

## Hickeys Spring Notice of Requirement Notification Assessment

This notification assessment is submitted in support of the Notice of Requirement (NoR) lodged by Watercare Services Limited (WSL) in relation to Hickeys Water Treatment Plant (WTP) at 66 Dublin Street in Pukekohe.

If a requiring authority has given notice of a requirement, a notification decision must be made under s149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF of the RMA. Those sections should be read in conjunction with section 169 of the RMA which modifies these sections for the purposes of a notice of requirement.

### 1.1 Public Notification Assessment (s149ZCB and 149ZCD)

A notice of requirement must be publicly notified if:

- The adverse effects of the designation on the environment are likely to be more than minor (s149ZCB(2)(a))
- The Requiring Authority has requested public notification (s149ZCB(2)(b)); or
- There is a rule or national environmental standard that requires public notification (s149ZCB(2)(c))

A notice of requirement may be publicly notified if there are special circumstances (s149ZCB(4)).

A notice of requirement must not be publicly notified if:

- a rule or national environmental standard precludes public notification (s149ZCB(3)). However, public notification can still be recommended if: (a) the requiring authority requests it (s149ZCB(2)(b) and s149ZCB(3)(b)); or (b) special circumstances exist (s149ZCB(4)).

WSL (the requiring authority) does not request public notification.

There are no rules in the AUP or in any national environmental standard that preclude or require public notification of the NOR.

#### 1.1.1 Disregarding Certain Effects (section 149ZCE)

The following assessment outlines the effects that must and may be disregarded.

##### **Effects that must be disregarded - effects on persons who are owners and occupiers of the land in, on or over which the notice of requirement relates, or of land adjacent to that land**

Under s149ZCE (a), Council is to disregard any effects on any person/s who own or occupy the land to which the designation relates, or any adjacent land. The NoR applies to land predominantly owned by Watercare. Some small parts of the subject land are owned by Auckland Council and written approval in relation for the designation across the Auckland Council owned land is currently being sought by WSL; email correspondence between Auckland Council and WSL is attached as Appendix A of the submitted AEE. WSL has submitted Certificates of Titles which show the extent of each organisation's land and demonstrate that WSL and Auckland Council are the only owners of the land subject to the NoR.

##### **Effects that may be disregarded – permitted baseline assessment**

Sections 149ZCE(b) and 149ZCF(2)(a) provide that a territorial authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (this is referred to as the permitted baseline). It is considered that application of a permitted baseline is appropriate for this NOR, as it provides a useful insight into the sorts of activities and effects which may be expected in the surrounding environment.

Application of the permitted baseline approach is at the discretion of Council.

The permitted baseline in this case includes the following:

- The construction and operation of infrastructure that complies with the relevant standards of Chapter E26 of the AUP (Infrastructure).
- Vehicle parking, loading and access that complies with the relevant standards of Chapter E27 of the AUP (Transport).
- Development compliant with the Open Space Zone Standards in relation to the Informal Recreation including:
  - Maximum building heights of 8m
  - Height in relation to boundary set out by adjoining zone's provisions
  - 5m building setback from the property boundary
  - Maximum gross floor area of individual buildings of 100 square metres
  - Maximum site coverage of 10%
  - Maximum impervious area of the lesser of 10% or 5000 square metres
- Lighting in accordance with the permitted activity standards for lighting in Chapter E24
- Activities that comply with the standards in relation to noise and vibration of Chapter E25 of the AUP.

#### **1.1.2 Assessment of Adverse Effects**

The submitted NoR includes an AEE of the designation. Section 2 of the submitted AEE provides a description of the existing environment, noting in particular that water treatment facilities have already been established on the site and that the site has previously operated as a water treatment facility for up to 100 years. Section 5 of the submitted AEE outlines the actual and potential effects of the designation and includes a consideration of the following:

- Landscape and visual effects
- Traffic and access effects
- Noise effects
- Lighting effects
- The effects of future developments.

Consistent with the conclusion of the AEE, it is considered that, subject to appropriate management measures (to be proposed, where appropriate, through the Outline Plan process should any future works occur on the site), there will be less than minor adverse effects on the surrounding environment. All buildings and structures are already established on the site and no works are proposed as part of this designation process. Should any future works occur on the site, an Outline Plan will be prepared which will outline how adverse effects will be avoided, remedied or mitigated. The facility is expected to continue operating within the parameters set out by the permitted baseline (set out above). The NoR is effectively administrative and will align WSL's management of the site with its other assets and facilities.

#### **1.1.3 Special Circumstances**

There are not considered to be any special circumstances under S149ZCB(4) that warrant notification of this NoR.

#### **1.1.4 Public Notification Assessment Conclusion**

It is considered that the NoR can be processed without public notification for the following reasons:

- Subject to appropriate management measures, the adverse effects will be less than minor.
- WSL has not requested public notification.
- There are no relevant rules or national environmental standards that require public notification.
- There are no special circumstances that warrant public notification.

## 1.2 Limited Notification Assessment (Sections 149ZCC and 149ZCF)

If the NoR is not publicly notified, Council must decide if there are any affected person or customary rights or title groups who should be given limited notification of the NOR.

A person is affected if the adverse effects of the activity on them are minor or more than minor (but are not less than minor) (s149ZCF(1)).

Council must have regard to any statutory acknowledgement under schedule 11 of the RMA.

Section 5 of the AEE considers potential effects on the environment, including the surrounding residential area (in particular the dwellings adjacent to the site on Dublin Street, Cardiff Street, Morrow Terrace, Seddon Street and Ranch Place).

Additionally, WSL has begun the process for seeking affected party approval from Auckland Council regarding the use of Council owned reserve land. Auckland Council have agreed to the proposal in principle and as the email correspondence attached to the submitted AEE demonstrates, conversations are underway to secure this affected party approval.

It is considered that the NoR should not be limited notified for the following reasons:

- The potential adverse effects on the neighbouring sites are considered to be less than minor subject to the adoption of appropriate management measures.
- The permitted baseline set out by the AUP provides for activities that are likely to have similar effects.
- There are no customary rights or marine title groups that are considered to be adversely affected.

## 1.3 Notification Recommendation

This notification assessment concludes that the NoR should be processed on a non-notified basis given that:

- Under s149ZCB(2)(a) the adverse effects on the environment are likely to be less than minor. Potential future adverse effects predominantly relate to noise and lighting generated by the operation of the facility and visual mass adjoining residential properties (see Section 5 of the submitted AEE for an assessment of effects). Such effects can be adequately addressed with suitable management measures.
- There is no rule or national environment standard that requires public notification and the requiring authority has not requested it.
- Under s149ZCB(4) there are no special circumstances to warrant notification.