, Lucy Moore Memorial Park;
- an inspection shaft, break-pressure tank and internal accessway at 584 Sandspit Road;
- an inspection shaft and internal accessway at 46 Hamilton Road;
- a temporary (maximum 7 days) flue within the bed of Duck Creek (a permanent stream) adjacent 114 Hamilton Road;
- a reception shaft in the road reserve outside 99 Hamilton Road;
- an inspection shaft, accessway and vehicle crossing at 232 Hamilton Road; and
- the tunnel spoil from the tunnel boring will be extracted from the launch platforms at 584 Sandspit Road and 297 Hamilton Road and removed off site.

All of the inspection and reception shafts are temporary and necessary during the pipe installation period and will be removed with the ground reinstated on completion of works. The break pressure tank at 584 Sandspit Road will be a permanent structure, with a small area above ground level. This tank is a connection point between two different sized pipes and is where it will transition from a pressure to a gravity main. The internal accessways at 584 Sandspit Road, 46 Hamilton Road and 232 Hamilton Road will also be removed at completion of works, however the vehicle crossing at 232 Hamilton Road may be retained by the site owners. No spoil from the creation of the inspection shafts and accessways will be taken off site since this will be used for reinstatement. Spoil will be taken off site from the reception shaft adjacent 99 Hamilton Road, due to the small works area, and the majority of spoil will be removed off-site from the 1 Bertram Street reception shaft.

The pipeline will be installed by three drives of the TBM. First from the launch platform at 584 Sandspit Road to the reception shaft at 1 Bertram Street, where it will be recovered and relocated to 297 Hamilton Road from which it will then tunnel to the reception shaft at 99 Hamilton Road. At this point the TBM will be retrieved and relocated to 584 Sandspit Road to complete its third and final drive to 99 Hamilton Road.

The tunnelling will occur 24 hours a day seven days a week, with the launch platforms at 584 Sandspit Road and 297 Hamilton Road active this entire time. Construction and general works at the other sites will occur between 7.00am and 6.00pm Monday to Friday and 7.00am to 4.00pm on Saturdays, however when the TBM reaches these shafts these sites may be active 24/7 to enable maintenance and/or removal of the TBM. This will likely be up to one week at a time at each site. At 584 Sandspit Road, spoil removal trucks will operate 7.30am to 6.00pm Monday to Friday and 7.30am to 4.00pm on Saturdays, no truck movements will occur at night. At 297 Hamilton Road the truck movements will start at 7.00am on these days, with no truck movements at night.

While the TBM is being serviced at the various shaft locations the works area will be lit (except for 1 Bertram Street). The launch platforms will have floodlighting to enable the tunnelling activity to occur during the night.

The 6,600m³ of tunnel spoil will be removed from 297 Hamilton Road and 584 Sandspit Road by 23m truck and trailer units and taken via the Hill Street, Warkworth intersection to a disposal site on Lower Silverhill Road, Te Hana. The pipes will be delivered to the launch platforms from the construction yard at Dawson Road, Snells Beach via 19m truck and semi-trailers, these deliveries are anticipated to be every second day consisting of eight trucks (16 movements) on these days. A 19m truck and semi-trailer will undertake a one-off delivery of a piling rig to each of the shaft sites, and a mobile crane will be used to lift the TBM out of the shafts at 1 Bertram Street and 99 Hamilton Road. The rig delivery will occur in the road reserve outside the shaft sites of 46 and 99 Hamilton Road due to the limitations on site access. Aggregate and materials will be delivered to the shaft sites and launch platform sites generally by six-wheeler trucks.

The main construction compound and site offices will be located at Dawson Road (not part of this application), however additional site offices and other structures including generators will be located at the launch platform sites. Apart from 99 Hamilton Road workers will park on all of the sites during working hours.

At 584 Sandspit Road all trucks, except the pipe delivery trucks and special deliveries, will be required to exit left only out of the site onto Sandspit Road and enter left in through Hamilton Road into the site. Temporary traffic management measures will be in place during pipe and special deliveries for this access and the operation of the access will be managed by a construction traffic management plan (CTMP).

The works subject to this application are anticipated to be undertaken over a period of approximately 16 months across all sites. The works associated with establishing and reinstating the launch platform sites and access road occur prior to and after this time period, resulting in an anticipated overall project length of 28 months. Works at each site will overlap to some extent and the Indicative Programme provided in the section 92 response indicates the general timeframes of the project and how they overlap.

WSL have reviewed the conditions of consent recommended by the Council specialists and accept and offer these (apart from some formatting and language matters as noted in the file). WSL have also provided a draft construction traffic management plan (CTMP) for the operation of the access point for 584 Sandspit Road and a draft Erosion and Sediment Control Plan (ESCP) encompassing the shaft sites and the stream crossing. These conditions and the CTMP and ESCP form part of the application and are proposed to avoid, remedy and mitigate adverse effects of the development.

It is noted that the covering letter with the application advised that WSL recognises “*there is high interest in this Project from landowners along the proposed alignment, particularly with respect to the statutory approvals process. In this respect, we would welcome the opportunity to speak with you to determine whether ‘special circumstances’ apply for the purposes of Section 95B(10), and whether Council would consider it appropriate to limited notify the property owners along the alignment.*” This statement applies to the subject (pipeline) application only.

4. Background

Specialist Input

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

- Fiona Harte – Senior Specialist, Earth, Streams & Trees;
- Bin Qiu – Senior Specialist, Contamination, Air & Noise;
- Andrew Temperley – Consultant Senior Transport Planner;
- Katrina Hunt – Principal Planner North-West, Auckland Transport;
- Mereene Mathew – Senior Development Engineer;
- Paul Crimmins – Senior Specialist, Contamination, Air & Noise; and
- Richard Simonds – Consultant, Senior Geotechnical Engineer.

Iwi Weekly Register

On 23 July Te-Ao Rosieur of Ngati Manuhiri Settlement Trust responded to the Council’s circulation of the weekly list of applications and requested that Ngati Manuhiri be able to prepare a kaitiaki report. Te-Ao Rosieur was advised that the iwi are already being consulted with by WSL as part of the overall North East Wastewater upgrade project. No further correspondence has been received.

Project Background

In March 2017 resource consents were obtained for Stage 1 of the Warkworth and Snells Beach/Algies Bay Wastewater Treatment Plant Project which included an ocean outfall, three pump stations and a new sub-regional Wastewater Treatment Plant at Snells Beach (Council Reference: LUC60011889, REG-67901). Stage 2, approved in July 2019, was for the conveyance network, being a pipeline installed by trenching following Sandspit Road, and remaining approvals for the pump stations (Council Reference BUN60330590).

Since that time and through design refinement it has been determined to change the alignment of the transfer pipeline between Warkworth and Snells Beach reducing its length, and no longer needing the two pump stations on Sandspit Road. In addition, the pipeline will now be

constructed using trenchless technology generally under private land rather than a trench within the road corridor.

Project Consents

As outlined in the AEE resource consents have been granted for modifications to the wastewater pump station at Lucy Moore Memorial Park, 1 Bertram Street, Warkworth approved in 2017. In addition, the consents provided for tree removals to address the pump station design and cater for the future installation of the reception shaft at this site. These consents (Reference LUC60330594-A, WAT60330596-A and TRE60366403) were granted on 17 December 2020 on a non-notified basis and are known as the Stage 1 Resource Consent (RC1) by WSL.

