

Notice of requirement for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



Notice of requirement description

Designation number:	9468 Grey Lynn Tunnel
Requiring authority:	Watercare Services Limited
Site address:	44, 46, and 48 Tawariki Street, 183 Richmond Road, and Tawariki Street reserve, Grey Lynn

Summary

Auckland Council has received a request from the Watercare Services Limited (WSL) under section 181(3) of the Resource Management Act 1991 (RMA), dated 18 November 2022 to alter Designation 9468 Grey Lynn Tunnel.

After undertaking an assessment of the notice, I consider that the proposed alteration meets the statutory tests of section 181(3) of the RMA and therefore is confirmed as a minor alteration.

Recommendation

1. That the proposed alteration of Designation 9468 – Grey Lynn Tunnel, in the Auckland Unitary Plan **be confirmed under S181(3)**, for the following reasons:
 - The alteration involves no more than minor changes to the effects on the environment associated with the use or proposed use of the land;
 - Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration
 - Both the territorial authority and requiring authority agree with the alteration

1. Introduction

1.1. Notice of Requirement

On 18 November 2022 Watercare Services Limited (WSL) requested that Auckland Council exercise its powers under s181(3) of the RMA to alter Designation 9468 which provides for the construction, operation and maintenance of wastewater infrastructure, specifically for the Grey Lynn Tunnel.

The request seeks to alter the designation to:

- a) extend the designation area for the Tawariki Street Shaft Site only (44, 46 and 48 Tawariki Street, Grey Lynn) to include an adjoining property at 42 Tawariki Street (owned by Watercare), and the road reserve in front of the property, to move the location of the secondary shaft into 42 Tawariki Street
- b) allow for a change in the construction programme to construct the secondary shaft concurrently with the first rather than the original proposal of 2.5 years later
- c) alter Condition 1.1 of the original designation to read (additions underlined):

1.1 Except as modified by the conditions below and subject to final design, the works shall be undertaken in general accordance with the plans and information submitted with the application (as relevant to section 9(3) matters), including:

- a) Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Notice of Requirement, Resource Consent Application and Assessment of Environmental Effects" prepared by Jacobs, dated February 2019.*

- b) Notice of Requirement and Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Alteration to Designation", prepared by Tonkin + Taylor Ltd, dated October 2022*

- c) Drawings as detailed below:*

...

- d) Technical Reports as detailed below:*

...

Tawariki St Shaft site relocation: Noise and Vibration - Assessment of change in effects, prepared by Tonkin + Taylor Ltd, dated October 2022

- e) Section 92 responses dated 18 April and 24 May 2019*

- d) alter Condition 3.6 to read as follows:

- b) subject to agreement with the landowner and occupier, preparation of building condition reports on 160-178 Surrey Crescent, the 490 and 510 Richmond Road and residences at 24, 26, 30, 2/20, 32, 34 and 38 Sackville Street' and 33, 35, 37, 39, 41 and 42 38 & 40 Tawariki Street prior to, and after completion of works (refer to Appendix 1, 3 Reference maps). This requirement applies where the guideline vibration limits set out in DIN4150 are expected to be exceeded at these properties;*

- c) use of building condition surveys to determine the sensitivity of the building(s) on the adjacent sites to ground movement in terms of the Line 1-3 criteria of*

the DIN standard where the guideline vibration limits set out in DIN4150 are expected to be exceeded;

- e) alter Condition 3.8 to read as follows:

The Guideline vibration limits set out in DIN4150 must not be exceeded except where the Requiring Authority can demonstrate to the satisfaction of the Council:

- a) that the receiving building(s) are capable of withstanding higher levels of vibration and what the new vibration limit is. The investigation required to demonstrate this must include, subject to agreement with the landowner and occupier, an assessment of the building(s) by a suitably experienced and qualified structural engineer and a full pre-condition survey; and*
- b) that the Requiring Authority has consulted with the building owner(s) and the outcome of that consultation, including any mitigation measures that will be applied based on this consultation, are reported to Council ~~obtained the written agreement of the building owner(s) that a higher limit may be applied.~~*

- f) Alter Condition 12.1 and 12. 2 to read as follows:

12.1 Prior to the commencement of any work on site, the Requiring Authority shall provide to the Council's Team Leader Compliance Monitoring Central for written certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect. The purpose of the detailed landscape drawings and information is to demonstrate that adverse visual and amenity effects arising from the development of permanent features on the site are appropriately mitigated. Particular regard shall be had to:

- a) Adverse visual effects on 33, 35, 37, 39, and 41 ~~and 42~~ Tawariki Street*
...

12.2 The submitted information shall be generally consistent with the approved landscape concept plan(s) (prepared by Boffa Miskell dated April 2019) and shall include the design changes certified through consultation with 39 & 41 Tawariki Street; and at a minimum, shall include the following visual mitigation and planting maintenance measures:

- a) ...*
- b) Planting, including plant type and size, along the western and southern boundary to partially screen views from 42, 41, 39, and 37 and 35 Tawariki Street and provide a vegetated backdrop (on site) for the above ground elements and buildings - specifically the futureproof-planned height of the air vent (8 metres);*

- g) additional consultation has been undertaken with the following parties:

- Auckland Transport (directly affected)
- Kainga Ora (previous land owner of 38 and 40 Tawariki Street and land owner of adjoining properties)

WSL consider that section 181(3) of the RMA should be applied to the NoR as it meets the tests under this section, namely:

- The proposed alteration represents no more than a minor change in effects to the environment
- The written approval has been provided by every owner or occupier of the land directly affected by the proposed alteration

For a territorial authority (Auckland Council) to be able to agree with the alteration, it must first be satisfied that the tests as set out under section 181(3) of the RMA have been met. I discuss these below.

1.2. Adequacy of information

Further information was requested of the applicant regarding traffic management, confirmation of noise and vibration exceedances, the management of the flow of floodwaters and overland flow paths for the property at 42 Tawariki Street, the management of stormwater for the increased designation site and confirmation of agreement from affected parties. These requests and the various responses are discussed later in this report.

I have undertaken a review of this additional information provided through various responses from WSL and also a review of the Assessment of Environmental Effects (AEE) provided with the request. Subsequently I am satisfied sufficient information has been provided to support the alteration to the designation.

1.3. Documents relied on

In preparing this report, the following documents provided by Watercare Services Limited (and appended to this report) have been relied on:

- Assessment of Environmental Effects (AEE) for Alteration to Designation 9468 Grey Lynn Tunnel to Auckland Council dated 15 November 2022 (refer **Attachment 1**)
- Section 92 responses to specialists including affected landowners and S176 approvals (refer **Attachment 2**)

1.4. Relevant statutory provisions

Watercare Services Limited is a Requiring Authority in accordance with s167 of the RMA.

Section 181 “Alteration of designation” of the RMA 1991 states:

(1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.

(2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.

(3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-

(a) The alteration-

(i) Involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned; or

(ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and

(b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) Both the territorial authority and the requiring authority agree with the alteration –

and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

(4) This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.

It is noted here that it is not necessary for both tests s181(3)(a)(i) and 181(3)(a)(ii) to be passed. However, the request must cumulatively pass all of s181(3)(a), (b) and (c).

2. Background

2.1. Water Care Services overview

Watercare Services Limited (WLS) is responsible for the provision of potable (drinking) water and wastewater services in Auckland. Watercare is a Council-Controlled Organisation (CCO) of the Auckland Council. The company's vision is to be 'trusted by our communities to deliver performance every day'.

