

27 June 2024

Hailey Kim
Auckland Council
Via email: Hailey.kim@water.co.nz

Dear Hailey,

Watercare Services Limited – Whenuapai Wastewater Servicing Scheme Package 1 – Regional consent – Further request for information response (Council reference: BUN60425801)

The following sets out our response to questions 1 and 4 of the request for further information (dated 11 April 2024), in relation to the Whenuapai Wastewater Scheme Package 1 Regional Resource Consent Application lodged by Watercare Services Limited for works in Whenuapai, Auckland.

In support of this further request for information response, the following documents have been updated and are attached:

- Attachment 1: Specialists communications regarding effects of the potential long-term effects of the pipe in Wetland C

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.

As outlined in the response to the initial s92, which was provided to Council on 27 February 2024, we understand that Oyster Capital has obtained consent to install the culvert, and Oyster Capital will install the culvert prior to Watercare works. Watercare therefore no longer requires consent to install the culvert and

temporary diversion channel, nor undertake the associated earthworks and vegetation removal in the riparian area adjacent to the proposed culvert.

Therefore, Watercare now wish to withdraw the consents sought in relation to the culvert works as they will no longer be required.

The application set out in Table 9 of Section 5.1 of the AEE the consents sought. Table 1 below provides an amended version of Table 9, with the proposed changes to the consents sought, and associated amendments to proposed mitigation measures now required.

Table 1. Amendment to Table 9 of the AEE, showing changes to consents sought, and associated amendments to proposed mitigation measures

Rule	Activity status	Comment	Comment / Amendments to proposed mitigation measures
E3.4.1(A1) Any activities in, on, under or over the bed of lakes, rivers, streams and wetlands not otherwise provided for	Discretionary Activity	The gravity pipeline will be installed within Wetland C using trenched methods, and the pump station and rising main will be partially within Wetland D. A temporary hardstand area and access road is also required within the wetland works area in order to provide a stable works platform to excavate the trench and install the pipe. Installation of the pipe, and construction of the temporary hardstand and access road require land disturbance and vegetation removal within the bed of the wetland. Installing pipelines and pump stations within the bed of a wetland, with associated land disturbance and vegetation removal is not otherwise provided for, and requires consent as a Discretionary Activity under Rule E3.4.1(A1)	No change
~~E3.4.1(A33) Culverts more than 30m in length~~	~~Discretionary Activity~~	~~The culvert to be installed within Sinton Stream will be 43m in length, with an additional 5m headwall at either side of the culvert.~~ ~~Culverts greater than 30m in length require resource consent as a Discretionary Activity under Rule E3.4.1(A33).~~	Consent for installation of a culvert is no longer required. As a result, the following mitigation measures are no longer required/proposed: ■ A Native Fish Management Plan, as no streamworks are required for the works; ■ Compensation planting of an area which is 297 m long and 20 m wide on both sides of Sinton Stream below the culvert, and an area which is 247.5 m long and 10 m wide on the true left bank of Sinton A, (shown in Appendix J), as the works will not result in the loss or modification of the stream channel

Rule	Activity status	Comment	Comment / Amendments to proposed mitigation measures
E7.4.1(A20) Dewatering not meeting permitted activity standards	Restricted Discretionary Activity	Dewatering will be required for the following durations: ■ up to 14 days for construction of manholes along the gravity alignment ■ up to 7 weeks for the gravity main trenchless crossing at the Tamiro Road Stormwater Embankment ■ up to 8 weeks for the gravity main trenchless crossing at Brigham Creek Road ■ up to 30 months for the pump station ■ up to 4 weeks for construction of air valve chambers along the rising main alignment. Whilst peat has only been confirmed as present at the location of the Brigham Creek Road trenchless crossing, layers of peat are known to be present across the wider project area. Dewatering for a period of greater than 10 days in peat soils, and greater than 30 days in other soils, requires resource consent as a Restricted Discretionary Activity under Rule E7.4.1(A17)	No change
E7.4.1(A27) Diversion of groundwater caused by an excavation	Restricted Discretionary Activity	Diversion of groundwater will be required for longer than 30 days and will result in the diversion of groundwater over a length of greater than 20 m at a depth of more than 2 m below groundwater level for the pump station, ~~and Sinton Stream culvert works.~~ The diversion of groundwater over a length of greater than 20 m more than 2 m below groundwater level does not comply with Standard E7.6.1.10(4), and therefore requires resource consent for a Restricted Discretionary Activity under Rule E7.4.1(A27).	The application includes a draft Groundwater and Settlement Monitoring & Contingency Plan (GSMCP) (Appendix M to the AEE). As set out in the application, the GSMCP will be updated by the contractor prior to commencement of construction. This will include amendments to remove references to culvert monitoring marks and associated monitoring intervals and settlement trigger levels, to reflect the removal of the culvert from the proposed works.
E26.3.3.1(A77) Alteration and removal of greater than 50 m ² of vegetation and of trees greater than 6 m in height or 600 mm in girth	Restricted Discretionary Activity	Approximately ~~1,710~~ <u>110</u> m² non-pest vegetation will be removed from the riparian area, including ~~47~~ <u>7</u> non-pest trees > 6 m in height, and 2 non-pest trees < 6 m in height. Works also include the disturbance of the root zones of 47 protected trees. Alteration and removal of non-pest trees from the riparian area, and removal of greater than 50 m² of non-pest vegetation from the riparian area, requires resource	Watercare still proposes to undertake planting for trees removed at <i>Slaughterhouse Stream</i> , and <i>Sinton Stream – Pump Station</i> , as set out in response to Question 4 of the s92 response dated 27 February 2024. In summary, this includes planting 8 trees within the riparian area of 28 Brigham Creek Road, and 8 trees at 23-27 Brigham Creek Road and 23A Brigham Creek Road.

