

Report for a discretionary resource consent application under the Resource Management Act 1991 (RMA)



1. Application Description

Application Numbers:	BUN60444050 (Council Reference) LUC60443991 (s9 Land Use Consent) LUS60443435 (s11 Streamworks Consent)
Applicant's Name:	Watercare Services Limited
Site Address:	54 and 60 Roma Road, Mount Roskill
Legal Description:	Section 1 Survey Office Plan 468523 (54 Roma Road) Lots 11 and 13 DP 36008, Part Lots 7, 9 and 12 DP 36008, Lot 4 DP 46135, Lot 8 DP 52447 (60 Roma Road)
Site Area:	1.4565 hectares (54 Roma Road) 12.5154 hectares (60 Roma Road)
Auckland Unitary Plan (Operative in Part)	
Zoning:	Business – Light Industry Zone
Precinct:	None
Overlays:	Quality-Sensitive Aquifer Management Areas Overlay – Auckland Isthmus Volcanic Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay – R1, Mount Roskill (60 Roma Road only)
Designations:	Airspace Restriction Designations – ID1102, Protection of Aeronautical Functions – Obstacle Limitation Surfaces, Auckland International Airport Limited
Controls:	Macroinvertebrate Community Index – Exotic and Urban
Special features:	1% AEP Flood Plain

Overland Flow Paths

Stream

Proposed Plan Change:

Plan Change 78 is not applicable as it will be implemented pending the variation for the Auckland Light Rail Corridor

Locality Plan



Figure 1: 54 and 60 Roma Road, Mount Roskill Source: Council GeoMaps

Application Documents (Plans and Reference Documents)

The following information has been provided:

- Application form and Assessment of Environmental Effects, prepared by Tonkin & Taylor Limited, Job Number 1015172.1701, Version 2.0, dated January 2025.
- Further information response letter, prepared by Tonkin & Taylor Limited, Job Number 1015172.1701, dated 12 May 2025.
- Ecological Impact Assessment, prepared by Tonkin & Taylor Limited, Job Number 1015172.1701, Version 3.0, dated December 2024.

- Fish Management Plan, prepared by Ecology New Zealand Limited, Report Number 25054-1-001, Revision 0, dated 11 March 2025.
- Lizard Management Plan (Draft), prepared by Ecology New Zealand Limited, Report Number 24221-1-001, Revision 0, dated 6 December 2024.
- Construction Noise and Vibration Technical Assessment, prepared by Tonkin & Taylor Limited, Job Number 1015172.1701, Version 2.1, dated December 2024.
- Construction Noise and Vibration Management Plan (draft), prepared by Tonkin & Taylor Limited, Job Number 1015172.1701, Version 1.1, dated 5 December 2024.
- Memorandum titled “Hydraulic Modelling Updates for May Road Proposed Ecological Enhancements”, Document Ref: JNZ-WSL-CIP-TM-0000141, Revision 1, dated 17 January 2024.
- Erosion and Sediment Control Plan, prepared by McConnell Consultancy Limited, Revision B, dated 26 September 2024.
- Plans as detailed below:

Drawing No.	Title	Prepared by	Dated
2011806.057, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements Layout Plan	Watercare Services Limited	17 November 2023
2011806.061, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements – Cross Sections Sheet 3 of 8	Watercare Services Limited	17 November 2023
2011806.062, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements – Cross Sections Sheet 4 of 8	Watercare Services Limited	17 November 2023
2011806.063, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements – Cross Sections Sheet 5 of 8	Watercare Services Limited	17 November 2023
2011806.064, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements – Cross Sections Sheet 6 of 8	Watercare Services Limited	17 November 2023
2011806.065, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site	Watercare Services Limited	17 November 2023

	Ecological Enhancements – Cross Sections Sheet 7 of 8		
2011806.066, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements – Cross Sections Sheet 8 of 8	Watercare Services Limited	17 November 2023
2011806.067, Issue 1	May Rd – Central Interceptor (DSCIN) 11 Stormwater, Site Ecological Enhancements – Typical Details	Watercare Services Limited	17 November 2023
AL-001. Rev A	Cover Sheet	Beca Limited	Not dated
AL-002. Rev A	May Road Stream	Beca Limited	4 December 2023
AL-003. Rev A	May Road Stream Detailed Plan 1	Beca Limited	4 December 2023
AL-004. Rev A	May Road Stream Detailed Plan 2	Beca Limited	4 December 2023
AL-005. Rev A	May Road Stream Detailed Plan 3	Beca Limited	4 December 2023
AL-006. Rev A	Typical Cross Sections	Beca Limited	4 December 2023
AL-007. Rev A	Typical Details	Beca Limited	4 December 2023
AL-007. Rev A	Planting Schedule	Beca Limited	4 December 2023