The Grey Lynn Tunnel is a wastewater interceptor that runs from the Central Interceptor (CI) at Western Springs to Tawariki Street, Grey Lynn. This wastewater interceptor provides additional sewer capacity, reduces wet weather wastewater overflow discharges and enables future works to improve freshwater quality in central Auckland waterways. Resource consents for the Grey Lynn Tunnel and associated works were obtained from Auckland Council (AC) and the designation confirmed in 2019 (Resource consent – BUN60334952 and Designation 9468).

Currently, the Grey Lynn Tunnel terminates at 44 – 48 Tawariki Street (the ‘Tawariki Street Shaft Site’). This site is designated for the purpose of ‘construction, operation, and maintenance of wastewater infrastructure’ and provides for two shafts, known as the primary and secondary shaft. The primary shaft is the termination site of the Grey Lynn Tunnel and will allow for the retrieval of the tunnel boring machine (TBM) and connections to the Tawariki Local Sewer and Orakei Main Sewer. The secondary shaft to be constructed at the Tawariki Street Shaft Site allows for the connection of future sewers from the Combined Sewers Overflow (CSO) network.

2.2. Reason for the proposed alteration

Since designating the Tawariki Street shaft site, Watercare has purchased the adjacent property at 42 Tawariki Street to relocate the secondary shaft onto it, allowing more room for construction of the two shafts. As such, Watercare seeks to extend Designation 9468 to include 42 Tawariki Street and the road reserve in front of the property – indicated by the red outline in **Figure 1** below.



Figure 1 – Extension of Designation 9468 to include 42 Tawariki Street and road reserve

In addition, in the original Notice of Requirement (NOR) the secondary shaft was proposed to be constructed at least 2.5 years after the primary shaft. WSL has now identified the potential to undertake the works concurrently for the two shaft sites and seeks to alter the designation to allow for this construction programme option (noting construction may still occur across two separate construction periods as already provided for in the existing designation).

2.3. Additional properties purchased since lodgement

Since requesting the alteration WSL have also purchased properties at 38 and 40 Tawariki Street, Grey Lynn – shown in yellow outline in **Figure 2** below. These properties will be cleared of structures and vegetation for the duration of the construction period to provide more storage for the floodplain that traverses these properties and number 42 Tawariki Street - refer **Figure 3** below. As a result of these properties being purchased and cleared the noise and vibration effects on these properties are no longer considered. Consequently, further amendments have been made to the proposed conditions submitted with the request to alter the designation. This is expanded on in Section 4.4 below.



Figure 2 – Purchase of neighbouring properties at 38 and 40 Tawariki Street

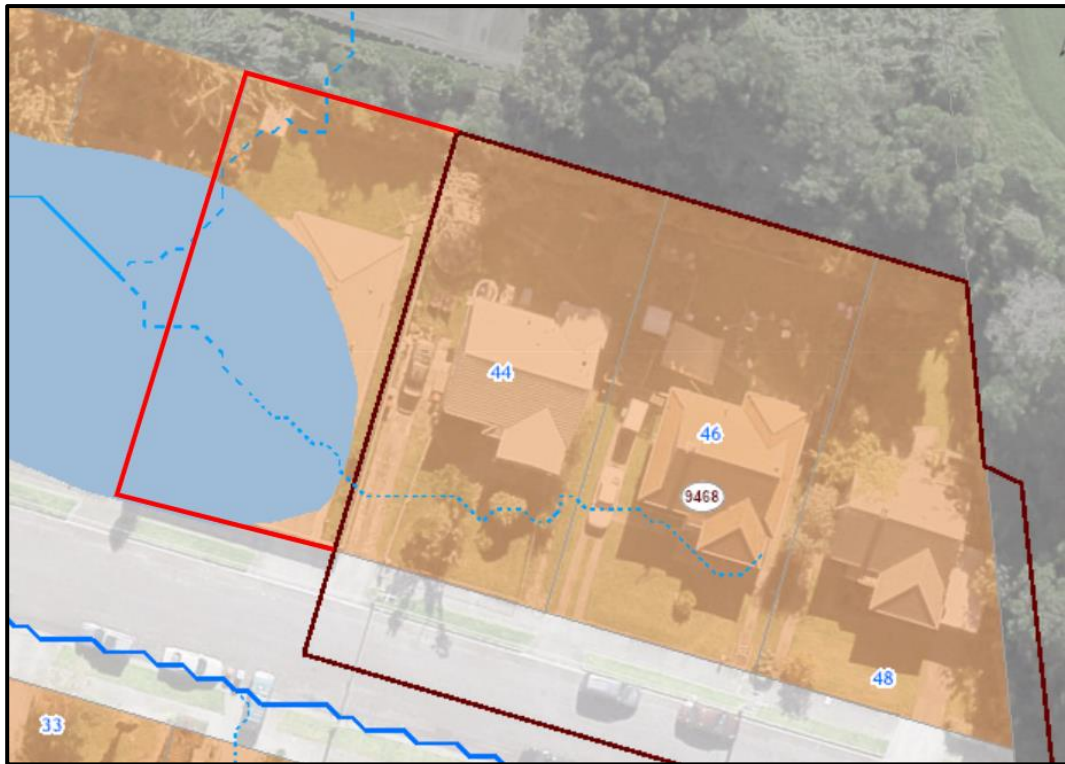


Figure 3 – Floodplain and Overland Flow path over 42 Tawariki Street

3. Notice of Requirement summary

3.1. Existing environment

On 15 October 2019 WSL Designation 9468 Grey Lynn Tunnel (to which this alteration relates and shown in purple outline in **Figure 1**) was confirmed through Independent Commissioners on behalf of Auckland Council. As such, the Designation is now deemed to form part of what is considered as the existing environment and informs the baseline upon which the change in effects of the alteration will be assessed from a statutory perspective.

3.2. Land affected by the alteration

As described above in Section 2.1 the proposed alteration only relates to the Tawariki Street Shaft site of Designation 9468 – which is originally 44, 46 and 48 Tawariki Street, Grey Lynn. The alteration seeks to include 42 Tawariki Street within the designation area – as shown in **Figure 1**.

In my opinion the proposed alteration also directly affects the adjoining properties to the west and south of the Tawariki Street Shaft Site at 38, 40 and 33 Tawariki Street as a result of moving the location of the secondary shaft site further west along Tawariki Street. These properties are shown in **Figure 4** of this report – refer Section 4.7. The effects on these properties are discussed in Section 4 of this report - Analysis of the proposed alteration.

3.3 Project objectives

In Section 3.3 of their AEE WSL acknowledge the objectives of Designation 9468 Grey Lynn Tunnel and state that the alteration to the designation *is necessary to achieve these objectives because it will:*

- *Enable the proposed works to be undertaken in a comprehensive and integrated manner across Watercare's landholdings, utilising the same conditions and management plans across the site;*
- *Provide Watercare with greater certainty to plan for the construction, operation and maintenance of the site in accordance with the designation*
- *Provide Watercare with greater flexibility and allow it to carry out all necessary works at Tawariki Street shaft site effectively and efficiently.*

4. Analysis of the proposed alteration

4.1. Assessment of Environmental effects (s181(3)(a)(i) and (3)(a)(ii))

WSL has provided an assessment of environmental effects (AEE) with the NoR. It considers that the proposed alteration to the designation involves no more than minor changes to the effects on the environment and therefore meets the test under s181(3)(a)(i).

