

## **4 NOTICES OF REQUIREMENT & RESOURCE CONSENTS SOUGHT**

### **4.1 Introduction**

Watercare is a network utility operator approved under s167 of the Resource Management Act 1991 (RMA). Watercare proposes to designate land for the NH2 and the part of NI within the shared corridor in accordance with s168 of the RMA and also seeks a number of resource consents for the NH2 project. This section sets out the scope of the NORs and the reasons for resource consent. It also provides an assessment of permitted activities.

### **4.2 Proposed Activities**

As outlined in Section 2 above, the NH2 and NI projects will involve (but is not limited to) the following activities:

Earthworks (temporary, being excavation / deposition / surface clearance / below ground);

Groundwater take and diversion (temporary);

Works in watercourses (temporary / permanent being structure, excavation / deposition);

Diversion and discharges to land or water (temporary and permanent being sediment laden water and stormwater respectively);

Discharge of contaminants from works in contaminated sites;

Vegetation disturbance and clearance; and

Installation, operation and maintenance of pipelines, below and above (pipebridges) ground, including their ancillary associated componentry.

### **4.3 Notices of Requirement and Purpose of the Designation**

Land within the following three corridors are to be designated for the NH2 and NI projects in accordance with Section 168 of the Resource Management Act 1991 (RMA):

- NOR1 - A corridor for the NH2 travelling from Titirangi through to Westgate;
- NOR2 - A corridor for NH2 travelling from the eastern side of Greenhithe Bridge to the Albany Reservoir; and
- NOR3 - A shared corridor for NH2 and NI along SH18 from Westgate to the western start of GBWD and Causeway project.

The purpose of NOR1 and NOR2 is for Water Supply Purposes. The purpose of NOR3 is for Water Supply and Wastewater Infrastructure purposes. Watercare do not propose to seek a waiver of an outline plan of works.

### **4.4 Applications for Resource Consent**

A single package of resource consents are sought for NH2. Resource consents for the NI project will be sought at a later date.

NH2 requires resource consent under the operative regional plans and the PAUP for:

- Earthworks and Sediment Control – (earthworks section 9 RMA)
- Discharge of contaminants – (sediment laden water and stormwater runoff from new impervious surfaces section 15 RMA);

- Groundwater diversion – (construction related diversions section 14);
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 – discretionary activity.

#### 4.4.1 Permitted Activities

The NORs obviate any reliance on permitted activities relating to District Plan related land use. The PAUP is still at hearing stage, but rules in the PAUP that relate to water, air, or soil and the protection of significant indigenous flora and fauna have legal effect from notification.

The following table outlines aspects of the Project that are considered to be permitted activities (relating to Regional Plans including regional rules with immediate legal effect in the PAUP):

Geographical Location	Type of Work	Activity being undertaken	Relevant Rule / Provision	Comments	Activity Status
Tunnelling activity and associated structures	Permanent and temporary	New structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water for structure solely under the bed including drilling and tunnelling within rivers or streams including intermittent stream reaches and wetlands outside Natural Stream Management Areas, Natural Lake Management Areas, Urban Lake Management Areas, Significant Ecological Areas (SEAs) and Wetland Management Areas	PAUP H.4.13.1	Tunnelling activity and associated structures for pipeline sections to be installed from Woodlands Park Road reservoir through to Shetland street; tunnelling under SH16 at Westgate, along sections of SH18, under the Oteha Stream.	<b>Permitted</b>
Various locations along pipeline route	Temporary	Discharges of potable water for the purpose of draining pipelines or water reservoirs for inspection, repair or maintenance.	PAUP H.4.13.1	Pipeline construction testing and on-going operational maintenance	<b>Permitted</b>
Pipe bridges	Permanent structures	Pipe bridges outside of SEA (Oratia Stream and Paremuکا Stream)	PAUP H.4.13.1.2	Pipe bridges	<b>Permitted</b>
Various locations along pipeline route	Permanent structures	Minor utility structures within roads, unformed roads, Strategic Transportation Corridor Zone including cathodic protection structures which sit outside designation (eg Trig Road).	PAUP H.1.1	Definition of " <b>Minor utility structure</b> " - Any aboveground box-like structure or enclosure associated with a network utility or that receives or transmits to or from any part of a network utility. Includes: water infrastructure and cabinetry for stormwater / wastewater networks.	<b>Permitted</b>
Various locations along pipeline route	Temporary	Potential dust generating activities associated with construction	PAUP H4.3.1	Dust management will be standard part of construction management practise to meet permitted activity controls.	<b>Permitted</b>
Various locations along pipeline route	Temporary	Potential dust generating activities associated with construction	ACRP:ALW 4.5.1	Dust management will be standard part of construction management practise to meet permitted activity controls.	<b>Permitted</b>
Various locations along pipeline route	Temporary	Potential discharge of contaminants to land and water	ACRP:ALW 5.5.41	Disturbance of land potentially contaminated from previous land use	<b>Permitted</b>