The Stage 2 Resource Consent (RC2) is being assessed concurrently by the Council (BUN60375349). This application is for the establishment of the launch platforms for the tunnel boring machine at 584 Sandspit Road and 297 Hamilton Road, as well as a temporary access road from Sandspit Road to the launch platform site on 584 Sandspit Road. The earthworks to establish the launch platforms and access road will be stockpiled on site and used for reinstatement (except for contaminated soil from 297 Hamilton Road).

As part of the wider project an area of Council reserve on Dawson Road, Snells Beach has been utilised by WSL contractors. Resource consent LUC60379161 was granted on 20 July 2021 on a non-notified basis, to continue the use of this land until 1 October 2024 as a construction yard laydown area and construction site offices. Specifically, the yard will store the pipes that will be installed by the tunnel boring machine under this application and is the main construction compound for the project.

Correspondence from Neighbours

Both the Council and WSL have been contacted by legal representatives acting on behalf of the owners of 4, 4C and 103 Hamilton Road in regard to this resource consent application and that for the transfer pipeline. The Council has furnished the parties with copies of the applications as lodged and the further information responses from WSL.

On behalf of the trustees of SA & KA Bowers 2021 Family Trust the owner of 4C Hamilton Road, in a letter dated 29 June 2021, Tompkins Wake Lawyers has advised (in summary):

- the property was purchased in December 2020 and a dwelling is intended to be relocated on to the site in July/August 2021 for two of the trustees to semi-retire to;
- written correspondence from Greenwood Roche on behalf of WSL has been received advising that 'inevitably' 4C Hamilton Road ought to be considered an affected person;
- the project, in particular the proposed Easement Road (access road) will have significant effects on the owners and occupiers of the property particularly during the lengthy three year construction period.

Kellie Bower (an owner of 4C Hamilton Road) at various times in November has contacted Council and WSL raising concerns that the noise and vibration report submitted does not address the potential effects on their dwelling and their underground concrete water and septic tanks. On 22 and 23 November additional information has been provided to Ms Bowers from WSL's engineering and acoustic consultants addressing this matter.

Bronwyn Carruthers, Barrister, on behalf of John and Lisa Hauser, the owners of 4 Hamilton Road, in a letter dated 23 July 2021 has advised (in summary):

- Titles for the recent 4 lot subdivision of 4, 4A, 4B and 4C Hamilton Road (known as the Hauser Subdivision) were issued in November 2020, enabling a dwelling as a permitted activity to be established on each of 4A, 4B and 4C Hamilton Road, with 4C Hamilton Road now sold and being developed;
- the extent of consultation stated with the owners of 4 Hamilton Road is misleading;
- due to the significant effects from both the location and use of the access road and the night time tunnelling in proximity to the existing and future dwellings of the 'Hauser Subdivision' land they must be notified;
- the applications should be processed and considered together so a proper consideration of all relevant matters can be undertaken;
- updated traffic and noise assessments should be provided by WSL addressing the effects on the existing and future dwellings in the Hauser Subdivision and the safety of vehicle movements.

On 10 November 2021 Ms Carruthers provided a further letter confirming her position that the Hausers were adversely affected by the proposal and must be notified of both applications.

Derek Nolan, QC, on behalf of Hon. Nicholas Davidson QC, the owner of 103 Hamilton Road, in a letter dated 1 November has advised (in summary):

- that they agree with the statements by the lawyers and agent for WSL the owners of 103 Hamilton Road are affected persons as the effects are at least minor (if not more than minor) in regard to the subject application;
- separately potential adverse effects on drilling, operation and maintenance of the pipeline has been raised with WSL, particularly in the event of rupture or dislocation. Risk assessments have been requested and not provided;
- the separation of the applications is of concern, and they should be considered holistically as they are intertwined as to be symbiotic and RC2 should be limited notified at the same time as the subject application.

The resource management matters raised by the parties have been considered, as relevant to this application, in the assessment below. It is also confirmed that building consent (BCO10328937) was issued on 27 July 2021 for the establishment of a relocated dwelling on 4C Hamilton Road.

Subdivision of 584 Sandspit Road

In 2018 a subdivision consent was granted to establish two new rural dwelling lots adjacent the Sandspit Road boundary and 528 Sandspit Road (Reference SUB60301799). The consent also established an esplanade reserve lot adjacent the Mahurangi River and required the covenanting of areas of native bush. Area 'B' of native bush is adjacent the location of the proposed Inspection Shaft and the internal accessway may cross through a small portion of this bush area. It is understood the s223 survey plan has not yet been deposited and the subdivision not formally progressed, therefore this area of bush is not currently subject to a protective covenant. However, should this subdivision progress before works commence WSL will amend the accessway location to avoid this area.

5. Reasons for the application

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60381803

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

E26 Infrastructure¹

- To undertake general earthworks over an area of 3,000m² and of an approximate volume of 3,500m³ for the temporary accessway, hardstand and temporary inspection shaft at 584 Sandspit Road, as the earthworks are greater than 2,500m² and 2,500m³ in a rural zone this is a restricted discretionary activity under rules E26.5.3.1(A97) and (A97A) respectively.
- To undertake general earthworks that fails to meet the following standards and is a restricted discretionary activity under rule C1.9(2):
 - The proposal involves earthworks of approximately 650m² and 400m³ that will be greater than 5m² and 5m³ within the riparian margins of an intermittent rural stream at 584 Sandspit Road therefore not meeting Standard E26.5.5.2(12)(b).
 - The proposal involves land disturbance and stockpiling of soil within the 1% AEP flood plain for more than 28 days at 1 Bertram Street therefore not meeting Standard E26.5.5.2(A28).
- To undertake general earthworks of approximately 3,700m³ for the temporary accessway, hardstand and temporary inspection shaft at 232 Hamilton Road, as the earthworks are greater than 2,500m³ in a rural zone this is a restricted discretionary activity under rule E26.5.3.1(A97A).
- To undertake general earthworks of approximately 6,600m³ for the removal of the tunnel spoil from 584 Sandspit Road and 297 Hamilton Road, as the earthworks are greater than 2,500m³ at each site in a rural zone this is a restricted discretionary activity under rule E26.5.3.1(A97A).

E25 Noise and Vibration

- To undertake works that do not comply with the permitted activity standards, as the construction works will last longer than 20 weeks and a 5dBA reduction to the limits is not being applied as required by Standard E25.6.27(4) is a restricted discretionary activity under rule E25.4.1(A2).
- To undertake tunnelling works that exceed the permitted threshold of standard E25.3.30 of 0.3mm/s between 10.00pm and 7.00am as it relates to 43 Rivendell Place and 4C Hamilton Road as levels are predicted to be up to 1.0mm/s. This is a restricted discretionary activity under Rule E25.4.1(A2).

E27 Transport

¹ The thresholds for land disturbance under Chapter E26 apply to the area and volume of work being undertaken at any one time at a particular location. As such the extent of earthworks are considered individually for each site.

- To increase the intensity of use of a vehicle crossing at 584 Sandspit Road where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3) where the site accesses an Arterial Road is a restricted discretionary activity under rule E27.4.1(A6).