The information has been reviewed and assessed by the following specialists:

- Mark Ross – Reporting Planner (Consultant)
- Rajesh Jeyaram – Development Engineer, Regulatory Engineering
- Jason Smith – Specialist Advisor, Earthworks and Streamworks (Consultant)
- Carl Ackroyd – Senior Ecologist
- Bin Qiu – Senior Specialist, Noise and Vibration
- Duffy Visser – Specialist Advisor, Contamination

2. The Proposal, Site and Locality Description

Tonkin & Taylor Limited have provided an Assessment of Environmental Effects (**AEE**) in support of the application, which includes an introduction, background information, and a description of the proposal, the area where the works will take place and their surroundings. This is included in sections 1 to 3 of the AEE on pages 1 to 14.

Having reviewed the application plans and associated documentation and undertaken a site visit on 26 March 2025, I concur with these descriptions and note the following salient points:

Proposal

The applicant is seeking to reshape and recontour the existing stream that runs along the south-western side of 54 Roma Road and extends into the immediately adjoining portion of 60 Roma Road and then runs parallel to the north-western boundary (with 54 Roma Road). With 54 Roma Road forming part of Watercare Services Limited's Central Interceptor Project (**CIP**) and being designated to allow for its implementation and on-going operation, the works also form part of its required restoration works.

In order to facilitate this, the following works are proposed:

Earthworks

- Earthworks over an area of approximately 1,750m², and involving approximately 550m³ of excavation and 75m³ of fill. This will allow for the reshaping of approximately 146m of the existing watercourse, which has a total length of approximately 210m. All areas will be battered as necessary, with the new stream channel to have a 1:1 embankment, with the immediate margin, being proposed bench areas, to be flat and the remainder of the margin to slope up at 1:3. No retaining walls are proposed.

Streamworks

- In addition to the earthworks proposed to recontour the stream, rocks and logs will be placed throughout the realigned channel for habitat creation / enhancement purposes.
- To allow for these works to occur, the existing stream will be temporarily diverted, with a range of biota management measures proposed to ensure that associated adverse effects are suitably addressed.

Vegetation

- Removal of all vegetation within the existing riparian margin and its replacement with approximately 2,500 plants over an area of 1,123m², being a mixture of sedges and small to medium native shrubs.

Site and Surrounding Area Description

54 Roma Road is a rear site that accessed off the south-western side of Roma Road in close proximity to its north-western termination point. It is accessed via an entrance strip with the main portion being of irregular shape and generally of flat topography. Streams runs along its north-eastern and south-western sides. The site is largely occupied by buildings, structures, machinery, and equipment associated with construction of the CIP,

which includes a 70m deep access and maintenance shaft. The stream that is subject to this application runs along the south-western side of the site in proximity to the boundary with residential properties located along Marion Avenue. Low level vegetation is present along the length of the margin along with a number of specimen trees. In places, the stream is poorly defined and in other areas are pools of largely stagnant water. Between the stream and the closest buildings on 54 Roma Road is a further channelised area that has been created to provide for floodwater storage, being an extension of the large basin that has been created within 105 May Road to the south-east.

60 Roma Road is located to the north-west of 54 Roma Road. It is a large site that has recently been redeveloped to contain a large storage and distribution business. The immediately adjoining portion is occupied by a stream, being an extension of the stream within the south-western portion of the subject site. It extends to the north-east where its channel is well vegetated and defined. The area within 60 Roma Road to the south-west is primarily occupied by rocks and overgrown vegetation and appears to be an area of flood storage.

105 May Road adjoins 54 Roma Road to the southeast. Temporary office and workshop buildings associated with the CIP are located on the north-eastern portion of the site, along with areas of car parking. The land to the south-west, as noted above, has been earthworked to create a large floodwater storage basin as compensation for the displacement that has resulted from the construction of the temporary staging and CIP related works within 54 Roma Road.

The sites at 37, 39A-E, 41, 41A, 43, 45, 45B, 47, 49A, 2/49, 51, 2/51, 53, 53A, 55 and 55A Marion Avenue adjoin 54 Roma Road to the south-west. They are zoned Residential – Mixed Housing Urban and are generally occupied by modest dwellings of longstanding construction. They are generally located at the same approximate ground level, with some being elevated slightly above. Some are screened by existing fencing and vegetation (to various degrees) with others being more open to view.

38-52 and 56 Roma Road are located to the north-east of 54 Roma Road. These sites are utilised for range of storage and distribution purposes and have limited visibility from the subject works area given the presence of the intervening buildings on 54 Roma Road.

