

22 January 2024

Council's response 11/04/2024

**Attention: William Hung
Watercare Services Limited**

Dear William

Resource consent application – Further information request

Application number(s):	BUN60425801
Applicant:	Watercare Services Limited
Address:	23A and 23-27 Brigham Creek Road and ors
Proposed activity(s):	Construction, operation and maintenance of the proposed Whenuapai Wastewater Servicing Scheme – Package 1 Project (the Project), which includes a gravity main, pump station, rising main, and associated infrastructure.

Further to my letter of 22 January 2024 where I confirmed that your application was accepted for processing, I have now reviewed your application and inspected the site.

This letter is a request for further information that will help me better understand your proposal, including its effect on the environment and the ways any adverse effects might be mitigated.

Requested information

Streamworks

1. Council has interpreted that the riparian planting, proposed by the applicant to address the adverse effects of the stream reclamation and culverting, is already required at the time of subdivision or development by standard I1.6 (6). Given that the Spedding Road Precinct does not contain any specific provisions in relation to biodiversity offsetting or compensation within the precinct, please provide further information as to how the proposed planting would be consistent with Appendix 8(2), which reads:

(2) "Restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any avoidance, remediation or mitigation undertaken in relation to the adverse effects of the activity."

In biodiversity nomenclature this is what is referred to as 'the principle of additionality.' It is Councils interpretation is that the riparian planting, proposed to address the adverse effects of the stream reclamation and culverting, is not

additional to what would otherwise be required under the precinct plan at the time of subdivision or development. Notwithstanding this, the EclA (submitted with this application) has the impact length from the proposed culvert works as 63 m. The previous reporting prepared by Tonkin & Taylor was based on a larger impact length. The reason for this difference is that the Tonkin & Taylor report consider the additional stream length that would be impacted by realignment/diversion to align the stream with the culvert, which is supported by the Council, and which is still going to need to happen in this application.

Accordingly, please update the EclA to account for the additional impact length.

Council's response 11/04/2024

This has not been addressed fully. The updated EclA has not been submitted.

- ~~2. Please provide further information to confirm that the outfall meets the permitted activity standards associated with E3.4.1(A39), particularly the riprap length (relative to the direction of flow) and the proximity to the SEA overlay.~~

Council's response 11/04/2024

Addressed and resolved.

3. Please provide a full assessment, from both a planning and an ecological perspective, on the biodiversity offsetting potentially proposed at 32 Mamari Road. This assessment needs to cover the provisions of Chapter E3 (policy E3.3.4) and Appendix 8 of the Auckland Unitary Plan as well as the National Policy Statement on Freshwater Management.

Furthermore, it would need to be supported by the appropriate evidence to confirm that it can be undertaken as proposed (i.e Land Owner Approvals).

Council's response 11/04/2024

The applicant's proposal does not fully address all aspects requested. Specifically:

- There has been no qualification or quantification of the biodiversity values to be exchanged.
- The applicant's reports values are like-for-like, but then proposes to use the BCM methodology as a measure of exchange which is usually used for quantifying compensation exchanges.
- The applicant's response provides no certainty that there is sufficient quantum of values (and area) within the 32 Mamari Road site which could be enhanced.
- The applicant's response gives no certainty that the 32 Mamari Road site could be secured in order to undertake such works.

A higher-degree of certainty that the effects management proposed by the applicant can be realised is required.

Note that such certainty cannot be obtained via conditions of consent and is required upfront.

Ecological matters

4. Similar to Item 1 and 3, the mitigation planting the applicant proposed is already required by the Precinct rules. Please provide your assessment on whether the proposed mitigations/offsetting are sufficient to mitigate the potential and actual adverse effects from the proposal.

Council's response 11/04/2024
TBC

5. Please provide further justifications/explanations on why works within and near the Wetland C and D are unavoidable.

Please include pipe route, including consideration of rearranging structures within the WSL pump station land in this assessment.

Council's response 11/04/2024

This has not been provided.

- ~~6. With regard to Wetland D, the provided assessments heavily rely on that a monitoring report is to be submitted at a later stage. It is also unclear if the proposal includes reclamation of the wetland. The submitted EclA does not discuss the proposal's effects and how this will be appropriately mitigated. Please provide assessment of the wetland as well as offset calculation for this alternative site.~~

Council's response 11/04/2024

Addressed and resolved.

- ~~7. Further to Item 6, please provide restoration plans demonstrating that the adverse effects are appropriately mitigated.~~

Council's response 11/04/2024

Addressed and resolved.