In assessing the proposal, I consider the effects are as follows:

- Traffic effects
- Noise and Vibration effects
- Stormwater / flooding effects
- Landscape and visual effects

These are discussed in detail below.

4.2. Traffic effects

4.2.1 WSL's assessment

WSL do not specifically address traffic effects in their AEE as they state that these have been addressed in the original Notice of Requirement.

They state that there will be no changes to the proposed construction traffic volumes and the loss of on-street parking outside 42 Tawariki Street has already been provided for¹.

4.2.2 Assessment

The potential traffic impacts of the alteration to the designation have been assessed for Council by Marguerite Pearson of Auckland Transport (AT) and James Georgetti, and latterly Michael Jongeneel, of Flow Transportation Specialists (Flow).

4.2.2.1 In September 2022, prior to lodgement of the proposed alteration to the designation, WSL engaged with AT to confirm potential traffic impacts from the proposal to move the location of the secondary shaft and to potentially construct both shafts in the same construction period. Kevin Wong Toi of AT, as the road

¹ Footnote 2, pg13. Grey Lynn Tunnel, Alteration to Designation AEE prepared by Tonkin and Taylor Nov 2022

controlling authority, concluded that for the most part the proposed alteration could continue to rely on the traffic related conditions of the original designation – specifically Conditions 5. Traffic Management, 6. Pedestrian Management and 7. Work within the Road Reserve.

4.2.2.2 In assessing the lodged application Marguerite Pearson of AT sought confirmation of the following matters:

- which vehicle crossings will be reconstructed for rubbish collection vehicles in accordance with Condition 5.2(k) of the original designation. This is currently noted as 33 and 40 Tawariki Street
- that any changes from the proposal affecting vehicle access servicing private properties and whether access will be maintained during the construction period – in accordance with Condition 5.2(e) of the original designation.

4.2.2.3 Flow also agree that the proposed alteration is largely able to operate within the conditions of the original Designation. They also sought the following additional confirmations:

- the extension of Condition 2.2(o)² to include consultation with owners of 33, 35 and 37 Tawariki Street (in addition to the original properties of 39 and 41 Tawariki Street) as the extension of the designation to include 42 Tawariki Street will potentially extend the impact of parking further west, potentially affecting these properties
- that there will be no change in the maximum number of daily construction vehicle movements (64 heavy movements and 82 vehicle movements in total) associated with the concurrent construction of the primary and secondary shafts

4.2.2.4 In response to the matters above (17 February 2023) WSL confirmed that the tracking plan for the rubbish collection truck to reverse down the eastern side of Tawariki Street (to service the properties at 33 – 41 Tawariki Street) was still able to be achieved using the vehicle crossings at 33 and 40 Tawariki Street. And that the vehicle crossings would be constructed in accordance with Auckland Transport commercial vehicle crossing standards as per Condition 5.2(k). WSL also confirmed that vehicle access to these private properties would be achieved through the provision of the 6.00m wide carriageway to be constructed along the road berm, for the duration of the construction period.

4.2.2.5 In response to the proposed amendment to Condition 2.2(o) WSL note that the loss of on-street parking outside 33-37 Tawariki Street was assessed and provided for as part of the original Notice of Requirement. A parking plan was

² This condition was incorrectly identified as Condition 2.1(o) in the s92 request from Flow Transportation Specialists.

provided as Appendix C to the response. WSL state that the project will continue to communicate with the owner/occupiers of neighbouring properties throughout construction.

4.2.2.6 WSL also confirmed that no changes are proposed to the trip generation assumptions that are provided for and assessed as part of the original Notice of Requirement should the primary and secondary shafts be constructed concurrently at the site.

4.2.2.7 Ms Pearson of AT concluded that the information provided in WSL's s92 responses was adequate to consider the effects of the proposed alteration. Ms Pearson acknowledged that while there will be minor disturbance to the road corridor and restricted access to a small number of neighbouring properties during construction, the existing conditions of the designation will manage these potential adverse effects. Ms Pearson considers that the existing conditions cover all necessary transport matters and does not consider any additional conditions need to be imposed.

4.2.2.8 Flow sought additional confirmation (March 2023) that the access area in front of 35-41 Tawariki Street will be provided for the duration of the construction period noting the detail provided in the February response showed a footpath being used.

4.2.2.9 WSL confirmed in August 2023 that works had commenced on the primary shaft and that the right of way access had been established to the satisfaction of Council and AT as part of the Construction Traffic Management Plan (CTMP) required in Condition 5 of the original designation.

4.2.2.10 Subsequently, with this detail confirmed Flow acknowledge that there may be additional transport effects to adjacent properties as a result of the extension of the designation to include 42 Tawariki Street, and some additional effects if the intensity of construction activity is increased as a result of concurrent construction of the two shafts. However, they are satisfied with WSL responses to their requests for information and consider the changes to the designation are unlikely to have any significant additional transport impacts compared to the existing designation and are confident that construction impacts from the proposal can generally be managed through the CTMPs required a part of the existing designation conditions.

4.2.3 Conclusions

I agree with the above assessments and conclusions and consider the traffic effects associated with the proposed alteration of the designation boundary to include 42 Tawariki Street within the designation area and the construction of the two shafts concurrently will be no more than minor.

I consider the original suite of conditions that are applicable to the management of traffic effects for the duration of the construction period are sufficient to address any traffic related matters that arise due to the alteration to the original designation.

4.3. Noise and Vibration effects

4.3.1 WSL's assessment

A Noise and Vibration Assessment has been prepared in support of this alteration to designation (Attached as Appendix D to the AEE³). WSL state that construction of the secondary shaft and other associated works on the site will involve a range of potential vibration sources, such as pile driving, operation of cranes and other heavy vehicles, and excavation of the shaft. In summary WSL state:

- No changes are proposed in relation to construction traffic noise and operational noise effects. Those noise effects have already been assessed and addressed through the original NoR and are not considered here.
- The construction methodology is not proposed to change. The same equipment and activities are expected to occur for the construction of the secondary shaft as detailed in the original NoR and supporting AEE and Marshall Day Acoustics noise and vibration assessment.
- The assessment determines that much of the construction activity proposed for the site will comply with the noise levels set by the original designation.
- The most significant noise-generating activity would be sheet piling (if required) to support the shaft excavation. Whilst it is not yet known whether sheet piling will be required for the construction of the secondary shaft, the Noise and Vibration Assessment (Appendix D) has conservatively assessed the potential effects if it were to occur.
- In this instance, noise levels from sheet piling on 42 Tawariki Street (now owned by WSL) are predicted to be higher for several receivers (properties) compared to the assessment in the original NoR due to sheet piling occurring closer to these properties (i.e. due to the secondary shaft being relocated approximately 20m to the west). Refer Table 4.2 of Tonkin Taylor Noise and Vibration report⁴
- While there are potentially changes in noise levels, the assessment of noise levels associated with sheet piling are a 'worst-case' scenario, given it is not yet known if sheet piling will occur, and if it does occur it will only be for a limited time, with lower noise levels associated with the majority of the construction period.
- These changes in noise level do not materially change the nature of the construction noise effects for the project. It was always anticipated that sheet piling would result in exceedances of the noise limits set in condition 3.2, and consequently the designation conditions provide for an Activity Specific Construction Noise Management Plan (ASCNMP) (Condition 3.5). Consultation with residents around timing and duration of sheet piling (if required) will be an important aspect of noise management and will be a key consideration in the preparation of ASCNMP.