Selected photos of the above sites are included in Figures 2 to 15 below:



Figure 2: existing storage basin within 105 May Road



Figure 3: dwelling at 41A Marion Avenue; dwelling at 39E Marion Avenue screened by vegetation



Figure 4: looking west along existing flood storage channel with central vegetation being that adjacent to 43 Marion Avenue



Figure 5: vegetation overlapping 43 Marion Avenue and slight overlapping 45B Marion Avenue



Figure 6: 45B and 47 Marion Avenue



Figure 7: 47 Marion Avenue



Figure 8: 2/49 Marion Avenue



Figure 9: 2/51 Marion Avenue



Figure 10: 2/51 and 53A Marion Avenue



Figure 11: 55A Marion Avenue



Figure 12: looking southeast along existing channel adjacent to 55A Marion Avenue



Figure 13: a pool area within the existing stream



Figure 14: existing stream within 60 Roma Road



Figure 15: looking northeast over 54 Roma Road towards 56 Roma Road

Correspondence received

Correspondence has been received from Bentley & Co on behalf of May 1 Limited, being the owner of the adjacent property at 105 May Road.

While initially raising concerns with respect to potential flooding matters, they now consider that the proposed works will likely result in an increase in flood storage capacity and will not give rise to any increase in flood levels at 105 May Road. As such, they have confirmed that they are satisfied that the proposed works are sufficiently minor in nature and can be implemented without any actual or potential adverse flooding effects on 105 May Road. While they note that there are other matters to resolve, they sit outside the resource consent process and will be addressed separately with the applicant.

A full copy of this correspondence is contained in the application file.

3. Reasons for the application

The relevant operative plan and proposed plan provisions

In assessing an application for resource consent, the relevant provisions requiring consideration are:

- those provisions of the AUP(OP) that are not subject to appeal and are operative (including treated as operative under s86F of the RMA);
- those provisions of the AUP(OP) that are identified as subject to appeal and therefore remain proposed plan provisions;
- the relevant provisions of any relevant plan that remain operative as a consequence of the appeals against certain provisions of the AUP(OP); and
- the relevant provisions of a plan change to the AUP(OP) (including a private plan adopted by the Council) or a variation to a plan change to the AUP(OP) where the relevant provisions have legal effect.

The task of identifying the relevant provisions as described above requires individual analysis of the provisions of the AUP(OP) and the relevant appeals, within the context of the specific resource consent application.

In this instance, resource consents are required for the following reasons under the Auckland Unitary Plan (Operative in Part), with Plan Change 78 not applying to either of the application sites.

Resource consents are required for the following reasons:

Land use consents (s9) – LUC60443991

District

Auckland Unitary Plan (Operative in Part) (AUP (OP))

Land Disturbance – District

- The undertaking of earthworks within a business zone that exceed 5m² and 5m³ within a riparian yard, is a **restricted discretionary activity** under Standard E12.6.2 (1)(b) / Rule C1.9.(2).

Vegetation Management and Biodiversity

- The removal of vegetation within 10m of an urban stream, is a **restricted discretionary activity** under Rule E15.4.1(A19).

Noise and Vibration

- The undertaking of construction works that will not comply with the construction noise and vibration limits set out in Standards E25.6.27.(1) and E25.6.30.(1), is a **restricted discretionary activity** under Rule E25.4.1(A2).

Notes:

The application has been reviewed by the Council's Contamination advisor, Ms Duffy Visser, who, in an email dated 20 February 2025, confirmed that the proposed works can progress as a permitted activity under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

I adopt this assessment and consider that there are no associated consenting requirements under the above regulations.

Streamworks consents (ss13 & 14) – LUS60443435

AUP(OP)

Lakes, Rivers, Streams and Wetlands

- Depositing rocks and logs within a stream for the purposes of habitat enhancement and not located within a management or ecological overlay, is a **restricted discretionary activity** under Rule E3.4.1(A5).
- Stream channel clearance of more than 100m and not located within a management or ecological overlay, is a **discretionary activity** under Rule E3.4.1(A11).
- The diversion of a stream to a new course and associated disturbance and sediment discharge and not located within a management or ecological overlay, is a **discretionary activity** under Rule E3.4.1(A19).

4. Status of the application

The appropriate practice is to consider the applications together if there is an overlap between: the consents required; the matters over which the plan has limited its discretion; the effects of the activities; and whether consideration of one would likely affect the outcome of another.

Where a proposal:

- consists of more than one activity specified in the plan(s);
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In this instance, consent is required under the AUP(OP) and for a range of restricted discretionary and discretionary activity matters. With all of the relevant assessment matters overlapping, consent as a **discretionary activity** is required.

5. Public notification assessment

Section 95A specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15A of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities described in s95A(5)(b).

According, the development does not meet the criteria set out in set 2, which means that step 3 is relevant.

Step 3: if not precluded by step 2, public notification required in certain circumstances

As the application is not precluded from public notification by step 2, step 3 is applicable.