Regional land use (operative plan provisions)

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

Water permit (s14) – WAT60381999

- To undertake the diversion of groundwater caused by an excavation that does not meet the permitted activity standards at 1 Bertram Street, 584 Sandspit Road, 46 Hamilton Road, road reserve Hamilton Road and 232 Hamilton Road is a restricted discretionary activity under rule E7.4.1(A28).
- To undertake dewatering associated with a groundwater diversion authorised as a restricted discretionary activity at 584 Sandspit Road, 46 Hamilton Road, Hamilton Road road reserve and 232 Hamilton Road and dewatering at 1 Bertram Street not meeting the permitted activity standards is a restricted discretionary activity under rule E7.4.1(A20).

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

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

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

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 this instance, the effects of the proposed resource consents will overlap as they enable the installation of the pipeline and thus they are considered together as a discretionary 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 activity is 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 following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (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 activity is not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activity on the environment, as public notification is required if the activity 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 relates, or of land adjacent to that land

The council is to disregard any effects on the persons who own or occupy 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 tables:

Table 1 – 1 Bertram Street Adjacent Land

1 Lilburn Street	1A Lilburn Street	5 Lilburn Street
2 Lilburn Street	25 Alnwick Street	27 Alnwick Street
29 Alnwick Street	31 Alnwick Street	33 Alnwick Street
5 Rivendell Place	7 Rivendell Place	9 Rivendell Place
21 Rivendell Place	23 Rivendell Place	29 Rivendell Place
31 Rivendell Place	37 Rivendell Place	39 Rivendell Place
41 Rivendell Place	43 Rivendell Place	38 Rivendell Place
36 Rivendell Place	3 Bertram Street	4 Bertram Street
28 Baxter Street	24 Warkworth Street	

Table 2 – 584 Sandspit Road Adjacent Land

526 Sandspit Road	528 Sandspit Road	513 Sandspit Road
591 Sandspit Road	4 Hamilton Road	6 Hamilton Road
4A Hamilton Road	4B Hamilton Road	4C Hamilton Road

Note: The properties on the opposite of Mahurangi River are not considered to be adjacent. The properties of 4A, 4B, and 4C Hamilton Road are accessed by a right of way over 4 Hamilton Road and are therefore considered adjacent.

Table 3 – 46 Hamilton Road Adjacent Land

4 Hamilton Road	32 Hamilton Road	48 Hamilton Road
50 Hamilton Road	Rowes Scenic Reserve (Lot 1 DP 87486)	17 Hamilton Road

Table 4 – Road Reserve 99 Hamilton Road Adjacent Land

99 Hamilton Road	95 Hamilton Road	114 Hamilton Road
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Table 5 – 232 Hamilton Road Adjacent Land

162 Hamilton Road	200 Hamilton Road	297 Hamilton Road
287 Hamilton Road	316 Hamilton Road	346 Hamilton Road

Table 6 – 297 Hamilton Road Adjacent Land

309 Hamilton Road	232 Hamilton Road	316 Hamilton Road
108 Lawrie Road	104 Lawrie Road	30 Grange Street
52 Grange Street	91 Grange Street	99 Grange Street
107 Grange Street	114 Grange Street	120 Hamatana Street
122 & 124 Hamatana Street		

In regard to adjacent land of the pipeline itself, given the general depth of the pipeline below properties it is not considered there are any relevant properties that are considered as adjacent land except for the properties themselves that the pipe will pass under.

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

The following persons have provided their written approval and any adverse effects on them have been disregarded:

Table 7

<u>Address</u>	<u>Legal description</u>	<u>Owner / occupier</u>
584 Sandspit Road	Pt Lot 2 DP 571	Owner
46 Hamilton Road	Lot 2 DP 194478	Owner
232 Hamilton Road	Pt Allot 40 Parish of Mahurangi SO 1435B	Owner
297 Hamilton Road	Lot 5 DP 518032	Owner

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 permitted baseline is of relevance to the proposal.

It is recognised underground wastewater pipelines including above ground ancillary structures associated with underground pipelines are a permitted activity under rule E26.4.1(A49) providing compliance with other relevant matters. In this case the aspects of the underground pipeline that require consent relate to vibration from the tunnelling, removal of tunnel spoil (earthworks) and proximity to a stream. The other consenting reasons are due to the inspection and reception shafts to install the pipe.

In addition, the proposal consists of a range of permitted activities as described in the AEE and section 92 response. The earthworks associated with the sites at 46 Hamilton Road and road reserve 99 Hamilton Road are permitted activities and it is only the take and diversion of groundwater for the shaft at these sites that requires consent. The internal accessways at 46 Hamilton Road, 232 Hamilton Road and 584 Sandspit Road comply with the requirements of Chapter E27 Transport and the new vehicle crossing at 232 Hamilton Road is of a compliant width for heavy vehicles. No riparian vegetation (excluding grass) is required to be removed adjacent to any intermittent or permanent stream and the proposed culvert in the intermittent stream at 584 Sandspit Road is permitted under Chapter E3 of the AUP(OP) and the National Environmental Standards for Freshwater 2020.

Paul Crimmins has confirmed by email dated 23 July 2021 that the tunnel spoil and earthworks do not trigger requirements for resource consents in regard to Chapter E30 Contamination nor the National Environmental Standards for Assessing and Managing Contaminants in Soils to Protect Human Health 2011. He has also confirmed that the groundwater is not likely to be contaminated given the absence of contaminating HAIL activities and agrees with the applicant

that the air discharges from the pipeline will be permitted. As such the potential effects in relation to these matters outlined are reasonably anticipated by the framework of the AUP(OP) and do not need to be considered further in the assessment below.

Assessment

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.

The receiving environment as it relates to the individual sites is as described in Section 2 of the AEE. In regard to 1 Bertram Street, the reserve is located on the edge of the Mahurangi River with the suburban area of Warkworth directly adjacent to the south and west. The sites of 584 Sandspit Road, 46, 99 and 232 Hamilton Road are located in rural areas that consist mainly of pastoral farming with pockets of lifestyle living. 297 Hamilton Road is located to the west of the Snells Beach settlement and directly adjacent to the newly constructed Snells Beach Wastewater Treatment Plant as well as a building products and storage yard.

The consents for the pump station at 1 Bertram Street form part of the receiving environment, including the consents that authorises the removal of trees, works in the dripline and pruning of various trees located within the Reserve. Of note, that consent specifically considered the proposed location and works of the reception shaft, as such no further consideration of the effects on these trees needs to be undertaken as part of the current application.

The resource consent for the bulk earthworks associated with the launch platform and temporary access way at 584 Sandspit Road and launch platform at 297 Hamilton Road do not form part of the receiving environment.

Adverse effects

Effects of works in a stream

The TBM will pass within 2m of the creek invert of Duck Creek as the pipeline rises up to the reception site in the road reserve adjacent 99 Hamilton Road where the TDM will be retrieved. While ground fracture and loss of excavation slurry is not anticipated, as a precaution this part of the Creek will be flued so that rapid clean-up of lost slurry can occur without risk of the slurry entering the stream system. The proposed flue will be placed on top of the stream bed extending 20m either side of the tunnel alignment. No vegetation removal or earthworks are necessary. The flue and associated sandbag installation allows for dewatering of the existing stream bed. The flue will need to be in place for two days and in the event of adverse weather conditions will be in place for a maximum of seven days.

The applicant's ecologist, Beca, have assessed the potential ecological effects of the proposed temporary flue installation. They conclude that *"the ecological values of the stream are assessed as moderate for representativeness and diversity, and high for ecological context and*

rarity/distinctiveness as it supports threatened fish species". Due to there being no bed disturbance and the short term duration, the overall level of effects on aquatic habitat will be low, and due to the nature of the works there will be negligible effect on the terrestrial ecological values. To reduce the effect on native fish a salvage and relocation plan is proposed. In Beca's opinion this will reduce the magnitude of effect to low.