Overall, in WSL opinion, the change in noise effects associated with the proposed relocated shaft site to 42 Tawariki Street and altered construction programme are no more than minor. The noise effects are consistent with those originally assessed and will be

³ Grey Lynn Tunnel – Changes to the Tawariki Street Secondary Shaft – Noise and Vibration report. Prepared by Tonkin and Taylor Nov 22.

⁴ Ibid Pg 8

appropriately addressed through noise management and mitigation measures required by the conditions of Designation 9468 including the CNVMP and ASCNMP.

With specific regard to the vibration effects, WSL state:

- Vibration effects will be temporary and vibration levels from most equipment are predicted to be well below the guideline limits in DIN 4150-3.
- Whilst it is not yet known whether sheet piling will be required for the construction of the secondary shaft, the Noise and Vibration Assessment has conservatively assessed the potential effects if it were to occur. If sheet piling is undertaken within 13 m of 38-40 Tawariki Street, it may exceed DIN 4150-3.
- As set out in Section 3, WSL proposes to change Condition 3.6 to require building condition surveys where construction vibration is expected to exceed DIN 4150-3.
- Condition 3.6 requires the Construction Noise and Vibration Management Plan to address measures to monitor and mitigate the effects of construction vibration.

Overall, the proposed conditions for managing the effects of construction vibration are considered by WSL to be appropriate, particularly given almost all of the works are expected to comply with DIN 4150-3. The vibration effects associated with the proposed relocated shaft site for the secondary shaft onto 42 Tawariki Street are no more than minor and consistent with those originally assessed.

4.3.2 Assessment

The potential noise and vibration effects from the proposed alteration have been assessed by Andrew Gordon of Councils Contamination, Air and Noise team. Mr Gordon also assessed the original Designation 9468 in 2019.

4.3.2.1 Mr Gordon agrees that it is appropriate to focus the assessment on the construction noise and vibration effects arising from the proposed location move of the secondary shaft only.

4.3.2.2 He also agrees that there will be no changes to the proposed construction traffic and associated traffic noises from that assessed in the original application, and that the operational noise from the site is limited to emissions from the plant room and shaft ventilation system, as per the Marshall Day Acoustics assessment submitted with the original designation (2019)⁵ and as these are not proposed to change therefore they do not create a change in anticipated noise effects.

4.3.2.3 Mr Gordon sought confirmation of the duration of the construction period and the expected exceedances in noise and vibration levels of the proposed drilling methods. WSL have confirmed that they have based their noise and vibration levels against the sheet piling method as a worst case scenario. If implemented it will be carried out on an intermittent basis and for a relatively short duration stating that this is an approach they have used successfully in other Central Interceptor (CI) sites.

⁵ Grey Lynn Tunnel Assessment of Noise Effects prepared by Marshall Day Acoustics. Feb 2019

4.3.2.4 WSL also confirm that final construction methodology will be developed by the Contractor on the basis of detailed design. As explained above in Section 4.3.1 Condition 3.1 of the original designation requires a Construction Noise and Vibration Management Plan (CNVMP) to be prepared by a suitably qualified person and submitted to Council with the Outline Plan of Works (OPW) to which it applies. This is required to specifically state (among other things) the noise limits to be complied with, predicted noise levels of the machinery used, duration and expected exceedances. Where a CNVMP predicts exceedances of noise limits then WSL is required (in accordance with Condition 3.5) to prepare and submit an Activity Specific Construction Noise Management Plan (APCNMP) in consultation with the affected parties.

4.3.2.5 Mr Gordon acknowledges the reciprocal change in noise effects as a result of moving the location of the secondary shaft as illustrated in Tables 4.1 and 4.2 of the Noise and Vibration report prepared by Tonkin and Taylor for WSL AEE⁶. These tables demonstrate the expected changes in distance from the proposed works and the expected change in predicted noise levels respectively noting that additional properties are now predicted to experience exceedances. It is also noted that there is an assumed noise barrier effect (of -10dB) created by the close boarded fence that will be constructed along the boundary of the designation area (between properties 40 and 42 Tawariki Street) for the duration of the construction period (refer Site Surface Plan (Ref 2011960.013_B) provided September 2023).

4.3.2.6 Mr Gordon acknowledges the exceedances noting that these are significant, but that they are common for large infrastructure projects in proximity to dwellings. He notes that should sheet piling be implemented 38 Tawariki Street is expected to experience the highest level at 86 dB (16dB above the acceptable level of 70dB) and partially attributes this to not being as effectively screened from the close boarded fence.

4.3.2.7 As noted in Section 2.3 above WSL has since purchased the properties at 38 and 40 Tawariki Street and will be clearing them of housing for the duration of the construction period. This effectively removes the consideration of noise and vibration effects for occupants of these properties.

4.3.2.8 WSL also acknowledge the reciprocal effects of the relocation of the secondary shaft site on 36 and 33 Tawariki Street. It is noted that these properties were recorded to experience exceedances should the sheet piling method (worst case scenario) be implemented. The subsequent Noise and Vibration report appended to the AEE⁷ predicts greater exceedances for these properties. In the case of 36 Tawariki Street, the report relies on the noise absorption ability of the proposed close boarded fence to be constructed along the boundary between 40 and 42 Tawariki Street.

⁶ Pg.7 Grey Lynn Tunnel – Changes to the Tawariki Street Secondary Shaft – Noise and Vibration report. Prepared by Tonkin and Taylor Nov 22. Appendix D to WSL AEE.

⁷ Ibid. Pg 10.

4.3.2.9 Due to its location within a floodplain and Overland Flow Paths (OLFP), as illustrated in **Figure 3** (page 8), this fence is also required to enable the unimpeded flow of predicted water levels in the event of a flood and to enable the OLFP to operate naturally (this is addressed in detail in Section 4.4 of this report). In response to this requirement WSL propose that a gap be provided at the bottom of the fence to a height of 0.3m and propose an amended condition (Condition 2.2(p)) to require this clearance (refer Attachment 2 Section 92 responses).⁸ As discussed in Section 4.4 below, Healthy Waters accept that this height will provide adequate clearance for predicted flood levels and the performance of the OLFP in this location.

4.3.2.10 To ensure the noise absorption effectiveness of this modified fence with regard to 36 Tawariki Street, Mr Gordon sought an additional noise assessment. In their response (dated 8 December 2023) WSL state that *‘taking into account that sheet piling (if required) will be intermittent, standard industry practice is proposed to be implemented to manage the effects, and Watercare and its contractor’s successful track-record for managing construction vibration across other CI sites, we consider that the noise effects are consistent with those originally assessed and the effects will be appropriately addressed through noise management and mitigation measures required by the conditions of Designation 9468 including the CNVMP and ASCNMP. On this basis we conclude that the effects of this alteration to designation on 36 Tawariki St will be less than minor.’*⁹

4.3.2.11 In response (dated 11 December 2023) Mr Gordon is satisfied with this approach. He agrees with the proposed conditions and amendments as provided in the final revised document (refer discussion in section 4.4 below) and does not consider it necessary to require specific noise barriers in this case.¹⁰

4.3.2.12 With specific regard to 33 Tawariki Street the Noise and Vibration report recommends that a building condition report be provided if this property is considered ‘at risk’ of vibration exceedances if sheet piling is used.¹¹ This property is now the next closest to the proposed shaft site (on 42 Tawariki Street) after 41 Tawariki Street which is already included within Condition 3.6(b) to receive a building condition report if required. To this end, WSL have included 33 Tawariki Street into Condition 3.6(b).