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

The adverse effects on the environment assessment is set out below.

Adverse effects assessment (sections 95A and 95D)

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor:

- must disregard any effects on persons who own or occupy:
 - the land in, on, or over which the activity will occur; and
 - any land adjacent to that land.
- must disregard trade competition and the effects of trade competition;
- must disregard any effects on a person who has given written approval to the relevant application; and
- may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (the permitted baseline).

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

Under section 95D the council is to disregard any effects on persons who own or occupy any adjacent land. The land adjacent to the subject site is listed below and marked with a purple dot in Figure 16 below:

- 38-52, and 54 Roma Road
- 105 May Road
- 37, 39A-E, 41, 41A, 43, 45, 45B. 47, 49A, 2/49, 51, 2/51, 53, 53A, 55 and 55A Marion Avenue



Figure 16: Map of sites within the immediate environment

Trade competition

There are no trade competition matters to consider.

Any effect on a person who has given written approval to the application

No persons have provided their written approval.

Effects that may be disregarded

Permitted Baseline

The permitted baseline refers to the effects of permitted activities on the subject site.

In this instance, there is no effective permitted baseline, as the location of the works area within and adjacent to a stream is such that no comparable works could potentially be undertaken as a permitted activity.

Assessment

Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. This is the environment within which the adverse effects of this application must be assessed.

In this instance, the receiving environment includes the subject sites, and the manner in which they relate to the surrounding environment. This includes their industrial nature, the presence of the existing streams and the CIP works that are currently occurring within 54 Roma Road.

The nature and uses of the adjoining sites, as described in section 2, is also noted. Of particular relevance to the subject development are the residential dwellings to the south-west along Marion Avenue, being one-and-two-storey dwellings of longstanding construction other than those at 39A to 39E. While some dwellings are screened to a degree by fencing, others are more open to view and have a level of outlook into the site, particularly where located in close proximity to their shared boundary.

Consent BUN60405379 has been granted for the undertaking of earthworks and stream diversion works at 105, 105A-109A and 119 May Road, with the earthworks on 105A-109A May Road having been largely implemented. The stream diversion works within 105 May Road will occur when the large flood basin is no longer required in association with implementation of the CIP. These works form part of the receiving environment.

There are no other unimplemented consents that affect the subject site or surrounding area that I am aware of and that are of relevance to the subject application.

The above aspects need to be taken into consideration when assessing the effects of the proposed development.

Adverse effects

The applicant has provided, in accordance with schedule 4 of the RMA, an AEE in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment. This can be found in section 6 of the AEE on pages 21 to 27 and within the further information response dated 12 May 2025.

I generally concur with the assessment undertaken and provide the following assessment of adverse effects as follows, noting the reviews that have been undertaken by the Council's appointed specialists.

Earthworks

Sedimentation

The sedimentation aspects of the works have been assessed by the Council's Consultant Specialist, Mr Jason Smith.

Within his review dated 20 March 2025, Mr Smith notes that the submitted erosion and sediment control plan has been prepared in accordance with the Council's Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*, being the relevant technical guideline for industry best practice erosion and sediment control. However, Mr Smith notes that the nominated contractor will need to provide further details with respect to the testing required to determine the appropriateness of chemical dosing for the proposed decanting earth bunds (**DEBs**). This can be addressed by a condition along with the need for a final erosion and sediment control plan that confirms the measures that will be implemented, noting the likely need to do so to address appointed contractor requirements.

I rely on and adopt the assessment of Mr Smith in assessing the appropriateness of the erosion and sediment control measures proposed.

With respect to the measures proposed, a divert and dam methodology will be implemented, which ensures that the subject works areas will be dry and free from flowing water. I further note that the works will be undertaken in stages and will be progressively stabilised, which will limit the amount of exposed earth at any one time and, therefore, the potential for erosion to occur. The use of DEBs as the primary sediment control measure is appropriate, noting that they will be sized to accommodate the respective catchment areas that will drain to them. The use of chemical treatment will further improve the rate of sediment removal, ensuring that the discharge of sediment is minimised. Silt fencing will be used as necessary to capture sediment from those small portions that cannot discharge to the DEBs. The provision of a stabilised construction entrance will minimise the tracking of sediment onto the road and surrounding area from vehicles.

Accordingly, I consider that appropriate measures will be implemented to minimise the potential for sediment runoff to be generated and will ensure that any that is unavoidable is suitably controlled and contained. The applicant has confirmed acceptance of the conditions recommended by Mr Smith, and in particular, the need for the submission of a finalised ESCP, which includes the need for bench-testing to ascertain the correct level of chemical dosing for the DEBs. Other conditions accepted by the applicant relate to certifying that the erosion and sediment control measures have been correctly constructed and installed, the maintenance of erosion and sediment control throughout the earthworks period, and the need for Council approval for works during the identified winter period.