- ~~8. The submitted engineering plans do not show Wetland D. Please update the plans accordingly.~~

Council's response 11/04/2024

Addressed and resolved.

- ~~9. Please update your AEE and EclA including your assessments against the National Policy Statement for Indigenous Biodiversity (the NPS-IB Parts 1, 2 and 3 3.4, 3.6 and 3.7).~~

Council's response 11/04/2024

Addressed and resolved.

10. Please provide fauna management plans. Given the scale of the proposal, we consider that these management plans are required at the resource consent stage in order for us to assess whether the adverse effects would be mitigated to an acceptable level.

Council's response 11/04/2024

While we do not consider that the provided management plans are sufficient, with appropriate consent conditions we consider that this matter can be resolved. Our recommended conditions will be shared with you once the other ecological matters are resolved.

Discharging wastewater

11. The AEE notes that the application is in accordance with the NDC. Please demonstrate how the proposal complies with R/REG/2013/2743 and E6. The AEE notes that a plan was submitted to Marc Buttler. We are unable to locate any previous correspondences with Marc in our system. Please provide a copy of this correspondence including all attachments.

Council's response 11/04/2024

Addressed & resolved.

Groundwater

12. Please provide the basis calculation for consolidation settlement that are included in the various in assessment tables. The analysis of drawdown provided in Appendix D, and commented on in Section 5.2.2, contains pore pressure and inflow outputs but not calculations of consolidation (noted as 'hand calculations') or radius of influence (reported to be based on CIRIA R113 methodology).

13. Please clarify the difference in groundwater drawdown and associated settlement behind the sheet pile wall at the Pump Station between Sections 1 and 2, noted in Section 6.2.1 as assuming recharge back into the wetland to maintain a head near surface. Also, please confirm how consequent settlement was derived from the drawdown estimates (as per item 12).

The groundwater drawdown is shown to be different between Sections 1 and 2, in that there is a 1.6m drawdown behind the wall (into Wetland C) in Figure 6.2 but no groundwater level drawdown across the wall in Section 2 (Figure 6.3). The Figure 6.4 image is not clear, but looks to show settlement of circa 3mm immediately behind the wall, and circa 2mm at the closest edge of the dwelling on 18 Brigham Creek Road. As noted above, these settlement calculations are not supported in the Appendix D, which does not include settlement profiles as indicated in the Appendix title.

14. Please provide the basis of the groundwater drawdown and associated settlement values in Table 6.1. Also, please clarify whether consolidation and mechanical settlement presented in Tables 6.1 and 6.2 are the result of shaft or pump station dewatering (or both). Does this assessment recognise the potential for cumulative drawdown effects from both excavations?

As previously noted, the derivation of settlement from drawdown in Figure 6.4 and Table 6.1 is not yet clear. Figure 6.2 appears to show drawdown at either side of Brigham Creek Road (corresponding to the drive and reception shafts) as circa 0.5m; and Figure 6.4 associated settlement of 4.5 and 3mm respectively. This doesn't align with the drawdown and settlement values Table 6.1.

15. Please confirm the maximum vertical settlement in Table 6.3. Total settlement does not currently appear to be the aggregate of the consolidation and mechanical settlement components in Tables 6.1 and 6.2; which may change in response to resolution of item 14.
16. Confirm the settlement profiles presented in Figure 6.5 (for the Brigham Creek Road receiver shaft). Section 5.2.1 notes use of empirical method in CIRIA C760 Figure 6-15b used to estimate mechanical settlement at the receiving shaft (and manhole 11). This assumes a cantilever deflection shape which is not represented in the figure. The total settlement profile in the figure also does not appear to reflect an aggregate of the individual components close to the wall.
17. Please confirm the assessment in the vicinity of Brigham Creek Road represents the full extent of settlement. Also confirm the drawdown and settlement values in Table 6.4 (for reasons related to the above items). It's stated in 6.3.2 that the results from SSMH11 can be conservatively applied to SSMH5 through to SSMH10; however SSMH3 and 4 are similar in depth to SSMH11. Could settlement from these shafts be cumulative to the drive and receiving shafts for the road crossing, increasing the extent of settlement and dewatering effects on the wetlands.
18. Please confirm how adverse groundwater drawdown effects on Wetlands C and D will be identified, and what provisional mitigation response actions are proposed should groundwater monitoring indicate drawdown effects.