Fiona Harte (memo dated 30 September 2021), has reviewed the details of the proposed temporary flue, including capacity information provided as part of the section 92 response. Ms Harte advises that the flue can cater for the existing stream base flow, and provision for use of a pump or additional measures is supported to provide additional capacity should stream flow be greater than the base flow. Ms Harte has recommended a number of conditions that the applicant agrees with, including final details of the Erosion and Sediment Control Plan (ESCP) to include management and monitoring of the stream flow and additional measures to cater for a higher than anticipated stream flow. She also confirms she supports the recommendations of the applicant's ecologist regarding a native fish salvage and relocation plan. Ms Harte overall concludes *'Provided the stream dam and diversion activity is installed and constructed in accordance with the application report, supporting documentation and the recommended conditions, I consider the resulting effects of bed disturbance, restriction of fish passage, fish fatality and sediment discharges will be appropriately managed and mitigated'*

Taking into account the specialist assessments and the offered conditions by the applicant I consider that the proposed temporary flue will result in less than minor adverse effects on native fish and the aquatic values of the stream. In particular there is an operational need for the flue to be in place to ensure significant adverse effects do not arise and there will be no degradation or loss of the stream.

Effects of land disturbance

The proposal requires earthworks for the reception and inspection shafts and installation of the pipe. The applicant's draft erosion and sediment control plan (ESCP) states the earthworks at each of the shaft sites will be approximately four weeks to establish and four weeks to reinstate for each of the sites, though the shafts will be in place for 12-14 months. The earthworks are summarised as follows:

- *1 Bertram Street* – 300m³ over an area of 30m² to create the reception shaft. While topsoil will be retained on site within the compound area, all other soil will be removed from site. No access road is required to be established. Some vegetation within the reserve will require removal or works in the dripline, however this was addressed under RC1. The works area is located within a floodplain. The earthworks are permitted under the AUP(OP).
- *584 Sandspit Road* – 3,500m³ over an area of 3,000m² to establish the inspection shaft, install the break pressure tank and establish an accessway from the launch platform on the site. The earthworks will be retained on site and used for reinstatement on completion of works. The proposed accessway will involve works within the riparian margin of an intermittent stream and the installation of a short (permitted) culvert within this stream. The earthworks require resource consent.
- *46 Hamilton Road* – 1,900m³ over an area of 1,500m² to establish the inspection shaft, and install an accessway from the existing driveway of the site to the works area. The earthworks will be retained on site and used for reinstatement on completion of works. The works area is near an overland flow path however no spoil will be stored in this location. The earthworks are permitted under the AUP(OP).

- *Road reserve, 99 Hamilton Road* – 450m³ over an area of 250m² to establish the reception shaft. The earthworks will be removed from site due to the small works area, and on completion of works the area will be reinstated. The works area is located within a floodplain and overland flow paths that will not be affected. The earthworks are permitted under the AUP(OP).
- *232 Hamilton Road* – 3,700m³ over an area of 2,000m² to establish the inspection shaft and an accessway from Hamilton Road to the works area. The earthworks will be retained on site and used for reinstatement on completion of works. The earthworks require resource consent.
- The tunnel spoil will be removed at the two launch platform sites at 584 Sandspit Road and 297 Hamilton Road. A total of 6,600m³ of spoil will be removed, while no specific estimate per site has been provided, the agent advises a minimum of 2,500m³ will be removed from each site. This spoil will be taken off sites and disposed of near Te Hana. The earthworks require resource consent.

The extent of the earthworks is necessary to enable the installation of an underground pipe through trenchless means. The applicant has provided a draft ESCP by McConnell Dowell for all the sites. This includes measures such as stabilising stockpiles with geotextile and using silt control fencing on small works area and using these measures as well as decanting earth bunds (DEBs) and clean water diversions on larger works areas.

The earthworks at the inspection shaft of 584 Sandspit Road have been reviewed by Fiona Harte (memo dated 15 November 2021), due to being within a sediment control protection area and on land of more than 10 degree slope. Ms Harte confirms that the proposed DEB is appropriate for the size of the area, and that the chemical treatment proposed is also appropriate and will significantly improve the sediment removal efficiency of the DEB. Given the works are within an intermittent stream area this is necessary to ensure that the water quality is not affected. Ms Harte also notes that a propriety water treatment plant will be used to treat the water from the dewatering of the inspection shaft and that it is appropriate for further details to be provided as part of the final ESCP prior to works commencing. Due to the sensitive receiving environment a limitation on earthworks to the summer period only, unless approval is obtained, is also considered appropriate. Overall Ms Harte concludes *“provided the earthworks are undertaken in accordance with the application documents, the guidance of GD05 and recommended conditions below, I consider the resulting effects on the receiving environment from potential sediment discharges during the earthworks will be appropriately managed and mitigated”*.

The erosion and sediment control measures have also been reviewed by Mereene Mathew (memo dated 4 November 2021) who considers they are appropriate for the works areas. No earthworks will be undertaken nor stockpiles proposed within an overland flowpath at any of the sites. However the works at 1 Bertram Street and the road reserve of 99 Hamilton Road are both within a flood plain. Ms Mathew has assessed this and considers given the temporary nature of the works and that the area will be reinstated on completion of works there will be no adverse effects on the existing flood plains.

The ESCP measures will suitably control dust (particularly the geotextile of stockpiles). The applicant has advised that the lighting at all sites, particularly the flood lighting required at the launch platform sites, *“will be designed as far as practicable to avoid light spill beyond the boundary with dwellings”* and have offered through the section 92 response a condition to

ensure this. Potential adverse effects in relation to noise, vibration and traffic from the proposed earthworks are addressed separately in this assessment. There are no known archaeological sites near the proposed works areas and the applicant will implement Accidental Discovery Protocols in the event of an unexpected discovery.

Overall, taking into account the mitigation measures proposed by the applicant through the ESCP and Council's specialist comments I consider that the earthworks can be suitably managed to result in less than minor adverse effects on the environment as they relate to land disturbance.

Effects of dewatering and diversion of groundwater

Due to the depth to excavation of the shafts there is the potential to affect groundwater. It is noted that the pipeline itself meets the permitted activity standards in regard to Chapter E7, however the proposed reception and inspection shafts require consent for the take of groundwater for dewatering and the diversion of groundwater (except at 1 Bertram Street groundwater diversion is not required).

The applicant's consultants (MJA) have undertaken a comprehensive assessment of the works required including groundwater drawdown profiles; the proximity of the works areas to any existing buildings and infrastructure including existing bores that extend to the aquifer; and the effect on the Mahurangi River. Their assessment has considered the effect of consolidation settlement from the inspection and reception shafts as well as the tunnel, and the effect of settlement due to mechanical excavation and the combined ground surface settlement at the shafts and recovery pits. MJA have also prepared draft monitoring plans for the pipeline and shafts, including alert and alarm trigger levels and where condition surveys are necessary.

Richard Simonds, memo dated 22 October 2021 agrees with the assumptions and assessments made as well as the conclusions reached by MJA. In particular he confirms that the works will have no adverse effect on the underlying Pakiri Formation aquifer and the effects on any users of the aquifer will be less than minor. In regard to effects on adjacent land and structures this is assessed in the Limited Notification Assessment below.