#### 4.4.2 Auckland Council Regional Plan (Air, Land & Water)

The following table details resource consents sought under (but not limited to) the rules as identified:

Rule / Activity	Provision	Activity Status
5.5.5 Diversion and Discharge of stormwater	Diversion and discharge of stormwater	<b>Non complying</b>
6.5.77 Diversion of groundwater	The diversion of groundwater not covered by Rule 6.5.76	<b>Restricted Discretionary</b>
6.5.43 Groundwater take	The taking of groundwater for the purposes of groundwater diversion under Rule 6.5.77 of this plan	<b>Restricted Discretionary</b>
7.5.5 Use, erection or placement of new structures	The use, erection or placement of any new structure or part of any new structure listed in this rule in, on, under or over permanent river or stream and any associated bed disturbance or deposition, any associated diversion of water and any incidental temporary damming of water <b>iv.</b> Pipe bridge subject to specific structure conditions (a), (c), (e), (f) and (g) <b>xv.</b> Any structure located solely under the bed, that is not covered by clauses I to xiv, subject to specific structure conditions (m) and (n).	<b>Permitted</b> (subject to conditions)
7.5.15 Tunnelling and placement of new structures	Any disturbance, removal, damage or destruction of any exotic or indigenous plant, or part of any plant, or the habitats of any such plants, or of animals, or any excavation (other than dredging), drilling, tunnelling, or other disturbance in, on or under the bed of a lake or Permanent river or stream, and any associated discharge of sediment.	<b>Permitted</b> (subject to conditions)
7.5.19 Tunnelling	Other than provided for by Rule 7.5.18, any disturbance, removal, damage or destruction of an exotic or indigenous plant or part of any plant, or the habitats of any such plants, or of animals, or any excavation, drilling, tunnelling, or other disturbance in, on or under the bed of a lake or Permanent river or stream and any associated discharge of sediment, which does not meet the conditions of Permitted Activity Rules 7.5.15 or 7.5.16	<b>Restricted Discretionary</b>

Overall the activity falls to being considered as a non-complying activity under the ACRP:ALW.

#### 4.4.3 Auckland City Regional Plan (Sediment Control)

The following table details resource consents sought under (but not limited to) the rules as identified:

Rule / Activity	Provision	Activity Status
5.4.3.1 Earthworks on all soils	Within SCPA (Sediment Control Protection Areas are defined as 50 metres landward of the edge of a watercourse, or wetland of 1000m <sup>2</sup> or more) <ul style="list-style-type: none"> <li>• Area greater than or equal to 0.25 hectares</li> </ul> Outside SCPA <ul style="list-style-type: none"> <li>• Area greater than or equal to 5.0 hectares on land with a slope less than 15°.</li> <li>• Area greater than or equal to 0.25 hectares where the land has a slope greater than or equal to 15°.</li> </ul>	<b>Restricted Discretionary</b>
5.5.2 Discharge of Contaminants into the Environment	Any discharge of sediment laden runoff not allowed by a rule in this Plan	<b>Discretionary</b>

Overall the activity falls to being considered as a discretionary activity under the ACRP:SC.