4.3.2.13 Overall, given that there will be no changes to the original indicative construction methodology and that predicted exceedances will be specifically managed by implementing the ASCNMP (Activity Specific Construction Noise Management Plan) for the amended location, Mr Gordon concludes that the effects are reasonable when put into context with the relevant objective and policy of Chapter E25 – Noise and Vibration of the Auckland Unitary Plan (Operative in Part) (AUP)

⁸ Pg. 2 S92 response from WSL dated 8 December 2023.

⁹ Ibid. Pg 2.

¹⁰ A.Gordon review Dec 2023.

¹¹ Pg.10 Grey Lynn Tunnel – Changes to the Tawariki Street Secondary Shaft – Noise and Vibration report. Prepared by Tonkin and Taylor Nov 22. Appendix D to WSL AEE..

which enable construction works to be undertaken where permitted levels cannot be practically met, but controls are in place to manage adverse effects.

4.3.2.12 In conclusion Mr Gordon supports the proposed changes to Conditions 1.1, minor changes to condition 3.6(b) and (c) and Condition 3.8 (a) and (b) as described in the AEE and to the subsequent change to condition 2.2 to include (p) regarding the gap at the bottom of the proposed boundary fence between 40 and 42 Tawariki Street.

4.3.3 Conclusions

I agree with Mr Gordon that while the alteration will mean that the relocation of the shaft will have reciprocal effects moving west along Tawariki Street, the original conditions of the designation and as amended through this request will ensure that the effects will be appropriately and professionally managed for both the construction period and at the completion of the works.

I agree that in accordance with Objective E25.2(4) and policy E25.3(5) of the AUP both the noise and vibration exceedances of the construction period cannot be practicably complied with at all times but can be suitably managed to mitigate the adverse effects.

Given the above assessment I consider the change in the noise and vibration effects as a result of the alteration to be less than minor.

4.4. Stormwater / Flooding effects

4.4.1 WSL's assessment

WSL state that 42 Tawariki Street is at the top of an indicative flood plain which drains to the west of the site. Works within the site are therefore unlikely to have any 'up-stream' flooding effects.

In response to a Section 92 request (dated 27 March 2023) for additional information regarding the treatment of floodwaters, overland flowpaths and stormwater for the extended designated area WSL provided additional site plans titled Site Surface Plan (Ref 2011960.013_B) and Earthworks Plan (Ref 2011960.017_B) which confirm the layout of stormwater treatment as it incorporates 42 Tawariki into the overall designated area.

WSL state that

- the site stormwater will be directed into a new concrete detention tank located on the western side of No. 42 Tawariki Street. The detention tank will be sized to 10 percent Annual Exceedance Probability. This will capture stormwater flows from the north (church) and northeast (St Pauls College playground). Upon completion of works, the stormwater detention tank will capture, contain, and convey stormwater across the site and effects on neighbouring properties will either be improved or not made worse. Refer to Plan 2011960.013_B.

- In the permanent case the finished surface of the site will be graded from north and south towards the centre and gently fall from east to west towards the existing low point on the site (flood plain). This will maintain the existing overland flow path on the site and retain some volume of storage in the floodplain.”
- The permanent infrastructure to be constructed on the site will largely be underground, flush or close to flush with the ground. The project works proposed for 42 Tawariki St are also anticipated to meet the permitted activity requirements of Rule E36.4.1 (A35) ‘New structures and buildings designed to accommodate flood tolerant activities up to 100m2 gross floor area within the 1 per cent annual exceedance probability (AEP) floodplain’.
- For the construction period a close boarded fence is proposed to be constructed along the boundaries of the site – including 42 Tawariki Street. This fence has been proposed as a noise buffer for the adjacent properties.
- Furthermore, in response to a section 92 request for further information (dated 8 December 2023) WSL propose that a gap be provided at the bottom of the fence to a height of 0.3m and propose an amended condition (Condition 2.2(p)) to require this clearance. this is discussed further below.

Overall, in WSL opinion, the stormwater and flooding effects of the alteration to designation to include 42 Tawariki Street are expected to be negligible and therefore less than minor.

4.4.2 Assessment

The stormwater and flooding effects from the alteration have been addressed by Susan Andrews and Richard Smedley of Healthy Waters (HW).

4.4.2.1 Ms Andrews and Mr Smedley initially sought confirmation of the overall impermeable and permeable areas and the area of structures on site to ensure the proposed development could meet its obligations under the Network Discharge Consent (NDC), particularly the requirement to treat stormwater if there is more than 5000m2 of impermeable surfaces. They also sought details of the design of the proposed fence between 40 and 42 Tawariki Street in meeting the requirements under Chapter E36 of the AUP in terms of providing for the floodplain and the OLFP that cross these properties.

4.4.2.2 In response to compliance under the NDC (dated 27 September 2023) WSL submitted the following plans - Tawariki Street - Central Interceptor (DSCIN), 00 Site General Proposed Site Surface Plan No. 2011960.013_B and Tawariki Street - Central Interceptor (DSCIN), 00 Site General Earthworks Plan No. 2011960.017_B to demonstrate that the proposed works would achieve this (these plans will also be listed under Condition 1.1(d) – refer discussion in Section 4.6 of this report). A further s92 response (dated 8 December 2023) confirmed the areas of impermeability and states the following:

During the construction phase the site will be temporarily stabilised to minimise erosion and sediment runoff. The extent of the stabilised construction platform may vary across the construction period. While the secondary shaft will cover a reasonable proportion of 42 Tawariki St, it will effectively detain any rain that falls within it, due to being a sub-surface excavation.

The post development impermeable area for the entire site (42-48 Tawariki St) is expected to be approximately 1152 m² and permeable area approximately 986 m². Overall, the stormwater from the site will be directed into a new concrete detention tank located near the western side of 42 Tawariki and sized for attenuation of the 10% AEP.

The permanent structures associated with the designated works are authorised by Designation 9468 (which has already been confirmed by Council). This includes the primary and secondary shafts, underground chambers, grit trap, plant room and air vent stack. The effects of these structures are therefore already authorised and do not form part of this alteration to designation. It is noted that the secondary shaft will be a below-ground structure once complete.

4.4.2.3 Based on this, Healthy Waters are satisfied that the proposed development can meet its' obligations under the NDC and comply with the permitted activity status under Chapter E.36.4.1(A35) of the AUP.

4.4.2.4 With regard to the fence between 40 and 42 Tawariki Street, WSL confirm that the close boarded fence that will be in place for the duration of the construction phase will include a gap across the bottom of 0.3m to provide for the passage of floodwaters. To support this they propose the following additional condition 2.2(p) to accommodate this gap:

"Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters where those flood waters exceed 300mm in depth."¹²

4.4.2.5 HW confirm that the proposed gap across the bottom of the fence is satisfactory to allow the passage of the predicted floodwaters and the natural flow of the OLFP in this location. However, they also propose an amendment to the condition to ensure that the gap is provided at all times for the predicted floodwaters and not just when they are exceeded. This is acceptable to WSL and will be included in the final set of conditions.

"Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters ~~where those flood waters exceed~~ up to 300mm in depth."¹³

¹² Pg. 2 S92 response from WSL dated 8 December 2023.

¹³ Email response – Richard Smedley 12 December 2023.

4.4.2.6 In conclusion, HW are satisfied that both the proposed construction period and completed works for the proposed alteration are able to be managed via the original conditions of the designation and as proposed to be amended. They are satisfied that the proposed alteration will comply with the NDC and will not exacerbate the risk to harm from natural hazards that cross 42 Tawariki Street.

4.4.3 Conclusions

Based on the above assessments, I agree that the original conditions with the proposed amendments will ensure that the stormwater and flooding effects from the proposed alteration to the designation will be less than minor.

4.5. Landscape and visual effects

4.5.1 WSL's assessment

WSL address visual and landscape effects in Section 4.5 of their AEE. They refer to the Landscape and Visual Effects Assessment (LVEA) which was undertaken to support the original designation. This identified minor temporary adverse visual and landscape effects on the immediate visual catchment of 37-41 and 42 Tawariki Street primarily due to the presence of a crane on site. The assessment concluded that there will be less than minor effects beyond the immediately neighbouring sites.

Condition 12.1 of the original designation required a finalised set of detailed landscape designed drawings and written documentation to be prepared by a landscape architect demonstrating the adverse visual and amenity effects arising from the development of permanent features on the site are appropriately managed. This specifically has particular regard to neighbours at 35-41 and 42 Tawariki Street.

WSL propose to incorporate 42 Tawariki Street within the designation area and therefore seek its removal from specific mention in Condition 12.1. Additionally, they seek to include 35, 38 and 40 Tawariki Street within the condition to reflect the reciprocal movement of visual and landscape effects associated with the relocation of the secondary shaft site.

4.5.2 Assessment

As discussed above the movement of the secondary shaft onto 42 Tawariki Street creates reciprocal effects along the street, including the movement of visual and landscape effects.

4.5.2.1 Condition 12.1 of the original designation seeks landscape plans to be prepared by a landscape architect *'to demonstrate that adverse visual and amenity effects arising from the development of permanent features on the site are appropriately mitigated.'*¹⁴ As WSL propose to include 42 Tawariki Street within the designation area they subsequently seek to remove this property from those listed in condition 12.1 as now it will no longer be adversely affected by the proposed construction works.

4.5.2.2 However, as discussed above, the relocation of the shaft site subsequently moves the effects along the street. WSL have identified 35, 38 and 40 Tawariki Street as now

¹⁴ Condition 12.1 Designation 9468 Grey Lynn Tunnel of the Auckland Unitary Plan (Operative in Part) 2019.

being affected and have sought amendments to the relevant conditions to include them in the development of landscape plans to counter the effects of the proposed construction period and completed works.

4.5.2.3 Conditions 12.1(a) and 12.2(b) specifically refer to the visual and landscape effects as experienced from the western boundary of the designated area – which now excludes 42 Tawariki Street. The approved landscape concept plans (prepared by Boffa Miskell dated April 2019) included in Condition 12.2(b) specifically relate to the visual and landscape effects resulting from the western (and southern) boundary. In my opinion the proposed amendments to these conditions sufficiently manage the visual and landscape effects of the proposed alteration on the properties at 35, 38 and 40 Tawariki Street.

4.5.2.4 I also agree with WSL that the construction activities associated with the site will have a minor temporary adverse visual and landscape effect – being the reciprocal movement aligned with the movement of the secondary shaft.

4.5.3 Conclusions

In my opinion the proposed amendments to Conditions 12.1(a) and 12.2(b) of the designation and the additional amendments discussed above satisfactorily address the reciprocal visual and landscape effects of the proposed relocation of the secondary shaft onto 42 Tawariki Street. Overall, I consider these potential effects to be less than minor.

4.6 Amendments to Condition 1.1

In addition to the proposed amendments to existing conditions of the designation as discussed in Sections 4.3, 4.4 and 4.5 above, WSL propose the following amendments to Condition 1.1 (additions underlined and deletions ~~struck through~~):

- 1.1 Except as modified by the conditions below and subject to final design, the works shall be undertaken in general accordance with the plans and information submitted with the application (as relevant to section 9(3) matters), including:*
- a) Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Notice of Requirement, Resource Consent Application and Assessment of Environmental Effects" prepared by Jacobs, dated February 2019.*
 - b) Notice of Requirement and Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Alteration to Designation", prepared by Tonkin + Taylor Ltd, dated October 2022*
 - c) Drawings as detailed below:*
...
 - d) Technical Reports as detailed below:*
...
Tawariki St Shaft site relocation: Noise and Vibration - Assessment of change in effects, prepared by Tonkin + Taylor Ltd, dated October 2022
 - e) Section 92 responses dated 18 April and 24 May 2019*

4.6.1 WSL's Assessment

WSL propose to amend the overarching condition 1.1 by removing reference to the original designation and associated information and to replace the phrase 'in accordance with' with 'in general accordance with' to provide some flexibility anticipated by the designation process but currently lacking in the existing designation conditions.

This will allow for further refinements to the design and construction methodology to occur within scope of the designation, avoiding the need for multiple alterations to the designation to address minor changes to design or construction (noting such matters are appropriately addressed through Section 176A Outline Plan of Works requirements).

They also seek to amend the condition to clarify that the reports referenced are only relevant to the extent to which they relate to section 9(3) matters consistent with the scope of a designation as Condition 1.1 refers to all of the reports provided with the original NoR and resource consent application. They state that a designation can only regulate section 9(3) matters in the RMA, and it is inappropriate for a designation to seek to control all aspects of a development when some components are addressed in the resource consent process. To avoid Watercare potentially having to alter the designation for a regional consenting matter which bears no relevance to a designation (but is nonetheless included within the designation conditions), Watercare proposes to amend Condition 1.1 to clarify that the reports referenced are only relevant to the extent to which they relate to section 9(3) matters. This will clarify the relationship between the two authorisations for the works to occur on Tawariki St.

Furthermore, WSL seek to amend the list of plans and information acknowledged in Condition 1.1 to include the additional plans and reports provided with the alteration to designation. Specifically, they seek to include –

- Notice of Requirement and Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Alteration to Designation", prepared by Tonkin + Taylor Ltd, dated October* 2022
- Under d) Technical reports - Tawariki St Shaft site relocation: Noise and Vibration - Assessment of change in effects, prepared by Tonkin + Taylor Ltd, dated October* 2022

(*It is noted that both these documents have been updated to their November versions and are recorded accordingly.)

[Additionally, as noted in Section 4.4 of this report, further plans have been provided in response to S92 requests from Healthy Waters to confirm the treatment of stormwater and floodplains over the altered designation site. These are Tawariki Street - Central Interceptor (DSCIN), 00 Site General Proposed Site Surface Plan No. 2011960.013_B and Tawariki Street - Central Interceptor (DSCIN), 00 Site General Earthworks Plan No. 2011960.017_B and are also added to the list under Condition 1.1 (d).]