Overall, I accept the assessments by the applicant's and council's specialists and conclude that the proposal will have negligible adverse effects on the wider environment, particularly the Pakiri Foundation aquifer, in regard to the dewatering and diversion of groundwater.

Transport effects

The proposed works have the potential to result in adverse effects on the safe and efficient operation of the surrounding roading network, particularly in terms of the removal of tunnel spoil and the delivery of pipes in regard to 584 Sandspit Road and 297 Hamilton Road. In addition, the reception and inspection shafts will require the delivery of a piling rig to undertake construction works, as well as trucks to bring in materials, and the reception shafts will also need a mobile crane to remove the TBM. Earthwork spoil from 1 Bertram Street and 99 Hamilton Road will also be removed off site. The applicant considers as a worst case scenario, (ie all sites operating at once which would in reality not occur) there will be 20 vehicle movements per hour on the road network.

Spoil removed from the sites will be trucked through the Hill Street intersection of Warkworth to a disposal site to the west in Lower Silverhill Road, Te Hana utilising 23m truck and trailers. The applicant has confirmed that these vehicles will be restricted from using the Hill Street,

Warkworth intersection during peak week day hours (7.00am – 9.00am and 4.00pm – 6.00pm) and during the Saturday peak (11.00am – 12.00pm) to ensure that the current operation of the intersection is not worsened. All heavy vehicles, excluding pipe delivery trucks and special deliveries, will exit 584 Sandspit Road via the left-turn only western exit addressed under RC2, while the eastern access will be entry and exit for the pipe trucks and contractor vehicles. The applicant has proposed a Site Specific Construction Traffic Management Plan (SSCTMP) for the operation of this vehicle access which includes various mitigation and management measures including temporary traffic management in place when large trucks have to turn right from Hamilton Road onto Sandspit Road.

In regard to 297 Hamilton Road the pipe delivery trucks and spoil removal trucks will cross over the centre of the roundabout at the Mahurangi East Road/Hamatana Road intersection as well as the berm in the south-eastern corner. WSL have confirmed they will use a spotter to manage this area during truck movements to ensure pedestrian safety and will rectify damage to the roundabout.

The proposal has been assessed in regard to transport effects by Andrew Temperley (memo dated 24 November 2021) and Katrina Hunt (memo dated 22 November 2021). Both Mr Temperley and Ms Hunt have considered the effect of the works for each site on the roading network, as summarised below:

- *1 Bertram Street* – due to access being through a residential area, truck turning movements are constrained. There will likely be damage to the berm at Lilburn Street/Warkworth Street, and there is insufficient visibility for trucks turning right into Alwick Street. This can be managed appropriately through a construction traffic management plan that includes temporary traffic measures at these intersections. WSL confirm their agreement with this and that they will reinstate any damage caused.
- *46 Hamilton Road* – there will generally be low traffic movements associated with this site and mainly contractor light vehicles. An accessway will extend off the existing common accessway used by 46 and 48 Hamilton Road. The most impact will be from the delivery of the piling rig which needs to be offloaded in the road corridor due to there being insufficient room to turn into the site. This can be appropriately managed by way of a CTMP and through the Corridor Access Request (CAR) process.
- *99 Hamilton Road* – the works are within the road corridor and include a new crossing from the formed road to this area. Like for 46 Hamilton Road the drilling rig will need to be offloaded on the existing road, which can be managed through a CTMP and CAR.
- *232 Hamilton Road* – similar to 46 Hamilton Road there will generally be low traffic movements associated with this site and mainly contractor light vehicles. A new 9m wide vehicle crossing is proposed from Hamilton Road into the site which will be utilised to deliver the drilling rig but as tracking isn't achieved measures will need to be put in place to manage this. In addition, as there is a limitation on visibility vegetation pruning and use of warning signs and temporary speed reduction are also appropriate to manage effects and can be addressed through a CTMP.
- *584 Sandspit Road (inspection shaft and launch platform)* – the works will utilise the vehicle crossing and access road established by way of RC2. The mitigation measures

proposed by the applicant by way of the SSCTMP and restrictions on truck movements are considered acceptable.

- *297 Hamilton Road (launch platform)* – the mitigation measures in regard the use of the roundabout along with a CTMP are acceptable.

Mr Temperley also confirms that construction traffic will not adversely impact on the local bus routes, nor, given the locations, will there be adverse impacts on cyclists.

Overall, Mr Temperley and Ms Hunt, consider that the proposal will have minor adverse effects on the surrounding roading network, taking into account the conditions and mitigation offered by WSL as well as the CTMPs for each site which WSL have agreed to. I adopt these assessments and conclude the proposal will result in minor adverse effects on the safe and efficient operation of the transport network.

Effects on cultural values

The proposed works, and in particular the works within the stream and take and diversion of groundwater, have the potential to result in adverse effects on cultural values. As set out in Section 5 of the AEE there has been ongoing engagement with mana whenua regarding the overall project. In 2017 through the WSL Kaitiaki Forum, all 19 iwi groups of Tamaki Makarau were engaged with regarding the consents for the pump station, and in 2018 for the pipeline consent from Warkworth to Snells (via the road corridor). In 2018 there was further engagement regarding the proposed construction methodology to cross under the stream. At that stage four iwi groups advised of a direct interest in the entire project being Te Kawerau a Maki, Ngati Manuhiri, Te Runanga o Ngati Whatua, Ngaati Whanaunga. In March 2021 Ngati Maru also identified their interest. The AEE advises that *“Most recent communication and updates have been provided to the iwi that have self-identified. Te Kawerau a Maki, Ngati Manuhiri, Te Runanga o Ngati Whatua, Ngaati Whanaunga, and Ngati Maru. NWoK defer to Manuhiri but are provided with progress updates. Ngati Manuhiri have been actively involved and provided response to the Lucy Moore consents. Ngati Maru, and Ngaati Whanaunga attended a site visit last week and have no comment but would like to be kept informed as the project progresses. We will continue to engage with the kaitiaki going forward particularly in relation to wider planned works, and integrated projects, in relation to the Warkworth and Snells area”*.

In addition to this consultation, and as reflected in the application, accepted conditions of consent and assessment by council’s specialists, the proposed works will be suitably managed so that they will not result in adverse discharges to the surrounding environment, particularly the sensitive receiving environment of the Mahurangi River and estuaries.

Overall, taking into account the engagement that has and continues to occur, and that no concerns have been raised by iwi to Council regarding the project, I consider that it can be concluded the proposal will have less than minor adverse effects on cultural values.

Cumulative effects

Cumulative effects are those effects that arise over time or in combination with other effects. As the proposal is for temporary works, albeit over 16 months, appropriate controls will be in place during works to avoid, remedy or mitigate adverse effects on the receiving environment and the ground will be reinstated on completion of works, I do not consider there will be any cumulative effects that arise over time.

There is also the potential for the combination of effects of the activity subject to this application, particularly the noise and traffic effects, to generate cumulative adverse effects. In addition, this application is being processed concurrently with the RC2 (bulk earthworks) application and I therefore consider it appropriate to consider the effects of the entire project and whether cumulative effects arise from the combination of these two applications. The current application (RC3) can only occur if RC2 is approved and implemented since that application establishes the launch platforms that the TBM needs to use to install the pipe. Furthermore, the bulk earthworks of RC2 will run into, and in regard to the launch platform at 584 Sandspit Road, mix with, the works proposed as part of RC3. While the length of time of the RC3 application is reasonable the overall project length is 28 months, of which particularly 584 Sandspit Road will be active this entire time. As such in my opinion there is the potential for cumulative adverse effects to arise from the combination of effects of both projects.

