

# Decision on notification of an application for resource consent under the Resource Management Act 1991



Controlled activity

**Application number:** 52303  
**Applicant's name:** Watercare Services Limited  
**Site address:** Multiple – See Appendix 1  
**Legal description:** Multiple – See Appendix 1

## **Proposal:**

To undertake construction related discharges of contaminants to land and/or water for a period of 15 years associated with the Central Interceptor Project.

The resource consents required are:

Discharge permits (s15) – 52303

## Auckland Unitary Plan (Operative in Part)

- The proposal involves the discharge of water and/or contaminants onto land and/or water associated with the construction of the Central Interceptor. Pursuant to Rule E4.4.1(A11), this is a controlled activity.

## Decision

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 notification.

## Public notification

Under section 95A of the RMA this application shall proceed without public notification because:

1. Rule E4.5 (1) of the Auckland Unitary Plan (Operative in Part) enables the above controlled activity to be considered without public or limited notification and without having to either obtain the written approval of affected persons unless special circumstances exist.
2. The Central Interceptor Project has been subject to considerable public interest, given the scale of the Project, its effects on the environment, and its role within the metropolitan wastewater network.

However, it is evident from the previous Hearings Commissioners' decision on the Central Interceptor consents, and the Environment Court appeal documents and consent orders,

that construction related discharges were not specifically raised as a significant matter by submitters. Rather, submitters were concerned with effects of the proposal on the Manukau Harbour, construction traffic, landscape effects, air quality and ground settlement.

The purpose of the current application is essentially administrative, to correct an apparent error in the approved conditions, by default restricting the proposed discharges to a 5 year duration instead of the 15 year duration that was sought by the applicant, and not explicitly rejected in any of the decisions issued.

Accordingly there is no reason to believe that this matter would be of material concern to submitters or the general public. Indeed it is not unreasonable to suppose that the interested public would assume that this consent, as all other related consents, had an equivalent duration.

Furthermore, Council's Contamination Specialist, Mr Burden, has confirmed that the proposed management practice, as agreed by the applicant, will suitably mitigate the effects of the discharges on the environment so that its effects are less than minor.

3. No national environmental standard requires public notification and the applicant has not requested it.
4. No special circumstances have been identified that warrant public notification, nor that might justify exercising the general discretion available under s95A(1) RMA.

#### Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because the adverse effects on any person are less than minor and:

1. Rule E4.5 of the Auckland Unitary Plan (Operative in Part) enables the above controlled activity to be considered without public notification and without having to either obtain the written approval of affected persons or undertake limited notification if special circumstances do not exist.
2. The applicant has on-going consultation with iwi groups as part of its Kaitiaki Forum.
3. There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



**David Hill**  
**Duty Commissioner**

22 April 2017

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Auckland Unitary Plan (Operative in Part)

- The proposal involves the discharge of water and/or contaminants onto land and/or water association with the construction of the Central Interceptor. Pursuant to Rule E4.4.1(A11), this is a controlled activity.

## Decision

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have adequate 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, 104A, 105 and 107 the application is **GRANTED**.

## 1. Reasons

The reasons for this decision are:

- As the application is for controlled activity resource consents, under s104A the Council must grant resource consent unless the information provided is insufficient for the activity status classification purpose.
- The proposal involves the discharge of contaminants associated with the construction of the Central Interceptor project. This project is a region-shaping infrastructure project that has previously been subject to a notified consent and notice of requirement process. The current

application seeks to rectify an apparent error in the previous consenting process, which restricted the proposed discharges to a default 5 year duration.

- The proposal will have less than minor effects. This is due to the dispersed nature of the discharges, the duration of the activity, and the contamination management methodologies proposed by the applicant. The scale of effects and appropriateness of the methodology has been confirmed by the Council's contamination specialist.
- The proposal is consistent with the relevant provisions of the Plan over which control is exercised. The discharges are required to enable a vital infrastructure project and their effects will be suitably managed by the imposition of the applicant's proposed controls through conditions. In addition, the proposal does not offend the NPSFM and NZCPS given the proposal's overall benefits to water quality.

## 2. Conditions

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

### General conditions

1. The activity shall be carried out in general accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number P52303:
  - Application Form, and Assessment of Effects prepared by Aecom Limited, dated 20 December 2016;
  - Section 92 prepared by Watercare Services Limited, dated 9 March 2017;
2. Under section 125 of the RMA, this consent lapses fifteen years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$300 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

#### Advice note:

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

## Specific conditions – discharge permit

4. The discharge of contaminants to land and water from the proposed earthworks shall be carried out in accordance with the plans and all information submitted with the application referenced by Auckland Council as 52303. The Site Management Plan (SMP) shall be updated and finalised for each construction package prior to the start of earthworks to the approval of the Team Leader Southern Monitoring, Compliance, Auckland Council and shall include the results of further intrusive investigations as described in the SMP.