4.6.2 Assessment

4.6.2.1 Condition 1.1 is the foundation condition that sets the context for the conditions for the whole of Designation 9468 the Grey Lynn Tunnel which runs from the Central Interceptor (CI) at Western Springs to Tawariki Street, Grey Lynn. It specifically instructs that the information provided with the original designation is adhered to while providing the flexibility to enable matters to be satisfactorily resolved as and when they arise through the course of the development, particularly the construction period. To this end the condition specifically states:

” Except as modified by the conditions below and subject to final design.....”

4.6.2.2 The stated ‘conditions below’ specifically manage the effects of the proposed works and include the preparation of various Management Plans that are included with the Outline Plan of Works (required under s176A of the RMA) required to be produced for each stage of the development. These management plans are usually prepared in consultation with affected parties and are required to be implemented and maintained throughout the entire construction period to manage potential adverse effects arising from the construction activities. They all require the approval of Council.

4.6.2.3 However, I do not support the inclusion of the word ‘general’. In my opinion the conditions of the designation have been developed to specifically address the issues that may arise during the construction phase and the final operation of the whole of Designation 9468. This request to alter the designation only addresses an alteration at the Tawariki Shaft Site at 44, 46 and 48 Tawariki Street.

As explained in paragraph 4.6.2.2 above the conditions incorporate necessary flexibility to enable the Requiring Authority to manage any adverse effects as they arise, through the development of management plans which are generally developed in consultation with affected parties. Condition 1.1 specifically acknowledges the role of these conditions and the need to allow for the modifications as agreed to by relevant parties. In my opinion, the proposed incorporation of the word ‘general’ would remove this specificity of these conditions in managing these effects.

4.6.2.4 I also do not agree with the need for the bracketed amendment of “(as relevant to Section 9(3) matters)”. As stated above WSL seek this as the original designation was processed with the necessary complimentary resource consents at the time and subsequently the conditions for the designation catch all matters relating to both. WSL seek this amendment to clarify the relationship between the two authorisations for the works to occur on Tawariki St.

4.6.2.5 As stated above the designation involves more than just the Tawariki Street Shaft Site and Condition 1.1 is the overarching condition for the whole designation. In my opinion the existing suite of conditions were developed in careful consideration of the potential effects of the entire designation. If WSL are experiencing issues with regards to clarity of authorisation of how these are applied (as suggested in their AEE) then I recommend that they request a separate alteration to the designation to address these. The current

request relates only to the effects of altering the Tawariki Street Shaft Site. Therefore, I do not support the addition of the proposed words “(as relevant to Section 9(3) matters)”.

4.6.2.6 It is noted that WSL have not quoted the full wording of the original condition when seeking the amendments. The original condition specifically states:

“Except as modified by the conditions below and subject to final design, the works shall be undertaken in accordance with the information provided by the Requiring Authority in the Notice of Requirement dated February 2019, and supporting documents being:”

Further to the discussion above I propose Condition 1.1 to be amended to include reference to the proposed alteration as well. Specifically, I propose the following (additions underlined and deletions ~~struck through~~):

“Except as modified by the conditions below and subject to final design, the works shall be undertaken in accordance with the information provided by the Requiring Authority in the Notice of Requirement dated February 2019, the alteration to the designation dated November 2022 and supporting documents being:”

4.6.2.7 I also propose a subsequent subsection of 1.1(f) to specifically refer to the s92 responses for the proposed alteration. These responses provide additional information and changes to the proposed alteration specifically in regard to the purchase of 38 and 40 Tawariki Street after the lodgement of the proposed alteration. Specifically, the responses are dated 17 February, 27 September and 8 December 2023.

4.7 Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))

The proposed alteration directly affects adjoining land which is illustrated in Figure 4 below as those areas marked in red.

4.7.1 Auckland Transport

The alteration to the designation also incorporates an area of road reserve in front of 42 Tawariki Street. This is shown in **Figure 4** below. The road is owned by Council and AT manage the land as the road controlling authority. AT have provided their agreement to the proposal as the occupier of the land. Refer **Attachment 2**.



Figure 4 – Directly affected parties

4.7.2 Adjoining land at 38 and 40 Tawariki Street

4.7.2.1 As can be seen in **Figure 4** these properties are immediately to the west of the extended designation area and closest to the relocated site of the secondary shaft onto 42 Tawariki Street. As discussed in Section 4.3 of this report, in accordance with the Noise and Vibration report provided with the AEE for the proposed alteration,¹⁵ these properties will experience an increase in the effects from both noise and vibration as a result of this relocation. In accordance with the original conditions of Designation 9468 a building assessment would be required to confirm that the buildings could withstand the potential levels of vibration.

4.7.2.2 As discussed in Section 2.3 of this report WSL have recently purchased the properties at 38 and 40 Tawariki Street and will be clearing them of vegetation and buildings for the duration of the construction period. The clearance of these properties effectively removes the potential adverse effects from the buildings. Subsequently they are no longer considered to be directly affected parties for the matters of noise and vibration for the duration of the construction period.

4.7.2.3 However, as discussed in section 4.5 of this report these properties are considered to be visually affected by the proposed alteration for both the construction period and the final operational state of the site. Subsequently, WSL recommend that these properties also be included into Conditions 12.1 and 12.2 of the designation to ensure that they are included in the consultation for the consideration of landscaping at the completion of the

¹⁵ Pg.7 Grey Lynn Tunnel – Changes to the Tawariki Street Secondary Shaft – Noise and Vibration report. Prepared by Tonkin and Taylor Nov 22. Appendix D to WSL AEE

construction period. In my opinion this approach satisfactorily addresses the visual impacts of the proposed alteration on these properties.

4.7.3 Adjoining land at 33 Tawariki Street

4.7.3.1 As discussed in Section 4.3 of this report the Noise and Vibration report appended to the AEE of this request to alter the designation recommends that the building on this property also be assessed for strength should it be considered "at risk" from vibration exceedances.¹⁶ The report acknowledges that the property is recorded to experience exceedances from the original location of the shaft and that the existing suite of conditions will manage and mitigate the effects from this. The alteration states that should the sheet piling method be implemented then the property will experience increased exceedances due to the relocation of the shaft site.

4.7.3.2 WSL have recommended the inclusion of this property into Condition 3.6(b) to ensure that this property be subject to the necessary assessments if required. The property is owned by Kainga Ora who also own the adjoining properties on both sides. Kainga Ora have been given written notice of the proposed alteration and they have agreed with the alteration – refer **Attachment 2A**.

4.7.4 Other parties

In my opinion, there are no other landowners or occupiers directly affected by the effects of the proposed alteration to the designation.

4.8 Agreement of both the territorial authority and the requiring authority (181(3)(c))

The alteration to the designation has been requested by the requiring authority, and therefore it agrees to the alteration. Auckland Council agrees with the proposed alteration for the following reasons:

- The alteration involves no more than a minor change to the effects on the environment associated with the use or proposed use of land
- Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Conclusions

The proposed alteration Designation 9468 to move the location of the secondary shaft site onto 42 Tawariki Street involves less than minor effects on the environment associated with the construction and eventual operation of the Tawariki Street Shaft site and owners or occupiers of directly affected land have provided their written agreement.