When discounting the adjacent land I am of the opinion that there will be negligible adverse cumulative effects both in regard to the combination of effects of this application when combined with RC2. The works will be suitably managed through the ESCPs, CTMPs and various conditions of consent so that there will not be adverse discharges to the receiving environment, and the noise and pipeline installation will only be visible to adjacent sites. The traffic associated with the various activities is able to be accommodated within the road network as assessed above with less than minor adverse effects.

Adverse effects conclusions

Overall, from taking into account the information and assessments provided by the applicant, Council's specialists assessments and my own, as well as the offered and accepted conditions of consent I consider that the proposal will have minor adverse effects on the environment.

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 adverse effects will be no 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 run of things to suggest that public notification should occur. In particular, the installation of an underground pipeline for wastewater is an anticipated type of infrastructure development necessary to provide for growth. As such it cannot be said that the works are unusual or unique such that special circumstances exist.

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 activity, 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 an activity that is not subject to a rule that specifically requires it, and it is considered that the activity 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 activity (s95B(2)).

In addition, the council must determine whether the proposed activity is 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 is not on or adjacent to and will not affect land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

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 one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (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 or a prescribed activity, there are no affected persons related to those types of activities (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)

Disregarding those persons who have provided their written approval, the following assessment is made regarding the adverse effects on any person:

Effects of land disturbance

Through the implementation of the proposed ESCP, particularly the control of runoff and geotextiling stockpiles the proposed earthworks will not result in adverse effects in terms of dust or runoff to adjacent sites. There will be no change to the existing flood plains nor intermittent stream in terms of their capacity and therefore no increased flooding risk.

As WSL is a network utility operator and the infrastructure is a network utility, ensuring the stability and integrity of the works (such as the shafts and the pipeline tunnel itself) rests with WSL and is not a matter that Council has the scope to assess. While a geotechnical report has been submitted this is to enable assessment in regard to the take and diversion of groundwater for the shafts and pipeline. As such, it is up to the applicant to ensure the stability of surrounding properties is not affected. In addition, it is noted that all works areas (except 99 Hamilton Rd) are separated a significant distance from any property boundary.

WSL have confirmed the necessary lighting will be at a reasonable level and will comply with the AUP standards. Therefore this will not result in an adverse effect on any person.

Overall, I consider no particular person, including those who own or occupy properties adjacent the proposed work sites will be affected by the land disturbance (noise and traffic are assessed separately).

Effects of groundwater dewatering and diversion

As commented above the applicant's consultants have assessed the effects of the groundwater dewatering and diversion on adjacent land and structures with particular regard to the potential for adverse settlement effects and damage to structures. MJA advise that while there will be some consolidation settlement at 584 Sandspit Road, 99 Hamilton Road and 1 Bertram Street and significant consolidation settlement at 46 Hamilton Road this is reasonable and the works are not in proximity of any infrastructure or structures.

Despite the pipeline meeting the permitted activity standards there remains some risk in terms of adverse settlement effects for structures and infrastructure in proximity of the tunnelling. MJA note that the ground surface settlement will be limited to 5mm which will not be noticeable. In regard to the potential effect of building damage for the closest buildings (being 43 Rivendell Place, 38 Rivendell Place and 4C Hamilton Road), the maximum possible level of damage is predicted to be negligible. Building condition surveys and alert and alarm triggers will be implemented through the monitoring plan to ensure this.

Mr Simonds have reviewed the proposal and concur that there will be less than minor adverse effects and that the proposed monitoring is reasonable and necessary to ensure the effects (and therefore damage) are no worse than predicted. He considers that additional building surveys should also be undertaken for 41 Rivendell Place, 46 Hamilton Road and 4A and 4B Hamilton Road (if buildings are established on these latter two sites before works commence). WSL have agreed to the surveying of these buildings. Due to uncertainties around the underlying strata, related groundwater flows and actual retaining wall performance settlement risk, while unlikely, cannot be ruled out, and therefore conditions are proposed requiring action if this does result. WSL have confirmed these conditions are accepted and appropriate.

Overall Mr Simonds considers that *"provided the take and diversion of groundwater are undertaken in the manner described in the application material and summarised above, and subject to the proposed conditions, the potential adverse effects of the activity on the environment and on neighbouring properties are considered likely to be less than minor."*

In addition, in a letter dated 19 November 2021 MJA have assessed the effect on the underground structures at 4C Hamilton Road and predict there will be negligible damage.

Taking into account the specialist assessments and that the works are undertaken in accordance with the agreed conditions of consent, including the alert and alarm triggers and building surveys, I consider the proposal will have less than minor adverse effects on the adjacent land and the persons who own or occupy this land in regard to groundwater dewatering and diversion.

Effects on 103 Hamilton Road

In the letter dated 1 November 2021 Mr Nolan advises the property owner of 103 Hamilton Road has raised concerns with WSL regarding *'other potential adverse effects of the drilling, operation and maintenance of the Pipeline on their recently development land. This includes the potentially significant adverse effects from rupture or dislocation where repairs were required to be from ground level.'* The assessments undertaken by Council's groundwater specialist and noise and vibration specialist do not raise any concerns regarding the installation of the proposed pipeline and its location below 103 Hamilton Road. There is no proposal as part of this application to undertake any at-ground work within the boundaries of 103 Hamilton Road. In

the event there is a failure of the pipeline that required at ground works within 103 Hamilton Road, WSL would need to obtain all relevant statutory approvals before undertaking such works, therefore this is considered a separate matter to the current consent application. As such I do not consider that the proposal as part of this application will result in adverse effects on the owners of this property.

Noise and Vibration Effects

The proposed construction works have the potential to result in adverse noise and vibration effects, particularly on those persons who are in proximity to one of the above ground works areas.

Noise

The tunnelling and associated above ground support activities (being a generator for lighting and electricity; hydraulic power pack; direct pipe plant welding and grinding; and mobile crane lifts and movements) will be undertaken 24/7 at the launch platform sites. While the general activities at the inspection and reception shaft sites, as well as truck movements for all works will occur during typical daylight construction hours and not on Sundays. However, when the TBM is at a shaft location there could be 24/7 activity for up to a period of one week to maintain and/or remove the TBM.

MDA have assessed the proposed works on behalf of the applicant. From their review they consider all works can easily comply with the daytime construction noise standards. In regard to Sundays and night time works, screening and other acoustic mitigation measures will be necessary to reduce noise levels. These measures will bring the anticipated noise levels down to 45dBA for the nearest dwellings. It is noted that MDA consider that imposing the 5dBA reduction in noise limits required by the AUP(OP) standards due to the project being longer than 20 weeks is not appropriate for Sundays and night time as this is more onerous than that permitted by NZS6803:1999. In particular, requiring such a reduction will *“place overly onerous restrictions on the project, which will lead to additional costs and may even increase the length of construction (and therefore effects)”*.

MDA recommend utilising construction noise and vibration management plans (CNVMP) to manage the potential noise effects and in particular encourage written communication with nearby property owners / occupants in advance of works.