Based on the above, I consider that adverse sedimentation effects will be suitably mitigated. Although the proposed earthworks will occur within a riparian environment, the implementation of the above measures will ensure that the overall environmental risk from sediment runoff is relatively low. Any sediment discharge will be minimal in extent when compared to the scale of the works proposed and will disperse within the receiving environment in a manner that ensures that adverse effects on the local environment and receiving waters will be less than minor.

Land Stability

The proposed works have been reviewed by Mr Rajesh Jeyaram, the Council's Development Engineer. In his technical review dated 3 June 2025, Mr Jeyaram has not raised any issues of concern with respect to land stability.

I rely on the assessment of Mr Jeyaram and note that the volume of earthworks is not significant in the context of the subject site, being 550m³ of excavation and 75m³ of fill. The reshaped channel will be battered to achieve embankments with a gradient of 1:1 with the wider margin being 1:3. These areas will be planted, which along with the battered gradients proposed will ensure that adverse land instability effects are highly unlikely to result.

Streamworks

The streamworks aspects have also been assessed by Mr Smith in the same technical review as the earthworks, with a summary of his key comments set out below:

- Fish salvage and relocation is proposed to manage the potential impact on

freshwater fauna through direct injury or mortality during the undertaking of the proposed streamworks. This will be achieved through the implementation of a native freshwater fish relocation plan, noting that modifications will be required to the submitted fish management plan to allow for alternative trapping measures and to ensure that the relocation sites are of sufficient quality in terms of their aquatic habitat.

- Any reduction in fish passage will be limited to the construction period, with the overall level of fish passage to be improved as a consequence of the works and the provision of a low flow channel.
- The implementation of the proposed erosion and sediment control measures during the works period (as assessed above) will ensure that the impacts of sediment discharge on freshwater fauna will be negligible.
- While it is likely that the proposed works will result in an overall net gain in ecological values, the quantum of enhancements proposed is unclear, with a range of conditions proposed to ensure that the outlined stream enhancement works are implemented and realised.

I rely on the assessment of Mr Smith in assessing the streamworks elements and the measures proposed to ensure that subsequent adverse effects are suitably addressed.

The most notable adverse effects relate to the diversion of the existing stream to its new alignment, which is actually relatively similar to that of the existing situation. While I accept that short term adverse effects will result during the undertaking of the diversion works and while the habitat within diverted stream and its riparian margin develops, the long-term ecological gains, as assessed by Mr Smith, are notable, with a net gain resulting. This is particularly so in the context of the subject site's Business – Light Industry zoning where natural amenity values are notably lower than in most environments. The provision of a stream and riparian margin environment that has been designed to provide for a high-quality naturalised habitat will be a notable improvement from that of the existing environment. As such, any resulting adverse effects will be temporary and less than minor.

As assessed previously, appropriate erosion and sediment control measures will be implemented to minimise the discharge of sediment into the stream environment. These measures, along with the trapping and relocation of native fish, will ensure that adverse effects in respect of in-stream biota and ecological values are appropriately mitigated during the construction period (which includes the physical stream diversion works). I concur with the need for the fish management plan to be amended to ensure that appropriate capture techniques are implemented and relocation sites found.

I adopt the assessment of Mr Smith that any adverse effects from changes to fish passage will be confined the construction period with the proposed passage opportunities within the realigned stream, including during periods of low flow, being an improvement on the current situation.

Taking the above factors into account, I consider that the proposed streamworks are appropriate and will be undertaken in a manner that ensures that any adverse effects with respect to freshwater ecological values and biodiversity are less than minor. This will be achieved by undertaking the works in a manner that addresses sediment loss and ensures

that biota within the existing stream environment is suitably protected and provided for through trapping and relocation, with the diverted stream and riparian margin environment being of high-quality in terms of the habitat it will provide for freshwater and terrestrial fauna.

Vegetation Removal and Riparian Margin Impervious Surfacing

The terrestrial ecological effects associated with the proposed earthworks and vegetation removal works within the riparian margin have been assessed by the Council's Senior Ecologist, Mr Carl Ackroyd.

In his 18 March 2025 review, Mr Ackroyd states that the terrestrial values of the subject stream are low given its degraded nature, with vegetation being a mix of native and exotic species that is dominated by rank grass and herbaceous weeds. Habitat on site for indigenous birds is limited but is moderate for lizards given the refuges provided for indigenous skinks.

In terms of managing adverse ecological effects, Mr Ackroyd has recommended the implementation of standard bird nesting protocols, being the avoidance of vegetation removal during the peak breeding season (October to February) unless surveys confirm that no active nests are present.