The proposal includes mitigations to reduce effects on the wetlands, including cut off walls and proposals for recharge to wetlands. It is not clear in the draft GSMCP how groundwater monitoring might be incorporated into the Wetland Monitoring and Reinstatement Plan process. The GSMCP Section 2.3.3 states 'If the Alert or Alarm levels are reached, the actions outlined in Section 6 shall be carried out'; however the Alert and Alarm trigger level response procedures outlined in Sections 6 and 7 only relate to settlement effects. The GSMCP its trigger levels will need to be reviewed post confirmation of the settlement estimates addressed by these information items.

Council's response 11/04/2024
Addressed & resolved.

Arboriculture effects

19. There are discrepancies in the AEE and the Arboricultural assessment on the number of trees that are affected by the proposal and reasons for consent. Please update your report(s) accordingly. Please clarify what trees are being impacted and specific for the work being undertaken.

20. ~~Please provide your assessments on how the effects from the removal of the trees will be mitigated. This should include the number of replacement trees, their grades at the time of planting and aftercare for a minimum of two years.~~

Council's response 11/04/2024

Addressed and resolved.

Iwi consultation

21. The AEE notes that the applicant has engaged with the relevant Mana Whenua on this project. Please provide evidence of this engagement.

Council's response 11/04/2024

This has not been provided.

Stormwater (requested via email)

1. The proposed location for the gravity main connection from the north to the pump station dissects Wetland C. Justification of this location as the best practicable option within the site has been provided within Appendix N. The Functional Need Assessment outlines 'The ground conditions in this area and the required gradient are not conducive to trenchless installation methods to install the gravity main in part or in full, thus open trench excavation has been proposed.' Please clarify why ground conditions are not conducive/provide further information in this respect.

Council's response 11/04/2024

Addressed and resolved.

2. The proposed power and water servicing for the pump station dissect Wetland C. Please provide further justification of this location as the best practicable option for these services within the site. Is it possible for these services to avoid the Wetland C footprint.

Council's response 11/04/2024

This has not been provided.

3. The pump station storage tanks are indicated to be within the footprint of Wetland D. Installation of these tanks will require works within the footprint of the wetland and reinstatement. Please provide further justification of this location and configuration of the tanks as the best practicable option within the site, could these tanks be installed in a North-South configuration rather than East-West.

Council's response 11/04/2024

This has not been provided.

4. The assessment of Wetland D within Section 6.3.2 of the AEE describes that the potential effects on the wetland are uncertain. It is therefore proposed to undertake

post-construction monitoring the Wetland D for a period of up to two years. Further offset planting and restoration is proposed to be undertaken if adverse effects materialize.

Monitoring of Wetland C is only proposed during construction. It is suggested that post construction wetland monitoring is also undertaken for Wetland C to verify extent of effects on this wetland resulting from the proposed works. Please consider/justify.

Council's response 11/04/2024

Although construction duration is short, the 475mm gravity main will remain in place long-term. Please clarify whether there are any anticipated effects of the diversion of groundwater from the pipe beneath Wetland C – is this wetland surface-water fed, groundwater influenced? Potential long-term effects on Wetland C groundwater influences is the basis for the RFI.

Providing the information

Please provide this information in writing within 15 working days¹ (before 13 February 2024). If you will not be able to provide the information by that date, please contact me before then to arrange an alternative time. We will not work on your application any further until either you provide this information, or you state that you refuse to provide it.

Note: If you will require more than 15 working days to provide this further information, I will seek that you agree to an extension of time under [section 37](#) of the Resource Management Act 1991 (the RMA). This will enable appropriate time for me to undertake the necessary review of the information once provided.

Refusing to provide the information

If you refuse to provide the information, or if you do not submit the information to us within 15 days (or by another other agreed time), the RMA requires that we publicly notify your application.²

If this happens, you will be required to pay the notification fee of \$20,000 in full before we proceed with the notification of your application.³

Next steps

Once you have provided the requested information, I will review what you have provided to make sure it adequately addresses all of the points of this request.

In the application acceptance letter, I described the statutory timeframe for our decision on your application. The time for you to respond to this further information request will be excluded from this timeframe⁴. I will be able to give you an updated forecast on a decision date on request once you have provided the information requested above.

¹ Section 92A(1) of the RMA

² Section 95C of the RMA

³ Section 36AAB(2) of the RMA

⁴ Section 88C(2) of the RMA

If you have any queries, please contact me on 021 591 751 and quote the application number above.

Yours sincerely,

Hailey Kim | Senior Planner

North West Resource Consenting

Mob: 021 591 751 DDI: (09) 892 4167 Ext: (42)4167

Auckland Council, Level 1, Te Ipu Kura ā Maki, 1 Smythe Road, Henderson

Te Kaunihera o Tāmaki Makaurau

Visit our website: www.aucklandcouncil.govt.nz