5.2. Delegated authority

The Team Leader – Plans and Places (Central South) has delegated authority, in accordance with Schedule 2A of the Auckland Council Delegations: Chief Executive

¹⁶ Pg.10 Grey Lynn Tunnel – Changes to the Tawariki Street Secondary Shaft – Noise and Vibration report. Prepared by Tonkin and Taylor Nov 22. Appendix D to WSL AEE

Officer (updated November 2023), to exercise the council's functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 181(3).

The alteration can therefore be considered by the Team Leader – Plans and Places (Central South) and confirmed or declined under section 181(3)(c).

5.3 Recommendation

1. That pursuant to Section 181(3) of the Resource Management Act 1991, Watercare Service Limited's notice of requirement for an alteration to Designation 9468 – Grey Lynn Tunnel (Tawariki Street Shaft Site) is **confirmed** subject to the amended conditions – 1.1, 3.6 (b) and (c), 3.8 (a) and (b), 12.1(a) and 12.2(b) and the inclusion of condition 2.2(p) recommended in Sections 1.1, 4.4, 4.5 and 4.6 of this report.
2. That Designation 9468 Grey Lynn Tunnel is amended in the Designation overlay to include 42 Tawariki Street and in Chapter K Designations in the Auckland Unitary Plan Operative in Part as recommended in Section 5.3.1 above and as shown in Section 6 of this report.

6. AGREED ALTERATIONS

The proposed text alterations to the original Designation 9468 Grey Lynn Tunnel are shown below. As discussed in this assessment these amendments include additional changes that have been proposed as a result of the subsequent purchase of 38 and 40 Tawariki Street (after the request was lodged) and additional requirements to ensure that the predicted floodwaters and Overland Flow Path over 42 Tawariki Street are accommodated at all times. The amendments to specific conditions (shown as either strike through or underlined) are as follows:

9468 Grey Lynn Tunnel

Designation Number	9468
Requiring Authority	Watercare Services Ltd
Location	<u>42</u> , 44, 46, and 48 Tawariki Street, 183 Richmond Road, and Tawariki Street road reserve, Grey Lynn
Lapse Date	10 years from inclusion in the Auckland Unitary Plan, in accordance with section 184(1) of the RMA

Purpose

Construction, operation, and maintenance of wastewater infrastructure.

Conditions

1. General Conditions

- 1.1 Except as modified by the conditions below and subject to final design, the works shall be undertaken in accordance with the information provided by the Requiring Authority in the Notice of Requirement dated February 2019, the alteration to the designation dated

November 2022 and supporting documents being:

- a) Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Notice of Requirement, Resource Consent Application and Assessment of Environmental Effects" prepared by Jacobs, dated February 2019.
- b) Notice of Requirement and Assessment of Effects on the Environment, titled "Grey Lynn Tunnel – Alteration to Designation", prepared by Tonkin + Taylor Ltd, dated October 2022
- c) Drawings as detailed below:
 -
 - Tawariki Street - Central Interceptor (DSCIN), 00 Site General Proposed Site Surface Plan No. 2011960.013 B
 - Tawariki Street - Central Interceptor (DSCIN), 00 Site General Earthworks Plan No. 2011960.017 B
- d) Technical Reports as detailed below:
 -
 - Tawariki St Shaft site relocation: Noise and Vibration - Assessment of change in effects, prepared by Tonkin + Taylor Ltd, dated October 2022
- e) Section 92 responses dated 18 April and 24 May 2019
- f) Section 92 responses for the alteration dated 17 February, 27 September and 8 December 2023

2. Construction Management

2.1 ...

2.2 The CMP(s) required by Condition 2.1 above shall include specific details relating to the management of all construction activities associated with the relevant Project stage, including:

- a)
- p) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters up to 300mm in depth

3. Construction Noise and Vibration

3.6 Each CNVMP shall also describe measures adopted to meet the requirements of German Standard DIN4150-3:1999, and as a minimum shall address the following aspects with regard to construction vibration:

- a) ...
- b) subject to agreement with the landowner and occupier, preparation of building condition reports on 160-178 Surrey Crescent, the 490 and 510 Richmond Road and residences at 24, 26 30, 2/20, 32, 34 and 38 Sackville Street' and 33, 35, 37, 39, and 41 and 42 Tawariki Street prior to, and after completion of works (refer to Appendix 1, 3 Reference

maps). This requirement applies where the guideline vibration limits set out in DIN4150 are expected to be exceeded at these properties;

- c) use of building condition surveys to determine the sensitivity of the building(s) on the adjacent sites to ground movement in terms of the Line 1-3 criteria of the DIN standard where the guideline vibration limits set out in DIN4150 are expected to be exceeded;
 - d) ...
- 3.8 The Guideline vibration limits set out in DIN4150 must not be exceeded except where the Requiring Authority can demonstrate to the satisfaction of the Council:
- a) that the receiving building(s) are capable of withstanding higher levels of vibration and what the new vibration limit is. The investigation required to demonstrate this must include, subject to agreement with the landowner and occupier, an assessment of the building(s) by a suitably experienced and qualified structural engineer and a full pre-condition survey; and
 - b) that the Requiring Authority has consulted with the building owner(s) and the outcome of that consultation, including any mitigation measures that will be applied based on this consultation, area reported to Council ~~obtained the written agreement of the building owner(s), that a higher limit may be applied.~~

Detailed Landscape Design Drawings, Maintenance Requirements and Implementation

- 12.1 Prior to the commencement of any work on site, the Requiring Authority shall provide to the Council's Team Leader Compliance Monitoring Central, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect. The purpose of the detailed landscape drawings and information is to demonstrate that adverse visual and amenity effects arising from the development of permanent features on the site are appropriately mitigated. Particular regard shall be had to:
- a) Adverse visual effects on 35, 37, 39, 38, 40 and 41 ~~and 42~~ Tawariki Street;
 - b) ...
- 12.2 The submitted information shall be generally consistent with the approved landscape concept plan(s) (prepared by Boffa Miskell dated April 2019) and shall include the design changes certified through consultation with 39 & 41 Tawariki Street; and at a minimum, shall include the following visual mitigation and planting maintenance measures:
- a) ...
 - b) Planting, including plant type and size, along the western and southern boundary to partially screen views from ~~42,~~ 41, 40, 38, 39, and 37 ~~and 35~~ Tawariki Street and provide a vegetated backdrop (on site) for the above ground elements and buildings - specifically the future-proof-planned height of the air vent (8 metres);
 - c) ...

Report Prepared by:



Date: 30 January 2024

Lee-Ann Lucas
Senior Policy Planner – Plans and
Places

7. SECTION 181(3) DETERMINATION

Having read the council planner's report and recommendations on the notice of requirement, I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Accordingly, the notice of requirement for an alteration to Designation 9468 – Grey Lynn Tunnel is **confirmed** under section 181(3)(c) of the RMA as agreed and set out in section 6 of this report.

Name: Celia Davison

Title: Manager – Central South, Plans and Places, Chief
Planning Office



Signed:

30 January 2024

Date:

SCHEDULE OF ATTACHMENTS

Attachment 1: Assessment of Environmental Effects for Notice of Requirement for Alteration to Designation 9468 to Auckland Council (dated 15 November 2022)

Attachment 2 and 2A: S92 responses including written approvals from affected parties

ATTACHMENT 1

Assessment of Environmental Effects for Notice of Requirement - Alteration to Designation 9468 Grey Lynn Tunnel dated 15 November 2022

ATTACHMENT 2 AND 2A

Section 92 responses including written approvals from affected parties