With respect to the submitted lizard management plan, Mr Ackroyd considers it to be largely appropriate, other than with respect to potential relocation sites, with some proposed as being more than 500m from the site, which does not align with relocation permit requirements and would require additional approval from the Department of Conservation. A condition requiring the submission of a final lizard management plan is recommended to address this and other necessary protocols.

Mr Ackroyd is also supportive of the proposed planting, stating that the small sedges are appropriate given site constraints, with further small to medium sized native shrubs proposed to provide additional structure to the riparian area where space is available. Subject to maintenance for a five-year period and the undertaking of replacement planting as necessary, Mr Ackroyd has confirmed that the proposed outcome will be an improvement on the current ecological values of the subject riparian margin.

I rely on the assessment of Mr Ackroyd in reviewing and assessing the adverse ecological effects associated with the proposed earthworks and vegetation removal works.

Prior to any assessment of likely effects, I consider that the works are appropriate given the current degraded nature of the stream, as confirmed by Mr Ackroyd. Resulting adverse effects will be mitigated by the extensive replanting works proposed, which have been designed to reflect the constraints of the stream in terms of its location and the availability of space.

The applicant has confirmed agreement with conditions relating to the need for vegetation clearance works to take place outside of bird breeding season or at a time when no active nests are present, which will be determined by a suitably qualified and experienced ecologist. They have also agreed to the need to finalise the submitted lizard management plan and to address the identified matters of concern, including with respect to relocation sites.

Taking the above into account, I consider that the earthworks and vegetation removal works are reasonably necessary, with the mitigation planting and fauna management measures proposed ensuring that any likely adverse ecological effects will be suitably mitigated. Accordingly, the proposed works will be managed to ensure that any adverse effects with respect to natural and visual amenity and terrestrial ecological values are less than minor.

Flooding

The submitted hydraulic modelling has been reviewed by Mr Jeyaram in consultation with Healthy Waters. While the modelling used a 2.1-degree climate change factor and not the current 3.8-degree factor, this was introduced after the baseline model had been completed. Noting this and that the works are associated with ecological enhancements (as opposed to works required to address an identified flood hazard), Mr Jeyaram has confirmed that the findings of the modelling are acceptable. These findings are that the proposed works will not increase levels of flood risk and may actually result in a small reduction given the excavations proposed and the improvements to the stream profile and the resulting increased efficiency in the conveyancing of water.

I rely on the hydraulic modelling undertaken and the review by Mr Jeyaram and Healthy Waters. While the purpose of the works is to restore the subject stream and enhance associated ecological values, they have also been designed to ensure that flood levels will not increase during design level flooding events. This is logical given the extent of the excavations proposed and the increased efficiency of the stream in conveying flows. While the modelling is not reflective of current climate change factors, as I understand it, this is more a factor when designing habitable development that is susceptible to flood risk in terms of determining appropriate finished floor levels. In any case, given that it has been demonstrated that additional flood risk will not result and that the likely outcome will be a net improvement (albeit a very small one), I am satisfied that the modelling undertaken is appropriate and allows for a robust assessment of adverse flooding effects.

Noting that existing flood levels will not increase as a consequence of the proposed works, I consider that adverse flooding related effects will not result.

Construction Effects

Construction noise and vibration matters have been detailed in the submitted noise and vibration assessment report, which contains a suite of mitigation measures to address associated adverse effects.

These measures have been reviewed by the Council's Senior Noise Specialist, Mr Bin Qiu, within an email review dated 25 February 2025, with a summary of his assessment set out as follows:

- Construction noise is expected to exceed the permitted limit of 70 dB L_{Aeq} at 41A, 2/49, 2/51 and 55A Marion Avenue by between 3 and 10 dB when the earthworks are undertaken and during rock breaking works.
- The most affected site will be 2/51 Marion Avenue, which will be affected by both for up to nine days, with levels of up to 74 dB L_{Aeq} predicted. 2/49 Marion Avenue will experience noise of 79 dB L_{Aeq} for five days during excavations with 55A Marion Avenue also experiencing noise of 79 dB L_{Aeq} for four days during rock breaking. 41A

Marion Avenue will experience noise of 73 dB L_{Aeq} for five days during excavations.

- Compliance with the permitted noise level of 70 dB L_{Aeq} will be achieved at all other neighbouring sites.
- Vibration is predicted to comply with the permitted construction limits with respect to buildings but will be 1-2 mm/s in excess of the 2mm/s amenity limit during rock breaking.
- Mitigation measures have been proposed to further mitigate adverse noise and vibration effects, including:
 - consultation with affected neighbours;
 - use of acoustic barriers along site boundaries and machine shrouds;
 - use of smaller excavators for rock breaking; and
 - avoiding work during time sensitive periods.
- Adverse effects associated with the proposed noise and vibration exceedances will be short in duration and will be mitigated through the implementation of 'best practicable option' measures, which will be achieved through the implementation of a detailed construction noise and vibration management plan (**CNVMP**).