#### 4.4.4 Proposed Auckland Unitary Plan – Activities Requiring Resource Consent

The following table details resource consents sought under (but not limited to) the rules as identified:

RMA Section Consent Type	Geographical Location	Type of Work	Activity being undertaken	Relevant Rule / Provision Comments	Activity Status
S 13 Works in the bed of a stream	Oratia Stream, Opanuku Stream, Paremuka Stream, Swanson Stream, Oteha Stream	Permanent structures	Pipe bridges to be constructed over various streams, with permanent structures including pipe bridge supports, ancillary operational components and security fencing.	H4.2.1.1 Permanent aboveground pipelines and fittings for the conveyance of water.	<b>Restricted Discretionary</b>
S9 Land use	Project wide	Construction works	General earthworks greater than 2500m <sup>2</sup> and 2500m <sup>3</sup>	H.4.2.1.1 Earthworks required for open trenching and trenchless technology activity.	<b>Discretionary</b>
S9 Land use	Project wide	Temporary & permanent	Earthworks greater than 2500m <sup>2</sup> or 2500m <sup>3</sup> within the 100 year flood plain overlay	H.4.2.1.2 Earthworks required for open trenching and trenchless technology activity.	<b>Restricted Discretionary</b>
S9 Land use	Project wide	Temporary & permanent	Earthworks greater than 2500m <sup>2</sup> or 2500m <sup>3</sup> within Significant Ecological Area overlay, including pipe bridges	H.4.2.1.2 Earthworks required for open trenching and trenchless technology activity.	<b>Discretionary</b>
S9 Land use	Opanuku Stream, Swanson Stream, Oteha Stream.	Temporary & permanent	Vegetation alteration or removal within an SEA	H.4.3.1.2 Works within an SEA for construction and installation of pipeline and pipe bridge supports.	<b>Discretionary</b>
S 14 Water permit	Project wide	Temporary & permanent	The diversion of groundwater caused by any excavation, trench, tunnel up to 1m diameter, or thrust bore that does not meet the permitted activity controls or is not otherwise provided for	H.4.17.1 Taking, using, damming and diversion of water and drilling	<b>Restricted Discretionary</b>
S 15 Discharge permit	Project wide	Permanent	Diversion and discharge of stormwater from impervious areas not otherwise authorised by stormwater discharge and diversion rules	H4.14.1 Discharge of stormwater Formation of access roads to maintenance and operational components.	<b>Discretionary</b>
S 14 Water permit	Project wide	Temporary	Diversion of groundwater caused by any excavation, trench, tunnel up to 1m diameter, or thrust bore that does not meet the permitted activity controls or is not otherwise provided for	H.4.17.1 Discretionary when permitted activity control not met.	<b>Restricted Discretionary</b>
S 15 Discharge permit	Project wide	Temporary	Discharge of wastewater or washwater from: b. installation, repair, maintenance and removal of network utility infrastructure that does not meet the permitted activity conditions	H.4.18.1 Discretionary when permitted activity control not met	<b>Controlled</b>
S14 Water permit	Project wide	permanent	The development of new impervious areas that do not meet the permitted or controlled activity controls	H4.14.2.1 Discretionary when permitted or controlled activity controls not met	<b>Discretionary</b>

Overall the activity falls to being considered as a discretionary activity under the PAUP.

#### **4.4.5 Processing of NORs and other Applications**

The NORs and resource consent applications are to be lodged simultaneously for joint notification and processing by Council.

A 20 year lapse date for consents and designations, and a 35 year expiry date for operational consents is requested. It is expected that construction works authorised by the proposed designation for NH2 will commence within five years. However, flexibility is required for programming and implementation to ensure that works are appropriately timed to co-ordinate with other works (such as Huia WTP) within the network and to meet demand increase related to population growth.

A lapse period of 20 years is sought for NI to ensure that the staged approach necessary to respond to and appropriately accommodate the functionality of the network can be maintained and to align with the wider NI project.

In addition, the periods requested will safeguard the alignment whilst providing sufficient time to give effect to the designation including progressing property negotiations, further necessary site investigations and detailed design, and allowing for an appropriate period to address required additional resource consenting, tendering and construction processes.

### **4.5 Other Consents & Approvals**

#### **4.5.1 Specific Access Permission**

There are a number of locations along the proposed route where the NH2 and NI may require specific access permissions such as easements, deeds of grant, or rights of occupation for both construction and long term operation. These will be addressed with the Watercare Property Team as required and include section 177 approvals where existing designations have priority, wildlife approvals if fauna is relocated and authorities under HNZPTA.