### **Advice note:**

*The Council acknowledges that the SMP is intended to provide flexibility of the management of the works and contaminated site discharge. Accordingly, the plan may need to be updated. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact Team Leader Southern Monitoring, Compliance, Auckland Council on (09) 301 0101.*

5. The Team Leader Southern Monitoring, Compliance, Auckland Council shall be notified at least two (2) days prior to the commencement of land disturbing works on any subject site at [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) or 09 301 0101.

### **Advice Note:**

*Please contact the Team Leader Southern Monitoring, Compliance, Auckland Council at [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz), or 09 301 0101 to advise of the start of works. The following details should also be provided:*

- *name and telephone number of the project manager and the site owner;*
  - *site address to which the consents relate;*
  - *activity to which the consents relate; and*
  - *expected duration of the works.*
6. All excavation in the work areas shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters.

Erosion and sediment control shall be installed in accordance with the Auckland Council's Technical Document 90 or any subsequent document. The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas. Stabilised exits shall be established to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

### **Advice Note:**

*Discharge from the site includes the following:*

- *infiltration of stormwater into the contaminated soils within the excavation area.*
- *disposal of water (e.g. perched groundwater or collected surface water) from excavations.*

7. The soils and/or fill material identified for off-site disposal shall primarily be loaded directly into trucks and shall be covered during transportation off site. If required, temporary stockpiles shall be located within an area protected by erosion and sediment controls, and be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. The removed material from the land disturbance area shall be deposited at a disposal site that holds consent to accept the relevant level of contamination.
8. Where it can be demonstrated that the soil has been fully characterised in accordance with the technical publication “A Guide to the Management of Cleanfills”, prepared by the Ministry for the Environment and dated 2002, and meets the definition of ‘cleanfill’, the removal to a consented disposal site is not required. In such circumstances, the Team Leader Southern Monitoring, Compliance, Auckland Council shall be advised prior its removal from the subject site.
9. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:
  - a. be disposed of by a licenced liquid waste contractor; or
  - b. be pumped to sewer, provided the relevant permits are obtained; or
  - c. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 80 percent of freshwater species, except for benzene where 95 percent of species shall apply.
10. All sampling and testing of contamination on the site shall be overseen by a suitably qualified and experienced contaminated land practitioner. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines, No.5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011.

**Advice Note:**

*All testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.*

11. All imported fill shall:
  - a. Comply with the definition of 'cleanfill', as per “A Guide to the Management of Cleanfills”, Ministry for the Environment (2002); and
  - b. be solid material of an inert nature; and
  - c. not contain hazardous substances or contaminants above natural background levels of the receiving site.

**Advice note:**

*Background levels for the Auckland Region can be found in the Auckland Council technical publication TP153, Background concentrations of inorganic elements in soils from the Auckland Region (2001).*

12. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease and be notified to the Team Leader Southern Monitoring, Compliance, Auckland Council. Relevant contingency procedures, outlined in the SMP referenced in Condition 4 shall be implemented. Works shall not recommence until confirmation has been received from the Team Leader Southern Monitoring, Compliance, Auckland Council that disturbance of the unexpected contamination is within the scope of this consent. Any unexpected contamination and contingency measures shall be overseen by a suitably qualified contaminated land professional and documented in the Site Validation Report.

**Advice Note:**

*In accordance with Condition 12 any unexpected contamination may include contaminated soil, perched water, groundwater, or underground tanks. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader Southern Monitoring, Compliance, Auckland Council prior to carrying out any further work in the area of the unexpected contamination to ensure this is within scope of this consent.*

13. Pursuant to Section 123 of the RMA, this consent shall expire fifteen (15) years from the date of granting, unless it has been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

### **3. 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 the conditions of consent, “the Council” refers to the council’s monitoring inspector unless otherwise specified.*
3. *For more information on the resource consent process with Auckland Council see the council’s website [www.aucklandcouncil.govt.nz](http://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](http://www.mfe.govt.nz).*
4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision and/or additional charges.*
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), 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.*

A handwritten signature in black ink that reads "David Hill". The signature is written in a cursive style with a large, sweeping initial 'D'.