I rely on the assessment of Mr Qiu in respect of his review of construction noise and vibration matters, noting that noise levels will be compliant with permitted levels during a majority of the works period and the vibration will be compliant with the building / structure limits at all times. Of note is that the proposed non-compliances will not extend beyond sites within the immediate environment, such that no adverse noise effects will result with respect to the wider environment.

Accordingly, no adverse noise and vibration effects will result for the purpose of the public notification assessment.

All other nuisance effects from implementation of the proposed earthworks, including traffic, dust, and waste management, can be managed through the submission and certification of a construction management plan (**CMP**) as a condition of consent. Noting that this a common approach to managing such effects, that traffic movements are likely to be minimal (particularly in the context of that associated with the CIP), I consider that any adverse construction nuisance effects will be mitigated to less than minor levels.

Cultural Values

The applicant has engaged directly with those Iwi groups that have expressed Mana Whenua interest in the area, with details of the development included within the project list that is notified to WSLs Mana Whenua Kaitiaki Forum, noting the links between the proposed works and those associated with the CIP. As a consequence of this consultation, commentary on the development has been provided from Te Ākitaia Waiohū, who have expressed an interest in undertaking a cultural induction and blessing prior to works commencing. They have further expressed an interest in providing input into the freshwater fish and lizard management and stream enhancement plans.

In addition to the above, all Iwi groups with Mana Whenua interest in the area have been

made aware that the application has been lodged through provision of the weekly application list. No communication from any Mana Whenua group, other than Te Āākitai Waiohua, has been received as a consequence of this process.

Noting the above, I consider that Iwi groups have been given sufficient opportunity to provide input into the application, with input only received from Te Āākitai Waiohua. Noting that the applicant has agreed to conditions in respect of cultural induction, blessing and management / enhancement plan input, I consider that any adverse effects on cultural values will be mitigated to less than minor levels.

Other Matters

Given the nature of the proposed works, there are no other matters that need to be considered, despite the application being discretionary.

Summary

Overall, for the reasons outlined above, I consider that adverse effects on the environment as a consequence of the proposed works will be less than minor.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary; or
- circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance, I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing to suggest that public notification should occur. This is because the matters for which consent is required are not unusual or contentious (from an overall planning perspective) and in the absence of any known matters specific to the subject site or surroundings that justify the need for public notification, such an outcome is not considered necessary under these provisions.

Accordingly, in this instance I conclude there are no special circumstances under s95A(9).

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the application, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, there are no rules that require notification and adverse effects on the environment will be less than minor for the reasons outlined above.

- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

6. Limited notification assessment (Sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed development (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002.
- Ngāti Manuhiri Claims Settlement Act 2012.
- Ngāti Whātua Ōrākei Claims Settlement Act 2012.
- Ngāti Whātua o Kaipara Claims Settlement Act 2013.
- Te Kawerau ā Maki Claims Settlement Act 2015.
- Ngāti Tamaoho Claims Settlement Act 2018.
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018.

The subject site is not on or adjacent to land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

According, the development does not meet the criteria set out in step 2, which means that

step 3 is relevant.

Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded, and
- the adverse effects on those persons who have provided their written approval must be disregarded.

Adversely affected persons assessment (Section 95E)

Adverse effects on persons are considered within section 8.2 of the AEE on page 35. Within this assessment, it is identified that the following persons are considered to be potentially affected by noise and vibration from the construction works:

- 10 residential receivers on Marion Ave being 55A; 55; 53A; 53; 2/51; 51; 2/49; 45B; 43; 41A; and
- The commercial receivers at 60 and 61 Roma Road.

I note this assessment and provide the following additional assessment below:

Earthworks

The implementation of appropriate erosion and sediment control and construction management measures will ensure that adverse silt runoff, land instability and general nuisance effects associated with the proposed earthworks will be suitably mitigated with respect to persons.

Streamworks

The streamworks will be undertaken in a manner that ensures that ecological values will be appropriately maintained through the implementation of erosion and sediment controls, the salvage and relocation of native fish affected by the proposed diversion, and the provision of improved fish passage and habitat in terms of quality and quantum within the diverted stream channel.

The realigned stream channel will not result in the 10m riparian yard extending further into the neighbouring sites along Marion Avenue, which ensures that they will not be subject to additional development constraints (in terms of riparian yard setback requirements) that they are not currently subject to.

These factors ensure that no persons will be adversely affected by the proposed streamworks.

Riparian Works

The riparian replanting works proposed along with fauna management measures in respect of lizards and birds ensures that any adverse effects with respect to natural and visual amenity and ecological values as they relate to persons will be less than minor. This is particularly so compared with the degraded stream environment that currently exists.