Bin Qiu, (memo dated 16 November 2021), has reviewed the proposal and generally agrees with the assessment provided by MDA. He confirms that the works during the daytime, except at 297 Hamilton Road, can readily meet the relevant noise standards (including being under 70dBA) and that mitigation is needed to manage and reduce the night time works noise. Mr Qiu advises that the mitigation measures proposed are *“practicable and acceptable”*. He also advises that despite a level of 45dBA being assessed by MDA instead of the AUP(OP) requirement of 40dBA, due to the noise reduction from outside to inside a dwelling, a level of 45dBA at a building façade may not adversely affect the residents' sleep as the internal noise level is still acceptable. In addition, he recognises the AUP(OP) noise limit during the night-time for activities in the rural and business zones is 45dB LAeq. As such he considers the anticipated noise levels are acceptable during the night-time for any person.

In terms of 297 Hamilton Road, Mr Qiu advises as the works location is in close proximity to the site boundary piling during the daytime may result in noise exceedance for the adjacent

industrial building at 120 Hamatana Road. However, given the potential infringement of up to 2dB and being an industrial activity this is considered acceptable. The night-time tunnelling works will be able to comply due to the same noise limit also being applicable under the AUP(OP) during the night for construction works adjacent non-sensitive activities. While MDA have not specifically considered the residential properties near 297 Hamilton Road, Mr Qiu notes that the closest is around 360m away on Grange Road. Providing similar mitigation measures proposed for other sites are implemented at 297 Hamilton Road the night-time noise levels would be reduced to an acceptable level.

Overall, Mr Qiu considers *“that the noise effect is reasonable as the exceedance is at a low scale and for short durations, and can be managed by implementing suitable mitigation measures”*.

Taking into account the assessments made and information provided by the specialists, I make the following comments in regard to potential noise and vibration effects on specific owners and occupiers from the various activities.

- *1 Bertram Street* – the closest dwellings are a minimum of 63m away (1 and 1A Lilburn Street), generally only daytime works are proposed and no impact piling will be undertaken. All daytime works will comply with the relevant construction noise limits with levels being up to 68dB at the nearest property. However potential night-time works proposed for up to one week when the TBM reaches this location will require significant mitigation measures to reduce the noise to an acceptable level. While the noise will be audible both during the day and for night works, taking into account the length of activity at this site (being generally two periods of four weeks) and the management through a CNVMP, the noise levels are considered reasonable and will not result in adverse effects on any particular person. In regard users of Lucy Moore Memorial Park this area will be closed to the public during construction limiting the proximity of any member of the public who would only be transiting through this area anyway such that there will be no adverse noise effects on these persons.
- *584 Sandspit Road inspection shaft* – the nearest dwelling (526 Sandspit Road) outside of the subject site is over 300m from the works area and as such the daytime construction noise levels will be complied with, with noise limits up to 65dBA. Short term, night-time works if required during the TBM servicing can be undertaken with mitigation measures such as acoustic barriers in place to ensure that the noise levels are acceptable and do not result in adverse effects on any person.
- *584 Sandspit Road launch platform* – the proposed tunnelling will occur 24/7 with a range of equipment needing to be utilised including generators, grinders and welding, however tunnel spoil will only be removed from the site during Monday – Saturday daytime hours. The nearest dwelling to the launch platform is located at 4C Hamilton Road (though not yet built) and is approximately 220m – 240m from the subject location, while the nearest dwelling to the access road is approximately 40m away (4 Hamilton Road) with the truck noise around 63dB L_{Aeq} when using this access road. In addition for 4, 4A, 4B and 4C Hamilton Road there will be a period of time where construction noise is audible from both 584 Sandspit Road and 46 Hamilton Road. MDA advise this cumulative noise level will only be up to 1dB greater and noise levels would still be compliant. I note that the noise specialists consider the noise levels at these properties will be at an acceptable level, including during the night. I recognise the permitted baseline, night-time noise limits in rural zones, and the range of

activities that can occur in the zone including farm quarries and forestry which are relevant to considering the potential effects of the activity. However, given the almost continuous audible noise I am of the opinion that there will be minor adverse effects on the owners and occupiers of the nearest adjacent properties being 4, 4A, 4B, 4C and 6 Hamilton Road.

- *46 Hamilton Road* – the works area is over 180m from 48 Hamilton Road (the closest dwelling outside the subject site), and the works will readily comply with the construction daytime noise limits, with the maximum noise around 56dBA. Potential night-time works during the TBM servicing can be undertaken with mitigation measures such as acoustic barriers in place to ensure that the noise levels are acceptable. With a works period of two periods of approximately four weeks I do not consider the levels are unreasonable to result in adverse effects on any particular person.
- *Road reserve, 99 Hamilton Road* – the nearest dwelling is over 150m away at 114 Hamilton Road. Noise levels will be up to 58dBA during the daytime construction hours and therefore complying with the construction noise standards. Potential night-time works during the TBM servicing can be undertaken with mitigation measures such as acoustic barriers in place to ensure that the noise levels are acceptable. I note that works at this site will be intermittent with a works period of approximately four weeks each during the shaft establishment and disestablishment. While there could be some night works during the TBM retrieval, considering the mitigation measures including notification to neighbours and the temporary nature, I conclude that the noise levels will be reasonable such that no person will be adversely affected.
- *232 Hamilton Road* – the nearest dwelling is approximately 126m from the works area (200 Hamilton Road) and the noise levels will be up to 60dBA during daytime construction hours. Potential night-time works during the TBM servicing can be undertaken with mitigation measures such as acoustic barriers in place to ensure that the noise levels are acceptable. While the noise will be audible for nearby residents during the daytime, given the likely maximum levels, that works will be two periods of approximately four weeks duration, and the permitted baseline, I do not consider this will result in adverse effects on any particular person.
- *297 Hamilton Road* – the tunnelling at the launch platform will occur 24/7, and mitigation measures will be in place to reduce noise levels at night-time from these works. I agree with Mr Qiu that the nearest neighbour, being an industrial property, is not sensitive to noise. As such, while the works will certainly be audible I do not consider the persons who own or occupy this property will be adversely affected. The closest residential receiver is approximately 360m from the works at 114 Grange Road. Given this separation distance the daytime works will not likely be audible. While night-time works will be audible with the mitigation in place, this will be to a level that is acceptable when considering the separation from the site.

Vibration

As outlined in the section 92 response, vibration levels of between 0.3 to 1mm/s PPV (the night-time limit is 0.3mm/s) could occur in relation to 43 Rivendell Place for a period of 1 -2 days

which would be audible/perceptible to occupants, and the same would be the case for 4C Hamilton Road. MDA proposes the use of notification to residents, measuring the actual levels from the TBM and updating the CNVMP to manage these adverse effects.

Mr Qiu advises that the vibration levels and assessment undertaken is acceptable. He agrees that the vibration levels will be complied with for all sites including impact piling at 584 Sandspit Road, except for some of the tunnelling works as identified by MDA. He advises that the vibration will comply with the relevant DIN standards for both the building structure and underground pipes as well as during the daytime, but that during the night-time there will be infringements as outlined by the applicant. Mr Qiu considers the management of this through a CNVMP including consultation and monitoring is reasonable.

MDA have also assessed the potential vibration effects on the underground services at 4C Hamilton Road in a letter dated 23 November 2021 and advise the tanks will not be structurally compromised.

