

Decision on an application for a resource consent under the Resource Management Act 1991



Restricted discretionary activity

Application Number: LUC60364574
Applicant's Name: Watercare Services Limited
Site Address: 2 and 4 Haycock Avenue and 81 White Swan Road, Mount Roskill
Legal Description: Lots 79 and 80 DP 48241, Lot 2 DP 76882

Proposal:

The replacement of a manhole located within a 1% annual exceedance probability flood plain and overland flow path and associated earthworks within a riparian yard

The resource consents are:

Land use consent (s9) – LUC60364574

Auckland Unitary Plan (Operative in Part)

District

Infrastructure

- The undertaking of earthworks associated with a network utility (a replacement manhole) that do not comply with standard E26.5.5.2.(12)(c), as the volume exceeds 5m³ within the 10m Riparian Yard, is a **restricted discretionary activity** under Rule E26.5.3.1(A98).

Natural Hazards and Flooding

- The installation of a replacement manhole on land that is located within a 1% annual exceedance probability floodplain and an overland flow path, is a **restricted discretionary activity** under Rule E36.4.1(A56).

I have read the application, supporting documents and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104 and 104C, the application is **GRANTED.**

1. Reasons

The reasons for this decision are:

1. The application is for restricted discretionary activity resource consent, as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

E36.8.1.(18) – Flood Plain and Overland Flow Path

- a. The functional and / or operational need to locate within the hazard area; and
- b. The risk of adverse effects to other people, property and the environment, including with respect to: public health and safety; impacts on landscape values and public access; management or regulation of other people required to mitigate natural hazard risks; storage or use of hazardous substances; and exacerbation of existing or creation of new natural hazard risks.

E26.5.7.1.(2) – Earthworks

- c. The impact of the proposed earthworks in respect of: land stability; overland flow paths, flooding and natural hazard risk; treatment of stockpiled materials and progressive stabilisation; protocols for the discovery of artefacts of Maori origin; effects associated with noise, vibration, odour, dust, lighting and traffic; and protection of network utilities and road networks.

In addition, conditions have only been included in relation to those matters.

2. In accordance with an assessment under s104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be of an acceptable nature and scale in this environment with any adverse effects being less than minor. This is because any adverse effects in terms of flooding and earthworks and will be mitigated by:
 - a. The underground nature of the proposed manhole, which ensures that the functionality of the flood plain and overland flow path within the works area will be maintained.
 - b. The implementation of appropriate erosion and sediment control measures and accidental discovery protocols.
 - c. The positive effects in respect of the upgrade of existing wastewater infrastructure and reducing overflow events from the Lynfield Branch Sewer by allowing for such flows to be diverted into the central interceptor.
 - d. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and / or within the relevant matters of discretion.
3. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant objectives, policies and assessment criteria within Chapters E26 'Infrastructure' and E36 'Natural Hazards and Flooding' of the Auckland Unitary Plan (Operative in Part) for the following reasons:

- a. The replacement manhole is required to allow for wastewater overflows from the Lynfield Branch Sewer to be diverted into the central interceptor. As the Lynfield Branch Sewer is currently located with a flood plain and overland flow path, there is both an operational and functional need for the works to be located within these hazard areas, with no practicable alternative option available to achieve the same outcome.
 - b. The manhole will be located underground, with the lids being flush with ground-level, all of which ensures that existing adverse flooding effects will not be exacerbated, as flood plain storage will not be decreased and floodwaters will not be diverted into areas that are currently unaffected by flooding. That is to say, increased levels of flood risk will not result with respect to property, people or the environment.
 - c. The nature of the works, in that they are proposed on privately owned residential land with no identified natural characteristics of importance and will not involve the alteration or removal or protected vegetation, ensures that adverse effects on landscape values and public access will not result.
 - d. The proposed works will not involve the storage or use of hazardous substances.
 - e. Erosion and sediment control measures of suitable scale and design will be implemented, which will limit the potential for erosion to occur and suitably control and contain any sediment runoff that is unavoidable.
 - f. The nature and scale of the proposed excavations and the structural support provided by temporary sheet piles and the concrete manhole structure will ensure that adverse land stability effects will not result.
 - g. The implementation of accidental discovery protocols will ensure that any cultural artefacts of interest that may be uncovered will be identified and preserved as necessary.
 - h. The small scale of the earthworks proposed is such that adverse effects in respect of noise, dust, odour and traffic will not result as a consequence of their implementation.
4. In accordance with an assessment under s104(1)(c) there are no other matters that are considered relevant.
 5. In the context of this restricted discretionary activity application where the objectives and policies in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. As they also provide a clear framework for assessing all relevant potential effects, there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
 6. Overall, the proposal is considered to result in acceptable actual and potential effects, and is consistent with the relevant objectives and policies of the Plan and Part 2 of the Act.

2. Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

Application Documents

1. The consented development shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60364574:
 - a. Application form and Assessment of Environmental Effects, prepared by Tonkin and Taylor Limited, version 1, dated 29 September 2020.
 - b. Further information response email, from Xenia Meier of Watercare Services Limited, dated 21 October 2020.
 - c. Flood risk assessment, prepared by Tess Gillham, reference: JNZ-TCM-00022, Revision 1, dated 24 September 2020.
 - d. Plans as detailed below:

Drawing No.	Title	Prepared by	Dated
2011962.005, Issue C	DSLSC001 – Haycock Avenue Plan and Longitudinal Section Lynfiled Branch Connection Sewer	Watercare Services Limited	19 June 2020
2011962.010, Issue B	DSLSC001 – Haycock Avenue Manhole and Structure Lynfiled Branch Sewer MH01 Diversion Chamber – Plans & Sections	Watercare Services Limited	19 June 2020
2013345.383, Issue 2	DSLSC001 – Haycock Avenue Temporary Works – Ancillary Structures MH01 Category 1	Watercare Services Limited	27 July 2020
376-A5-001, Revision A	Haycock Avenue Erosion and Sediment Control	McConnell Consultancy Limited	15 October 2019

Consent Lapse

2. Under section 125 of the RMA, these consents shall lapse five years after the date they are granted unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.

Before Construction Starts

Earthworks

3. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in

accordance with those detailed in the approved drawings set out in condition 1 and the requirements of Auckland Council guideline *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05).

During Construction

Accidental Discovery Protocols

4. If, at any time during site works, potential koiwi (human remains) or archaeological artefacts are discovered, then the following discovery protocol shall be followed:
 - a. All earthworks will cease in the immediate vicinity (at least 10m from the site of the discovery) while a suitably qualified archaeologist is consulted to establish the type of remains.
 - b. If the material is identified by the archaeologist as human, archaeology or artefact, earthworks must not be resumed in the affected area (as defined by the archaeologist). The consent holder must immediately advise the Council, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.
 - c. If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from those Iwi groups with mana whenua interest in the area are to be provided information on the nature and location of the discovery.
 - d. The consent holder shall not recommence works until approved by the Council.

Advice Note:

If any archaeological features are uncovered on the site, works should cease and the Council and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relation to history of New Zealand. Archaeological features' may include old whaling stations, ship wrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, including details on how to contact Iwi groups with mana whenua interest in the area, please contact the Team Leader, Cultural Heritage Implementation on 09 301 0101.

Construction Management and Earthworks

5. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the approved erosion and sediment control plan shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with conditions of consent, "the Council" refers to the council monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. Manhole lids may require waterproofing to minimise surface water ingress into the network.
4. For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. If you disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.

Delegated decision maker:

Name: Colin Hopkins
Title: Principal Project Lead
Premium Resource Consents

Signed:



Date: 28th of October 2020