Rule	Activity status	Comment	Comment / Amendments to proposed mitigation measures
from the riparian zone		consent for a Restricted Discretionary Activity under Rule E26.3.3.1(A77).	However, the mitigation planting for <i>Sinton Stream – Culvert</i> , which included a 10-20m wide planted riparian strip to a total area of 6,000 m ² alongside the true right bank of Totara Creek, from the Sinton Stream confluence, is no longer required nor proposed.
~~E26.5.3.2(A106) Earthworks greater than 2,500 m² where the land has a slope equal to or greater than 10 degrees~~	~~Restricted Discretionary Activity~~	~~Earthworks required for construction of the culvert will be on land with a slope greater than 10 degrees, and will exceed 2,500 m² at any one time. Earthworks exceeding 2,500 m² on land with a slope greater than 10 degrees requires resource consent for a Restricted Discretionary Activity under Rule E26.5.3.2(A106).~~	Given that the earthworks with an area greater than 2,500m ² at any one time on land which has a slope equal to or greater than 10 degrees was for the installation of the culvert, this consent is no longer required.
E26.5.3.2(A107) Earthworks greater than 2,500 m ² within the Sediment Control Protection Area other than for maintenance, repair, renewal, minor infrastructure upgrading	Restricted Discretionary Activity	The area of earthworks required for construction of the ~~culvert, and~~ Contractor Area Hub, which is within the Sediment Control Protection Area (within 50 m of a stream or wetland greater than 1,000m ²), will exceed 2,500 m ² at any one time. Earthworks exceeding 2,500 m ² in the Sediment Control Protection Area require resource consent for a Restricted Discretionary Activity under Rule E26.5.3.2(A107).	The application includes a draft Erosion and Sediment Control Plan (Appendix F to the AEE). As set out in the application, the ESCP will be updated by the contractor prior to commencement of construction. This will include amendments to reflect the removal of the culvert from the proposed works.
E26.5.3.2(A102) Earthworks greater than 10,000 m ² up to 50,000 m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area other than for maintenance, repair, renewal, minor infrastructure upgrading	Controlled Activity	The area of earthworks required at any one time will be minimised to the extent practicable. Whilst the thresholds apply to the area and volume of work being undertaken at any one time at a particular location, given the proximity of the Contractor Area North and Contractor Area Hub, it is considered that earthworks open at any one time in the general location may exceed 10,000 m ² . Earthworks exceeding 10,000 m ² outside the Sediment Control Protection Area require resource consent for a Controlled Activity under Rule E26.5.3.2(A107).	No change

Ecology Matters

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.*

The functional need assessment was submitted with the application in demonstrating functional need for the pump station / pipe within and adjacent to Wetland C and Wetland D. “*Functional need*” is defined in the NPS: FW as “*the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment*”

At our meeting with Ms Brogan McQuoid, Team Leader, North West Unit Resource Consent in August 2023, there is general consensus on the functional need for the pump station to locate where it is being the lowest part of the catchment in maximising wastewater gravity flows and ability to accept gravity flows from future connections without the need of additional pump stations and utility network complexity.

Based on the pump station location, the functional need assessment explored alternative gravity main alignments in avoiding encroachment onto the wetlands. These options involve diverting the gravity pipeline by either side of Wetland C, which require longer and deeper pipeline, and installation of additional manholes for any change of direction in connecting to the inlet manhole of the pump station in proximity to the emergency overflow point to the stream. These options were explored and considered to have greater impact to the wetland due increase area and depth of excavations, longer duration of works and increased groundwater drawdown of the wetland.