Flooding

The works proposed will not diminish the capacity of the stream area to convey the flow of water during a design flooding event, nor will flood waters be diverted onto sites within the immediate environment that are currently unaffected by flooding. This assessment has been verified by the hydraulic flood modelling, which has been reviewed and accepted by Mr Jeyaram in consultation with Healthy Waters. It is further noted that the works will likely reduce overall flooding levels through increased flood water capacity and conveyancing ability. Accordingly, no persons will be adversely affected in terms of increased levels of flood risk.

Construction

Construction noise and vibration matters as they relate to sites within the immediate environment and people with an interest in them have been addressed within the submitted noise and vibration assessment report, which has been reviewed by Mr Qiu. The key comments from his review are as follows:

- Internal noise levels are likely to be disruptive to residents at 2/49 and 55A Marion Avenue where noise levels of up to 79 dB L_{Aeq} have been predicted. At these levels, personal conversations, and television and radio sound levels would need to be raised, but greater levels of disturbance or nuisance will be unlikely to result. Office (work from home) can readily continue.
- Vibration will be compliant with all building / structure standards within the AUP(OP) with amenity exceedances being intermittent and of short duration.

Having assessed the proposed noise exceedances and noting their short duration, that acoustic screening and consultation with the neighbours is proposed (all of which will form part of a detailed CNVMP that will implement the best practicable option), Mr Qiu concludes that the level of adverse effects resulting from noise and vibration during the proposed earthworks will be reasonable in the context of the AUP(OP), which enable works to be undertaken if permitted standards cannot be practicably met, but controls are in place to mitigate adverse effects.

I rely on the assessment of Mr Qiu and consider that detailed and appropriate measures will be implemented to mitigate adverse noise and vibration effects on persons. This includes the provision of a detailed CNVMP, and the implementation of measures to reduce noise effects in the first instance, including the provision of temporary acoustic barriers and the use of quieter, lower disturbance equipment, including machinery shrouds. Communication with neighbouring occupants will also be undertaken to gain an understanding of their sensitivities to noise and vibration effects from the works proposed

and assist with the potential timing of works that may result in disturbance. For example, if a site was to be vacant for a period of time, higher noise and vibration works could be undertaken during this time without resulting in disturbance. Full compliance with vibration standards with respect to structural integrity will also be achieved.

Noting the above and taking into consideration the limited duration of the noise exceedances (particularly in the context of the overall works duration), the implementation of a comprehensive array of measures to mitigate any adverse amenity effects that may result, and that full compliance with structural integrity and amenity vibration standards will be achieved, I consider that any adverse effects on persons will be less than minor. While I note the comments in the AEE that some commercial and residential receivers may be affected by noise and vibration, given that this has been assessed as less than minor, limited notification to them is not required.

General construction nuisances, including traffic, dust, waste control and overall site management will be addressed by consent conditions, including the submission of a detailed CMP, all of which the applicant has accepted, such that any adverse effects on persons will be less than minor.

Cultural

There are no known sites or areas of historic heritage or cultural value located within the development area as recognised or identified within the AUP(OP). Furthermore, as noted in section 5, the matters raised by Te Ākita Waiohū, being the only Iwi groups that expressed Mana Whenua interest in the application, have been suitably addressed and conditioned accordingly, with the respective conditions having been accepted by the applicant. This includes the need for accidental discovery protocols, which will ensure that any items that are uncovered that may be of archaeological value or cultural interest to Iwi groups or people with Mana Whenua interests in the area will be identified and preserved as necessary. Cultural induction, works blessing and management / enhancement plan input conditions have also been agreed.

The above factors ensure that all adverse cultural effects as they relate to persons will be less than minor.

Summary

Overall, for the reasons outlined above, I consider that adverse effects on persons as a consequence of the proposed development will be less than minor.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and, for the reasons outlined in section 5 of this report, I am satisfied that there is nothing exceptional or unusual about the proposed development to suggest that notification to any other persons should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the proposed works will not result in any adversely affected persons as any effects on persons will be less than minor in nature.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

It is therefore recommended that this application be processed without limited notification.

7. Notification recommendation

Non-Notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.

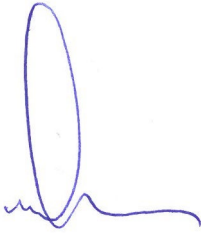


Name: Mark Ross
Consultant Planner
Sentinel Planning

Date: 26 August 2025

8. **Notification Determination LUC60443991 and LUS60443435 of BUN60444050**

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A, 95B and 95C of the RMA, this application shall be processed non-notified.



Warwick Pascoe
Principal Project Lead
Premium Resource Consents

Date: 2 Sept 2025