**David Hill**  
**Duty Commissioner**

22 April 2017



## Appendix 1 – Work Sites

<b>CI Site Name</b>	<b>Drawing Ref.</b>	<b>Address</b>	<b>Summary of Works</b>
( 1) Western Springs	AEE MAIN 1.2 AEE MAIN 1.4	770 Great North Road, Western Springs	Shaft and connection works
( 1) Western Springs	AEE MAIN 1.2 AEE MAIN 1.4	770 Great North Road, Western Springs	Shaft and connection works
( 1) Western Springs	AEE MAIN 1.1 AEE MAIN 1.3	731 Great North Road, Western Springs	Shaft and connection works
( 1) Western Springs (CSO Collector)	AEE MAIN 1.2 AEE MAIN 1.4	770 Great North Road, Western Springs	Shaft and connection works (CSO Collector)
( 2) Mt Albert War Memorial Reserve	AEE MAIN 2.1 AEE MAIN 2.2	751-761 New North Road, St Lukes	Shaft and connection works
( 3) Lyon Ave	AEE MAIN 3.1 AEE MAIN 3.2	Morning Star Place, St Lukes	Access road and connection works
( 3) Lyon Ave	AEE MAIN 3.1 AEE MAIN 3.2	Morning Star Place, St Lukes	Access road and connection works
( 3) Lyon Ave	AEE MAIN 3.1 AEE MAIN 3.2	30 - 36 Alberton Avenue (Roy Clements Treeway)	Shaft and connection works
( 4) Haverstock Road	AEE MAIN 4.1 AEE MAIN 4.2	118 - 120 Mount Albert Road, Mount Albert	Shaft and connection works
( 4) Haverstock Road	AEE MAIN 4.1 AEE MAIN 4.2	96 and 98 - 102 Haverstock Road, Sandringham	Site access and connection works
( 4) Haverstock Road	AEE MAIN 4.1 AEE MAIN 4.2	Camden Road	Shaft and connection works

( 5) Walmsley Park	AEE MAIN 5.1 AEE MAIN 5.2	26a Beagle Avenue, Sandringham	Shaft and site access
( 6) May Road	AEE MAIN 6.1 AEE MAIN 6.2	105 May Road, Mount Roskill	Shaft and connection works; main construction site
( 7) Keith Hay Park	AEE MAIN 7.1 AEE MAIN 7.2	22 Gregory Place, Hillsborough	Shaft and site access
( 7) Keith Hay Park	AEE MAIN 7.1 AEE MAIN 7.2	60 Frost Road, Mt Roskill	Connection works
( 7) Keith Hay Park	AEE MAIN 7.1 AEE MAIN 7.2	53 Arundel Street, Mt Roskill	Shaft and connection works
( 7) Keith Hay Park	AEE MAIN 7.1 AEE MAIN 7.2	20 Gregory Place, 49, 49A, 51 and 53 Arundel Street	Shaft and site access
( 7) Keith Hay Park	AEE MAIN 7.1AEE MAIN 7.2	60 Frost Road, Mt Roskill	Connection works
( 7) Keith Hay Park	AEE MAIN 7.1 AEE MAIN 7.2	60 Frost Road, Mt Roskill	Connection works
( 8) PS23	AEE MAIN 8.1AEE MAIN 8.2	39 Frederick Street, Hillsborough	Shaft and connection works; reclamation
( 9) Kiwi Esplanade	AEE MAIN 9.1 AEE MAIN 9.2	86R Kiwi Esplanade, Mangere Bridge	Shaft and connection works
(11) Motions Road	AEE MAIN 11.1 AEE MAIN 11.2	134-136 Motions Road, Western Springs	Shaft and connection works
(12) Western Springs Depot	AEE MAIN 12.1 AEE MAIN 12.2	859 Great North Road	Shaft and connection works; main construction site
(13) Rawalpindi	AEE MAIN 13.1 AEE MAIN 13.2	9A Rawalpindi Street, Mt Albert	Shaft and connection works

(13) Rawalpindi	AEE MAIN 13.1 AEE MAIN 13.2	9A Rawalpindi Street, Mt Albert	Shaft and connection works
(14) Norgrove	AEE MAIN 14.1 AEE MAIN 14.2	17C Verona Avenue, Mt Albert	Trenched connection
(14) Norgrove	AEE MAIN 14.1 AEE MAIN 14.2	Norgrove Avenue road reserve	Shaft and connection works
(15) Miranda Reserve – PS 25	AEE MAIN 15.1 AEE MAIN 15.2	32B Miranda Street, Avondale	Shaft and connection works
(16) Miranda Reserve – Play Ground	AEE MAIN 16.1 AEE MAIN 16.2	32B Miranda Street, Avondale	Shaft and site access
(17) Whitney Street	AEE MAIN 17.1, AEE MAIN 17.2	Whitney Street Road reserve	Shaft and connection works
(18) Dundale	AEE MAIN 18.1 AEE MAIN 18.2	Dundale Avenue road reserve, Blockhouse Bay	Shaft and connection works
(19) Haycock Avenue	AEE MAIN 19.1 AEE MAIN 19.2	4 Haycock Avenue, Mount Roskill	Shaft and connection works
(19) Haycock Avenue	AEE MAIN 19.1 AEE MAIN 19.2	Haycock Avenue	Site access