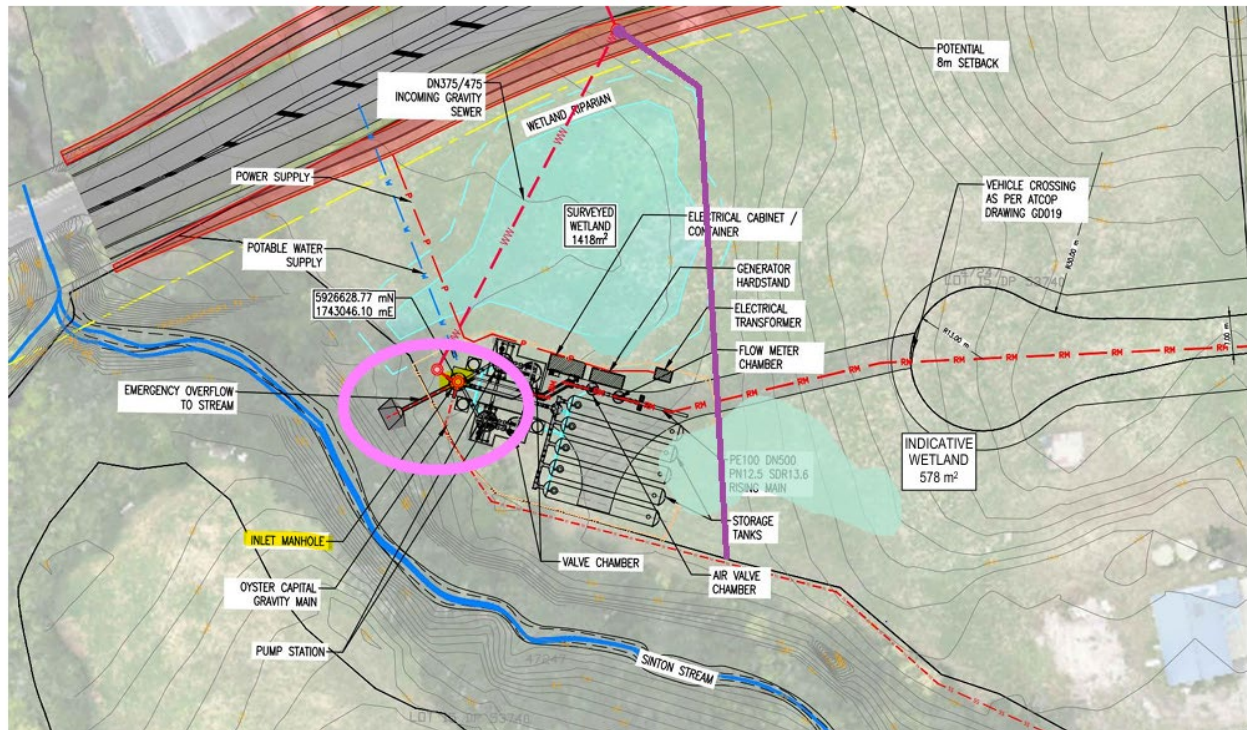
As there is no alternative gravity main alignment that would not impact wetlands in the area, a shorter and straight gravity main section through Wetland C over a shorter construction duration (relative to the other discounted alignments) is considered in the assessment to be the best option with the least effects on the wetland.

We disagreed with the Council Development Engineer’s opinion at a meeting on 14 June 2024 that there are other practical alternatives in avoiding impacts to wetlands. The suggested alternative of a straight gravity main by the east of Wetland C in attempt to reduce the number of diversion manholes would lead to substantial changes to the proposal without avoiding impact to wetlands.

The suggested alignment results in constructing the gravity main through Wetland D. It requires reconfiguring the inlet manhole and emergency overflow point to provide connection by the south of the pump station. Due to the higher ground and steeper slope in the area, the reconfigured outfall and riprap structures would be further set back from the stream, constraining the construction footprint available between the two wetlands. Based on site contours, the reconfiguration and longer gravity main would also require deeper excavations, which increase duration of works and groundwater drawdown of both Wetland C & D.

Therefore we maintain the view that all practical options have been explored in functional need assessment and there is no alternative that can avoid impact to the identified wetlands. It is necessary for the infrastructure to be located in this environment and Council should assess the resulting effects of the proposal on this basis.

Figure 1: imagery showing the proposed location of pump station, emergency overflow and pipelines. Alternative gravity main option suggested by Council Development Engineer is shown in purple.



Stormwater Matters (additional s92 requests, received 23 January 2024)

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.*

Approval from Vector requires power supply be connected to the existing network by the northern side of Brigham Creek Road. Rerouting via the proposed right of way involves significantly longer length of HV cable and deviates from Vector's agreement to service the station.

With respect to water there are no current supply mains accessible from the right of way, the alternative means routing the water supply a far longer distance.

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.*

Reconfiguration of storage tanks does not avoid works within the footprint of the wetland as the total length and width for the group of tanks are similar. Orientation of tanks would also affect positioning of other components such as pumps and valves which may extend the current structure footprint.

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.

Based on ground contours, Wetland C is likely to be surface fed. Any groundwater which is flowing through the wetland is expected to flow readily around the pipe, given the pipe's small diameter (475mm) (refer to Attachment 1 for further details). In addition, the backfilling of excavations is proposed to be carried out in accordance with geotechnical engineering recommendations, Watercare's Design Principles 07, and the Auckland Council Stormwater Code of Practice.

On the basis of the above, the installation of the pipe within the wetland is not expected to result in long term changes in groundwater flow through the wetland.

Yours faithfully,



William Hung
Senior Planner
Watercare Services Limited