Despite the duration of tunnelling work causing vibration effects to be of short duration, and the mitigation measures offered by the applicant, given the level will mean vibration will definitely be felt at night, I consider this has the potential to result in minor adverse effects on the owners/occupiers of 4C Hamilton Road and 43 Rivendell Place.

Transport effects

The proposed activity has the potential to result in adverse traffic effects on persons, particularly those who own or occupy adjacent properties, due to the nature of construction traffic. As addressed by Mr Temperley and Ms Hunt, adverse effects can be managed through CTMPs to ensure that the operation of the surrounding road network is not adversely affected to more than a minor degree.

In regard to the works at the individual sites of 46 Hamilton Road, 99 Hamilton Road, 232 Hamilton Road and 1 Bertram Street, while there will be some temporary disruption for users of the road particularly nearby residents, this will generally be sporadic and of short duration, e.g. when the drilling rig is unloaded onto the sites, and aggregate delivered. There will be an increase in vehicle traffic, however the majority of this will be contractors vehicles such as utes and cars. Neither Council's nor the applicant's traffic engineers have raised concerns as to negative impacts on the access to nearby properties. Mr Temperley advises that there are good sightlines on the common access used by 46 and 48 Hamilton Road, and sufficient separation distance between the accesses of 95 Hamilton Road and the 99 Hamilton Road works area so as to not cause visibility concerns. I note that the extent of earthworks at 1 Bertram Street, 46 Hamilton Road and 99 Hamilton Road are within permitted levels, and the spoil at 232 Hamilton Road will be retained on site. Overall I consider that there will certainly be disruption and temporary inconvenience from the proposed works. However, when taking into account the permitted baseline, I consider that these will result in adverse effects that are less than minor on any person.

In regard 584 Sandspit Road, the works include multiple heavy vehicle movements along the temporary access road and through the temporary vehicle crossings. These will be approximately 2 truck movements and/or 5 light vehicle movements per hour, 6 days a week. As identified by the applicant's traffic engineer in their assessment, due to the proximity of the vehicle crossing to the entrance to 4 and 6 Hamilton Road, they will be impacted. They consider notification of works and ongoing involvement by these neighbours will be necessary to ensure

they are not significantly affected. Mr Temperley concurs with this. Taking this into account and the size of the trucks utilising this crossing, I consider that the owners and occupiers of 4, 4A, 4B, 4C and 6 Hamilton Road will be adversely affected due to the use of this crossing. I do not consider any other person, including those of 653 Sandspit Road, affected due to the separation distances from the proposed vehicle crossings.

In terms of 297 Hamilton Road, there will be approximately 2 truck movements and/or 5 light vehicle movements per hour, 6 days a week. While this will be increased traffic I do not consider this will adversely affect any particular person, including those at 120 Hamatana Road, to a minor or more than minor degree.

Effect on amenity values

The proposal has the potential to result in adverse effects on the amenity enjoyed by persons who own and occupy properties in proximity of the proposed work sites. This is due to the audible nature of the works, the disruption caused by the increased traffic, particularly heavy traffic within the area and for some the visibility of the works or trucks. However, a level of inconvenience and disruption occurs, and therefore potential impact on amenity values, as a result of any development for anyone nearby. In addition, a rural environment is not a pristine natural environment and machinery and activity are an accepted part of these productive areas. As such while I consider that there will be some loss of amenity for surrounding owners and occupiers of the construction sites, particularly when considering the noise and traffic, taking into account the permitted baseline I do not consider these adverse effects are minor or more than minor, except as addressed below.

When considering the works at 584 Sandspit Road, the noise and associated movement of ongoing heavy truck movements on the access road in close proximity to the current or future dwellings on the properties of 4, 4A, 4B, 4C and 6 Hamilton Road will result in disruption and a likely loss of enjoyment of use of these properties for a period of time. I therefore consider there will be adverse effects on the amenity values of the owners and occupiers of these properties to at least a minor degree.

Cumulative effects

As described above the combination of RC2 and RC3 has the potential to result in adverse cumulative effects. In my opinion given the nature of the projects these potential cumulative effects will only occur on the owners and occupiers of the neighbouring (adjacent) properties where works will occur for the majority of the time across the two projects, these sites being 584 Sandspit Road and 297 Hamilton Road. The works at the shaft sites are generally of short duration and can be suitably managed by the ESCP, CTMP and CNVMPs so adverse effects on any particular person do not result.

In regard to 297 Hamilton Road, given the location of works and the industrial activity directly adjacent the works area, while there will be 25 months of works adjacent I do not consider this will result in adverse effects on the owners and occupiers of this property. Due to the separation distance to residential properties, and despite work occurring at night-time I do not consider any residential owner or occupier including those on Grange Road will be adversely affected providing appropriate noise mitigation is in place. This is because of the topographical and physical separation from the works area.

In terms of 584 Sandspit Road, the project will last for 28 months, and during this time there will be ongoing noise and truck movements associated with the earthworks and then the tunnelling. In regard the tunnelling this work will be 24 hours a day seven days a week, while the bulk earthworks will be six days a week 7.00am to 7.00pm. While it is recognised that the noise limits are complied with, and that the permitted baseline includes forestry and farm quarries, I consider that the overall effect of the combined project will result in adverse effects on the property owners and occupiers of 4, 4A, 4B, 4C and 6 Hamilton Road that are at least minor. In particular, these persons will experience audible noise for the majority of the 28 months, and in fairly close proximity of their boundaries. The truck movements, including the access to their driveways, will be an ongoing inconvenience and disruption for them throughout this period.

Summary

From the assessment undertaken above, I conclude that the owners and occupiers of the following properties are adversely affected to at least a minor degree by the proposal:

- 4, 4A, 4B, 4C and 6 Hamilton Road
- 43 Rivendell Place

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 effects of this application, and that the proposal by itself has nothing out of the ordinary run of things to suggest that notification to any other persons should occur. In addition, the assessment in Step 3 was able to consider the effects on any person.

I recognise that just because a member of the public raises an interest in an application this is not a reason to determine they are affected or should be notified. However, I also recognise that some of the owners of the properties which the proposed pipeline will traverse under have been given an expectation through the correspondence with lawyers acting on behalf of WSL (a Council Controlled Organisation) that they ought to be considered to be affected persons. This is not a common occurrence with applications. Yet the applications to Council both state the adverse effects are less than minor. It is not known if all property owners received such a letter, however the lawyers acting for 4 and 103 Hamilton Road (Mr & Mrs Hauser and Mr & Mrs Davison respectively) have advised that their clients did. In my view, it would be desirable in these circumstances to limited notify these persons.

Therefore, I consider special circumstances do apply and all persons (not already identified above) who own or occupy property the pipeline traverses under should be notified.

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 activity, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is required as it is considered that the activity will result in adversely affected persons.
- Under step 4, there are special circumstances that warrant the application being limited notified to other persons.

It is therefore recommended that this application be processed with limited notification.

9. Notification recommendation

Non-notification

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

However, under section 95B, limited notification is required as the owners and occupiers of the following properties are adversely affected or there are special circumstances warranting notification of these persons:

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

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

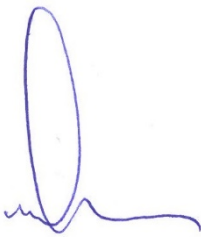


Jennifer Valentine
Consultant Planner
Resource Consents

Date: 25 November 2021

Approved for release

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



Warwick Pascoe
Principal Project Lead
Resource Consents

Date: 25 November 2021