

In the Matter of:

*The Resource Management Act 1991*

And

In the Matter of:

*An application under Section 88 of the  
Resource Management Act 1991 made by  
Te Tai Tokerau Water Trust*

File Reference:

*RM210241*

## Decision on Resource Consent Application

### Activity

*To undertake the following land use activities associated with the construction and operation of Te Waihekeora Water Storage Reservoir (“**TWWSR**”):*

- 1. Earthworks in breach of ‘Rule 12.10.1a Excavation and Fill’ associated with the construction of **TWWSR**, including one main embankment dam (“**main embankment dam**”) of approximately 11m in height and four smaller saddle dams ranging from 3.5m – 8.7m in height;*
- 2. Construction of **TWWSR** with components in breach of ‘Rule 12.10.5 Maximum Height’, ‘Rule 12.10.6 Height in Relation to Boundary’ and ‘Rule 12.10.8 Permeable Surfaces’;*
- 3. Use of land to operate **TWWSR** in breach of ‘Rule 10.11.1 Limits for Network Utilities’.*

### Location

*Address: Redhill Road and Redhill Cemetery Road, Redhill*

*Legal Descriptions: Part Lot 8 Deposited Plan 261, RT NA95C/212*

*Part Lot S4 Deposited Plan 965 and Lot 2 Deposited Plan 165593, RT NA100B/77*

*Part Lot 8 Deposited Plan 261, NA42/98*

*Lot 10 Deposited Plan 261, RT NA47C/876*

*Lot 1 Deposited Plan 197370, RT NA125B/285*

*Part Allotment 91 Parish of Kopuru and defined on Deposited Plan 8055, RT NA95C/213*

*Lot 2 Deposited Plan 195628, RT NA124B/782*

*Lot 3 and Part Lot 2 Deposited Plan 261, RT NA16D/652*

*Lot 11 Deposited Plan 261, RT 662519*

*Deposited Plan 8114, RT NA75B/627*

## **Reasons for Consent**

*Kaipara District Plan (Operative 2013) Rule Assessment:*

*The following apply to the subject property:*

<i>Zoning:</i>	<i>Rural Zone</i>
<i>Overlays:</i>	<i>N/A</i>
<i>Rules:</i>	<i>10.11.1 – Limits for Network Utilities – Discretionary Activity</i>
	<i>12.10.1a – Excavation and Fill – Restricted Discretionary Activity</i>
	<i>12.10.5 – Maximum Height – Restricted Discretionary Activity</i>
	<i>12.10.6 – Height in Relation to Boundary – Restricted Discretionary Activity</i>
	<i>12.10.8 – Permeable Surfaces – Restricted Discretionary Activity</i>
<i>Activity Status:</i>	<i>Discretionary Activity</i>

## **Determination**

*Pursuant to Section 104, 104B and 108 of the Resource Management Act 1991 (“the Act”), the Kaipara District Council **grants** RM210241; subject to the following conditions:*

### **General**

- 1. The activity shall be carried out in general accordance with the application and assessment of environmental effects prepared by Williamson Water & Land Advisory, formally received by the Kaipara District Council (“Council”) on 16 August 2021, and further information received on 15 (but dated 16), 20 and 21 September 2021, 4 October 2021 (but dated 30 September 2021), 17 December 2021, 11 January 2022, and the following plans attached to this consent as ‘Attachment A’:*
  - a) “Te Tai Tokerau Water Trust, Redhill Reservoir Stage 2 Water Storage, Resource Consent Issue”, Drawing Nos. 210042-120 – 210042-135 (16 drawings in total), dated 23/07/21, and prepared by Riley Consultants Limited.*

*Where there is any apparent conflict between the application and the consent conditions, the consent conditions shall prevail.*

### **Charges**

- 2. The Consent Holder shall pay any subsequent further charges imposed under Section 36 of the Act relating to the receiving, processing, granting and monitoring of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under Section 36(5) of the Act that are subject to challenge, the Consent Holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant final invoice.*

## **Section 125 - Consent Lapse Date**

3. Under Section 125 of the Act, this consent lapses five years after the date it is granted unless:
  - a) An application under Section 125(1A) of the Act is made to the Council before the consent lapses (five years) to extend the period after which the consent lapses, and the Council grants an extension.

## **Management Plan Certification Process**

4. Management Plans required to be prepared by conditions of this consent must be submitted to the Council's Monitoring and Compliance Services Team Leader or their delegated representative (the Responsible Officer(s)), in electronic ([monitoring@kaipara.govt.nz](mailto:monitoring@kaipara.govt.nz)) and hard copy form for certification at least 20 working days prior to the commencement of the works to which the Management Plan relates. The certification process must be confined to confirming that the Management Plan adequately gives effect to the relevant condition(s).

Management plans requiring certification include:

- a) Detailed engineering design report (Condition 16)
  - b) Construction Emergency Action Plan (CEAMP) (Condition 23)
  - c) Construction Environmental Management Plan (CEMP) (Condition 26 and 30)
  - d) Erosion and Sediment Control Management (ESCMP) (Condition 32 and 33)
  - e) Construction Traffic Management Plan (CTMP) (Condition 34)
  - f) Landscape and Visual Mitigation Planting Plan (LMPP) (Condition 39)
  - g) Emergency Action Plan (EAP) (Condition 76)
  - h) Commissioning Management Plan (ComMP) (Condition 80)
  - i) Dam and Reservoir Safety Management System (DRSMS) (Condition 82)
  - j) Operation and Maintenance Plan (OMP) (Condition 83)
5. If the Consent Holder has not received a response from the Responsible Officer(s) within 20 working days of the date of submission under Condition 4 above, the Management Plan must be deemed to be certified.
6. If the Responsible Officer(s') response is that they are not able to certify the Management Plan they must provide the Consent Holder with reasons and recommendations for changes to the Management Plan in writing. The Consent Holder must consider any reasons and recommendations of the Responsible Officer(s) and resubmit an amended Management Plan for certification.
7. If the Consent Holder has not received a response from the Responsible Officer(s) within 10 working days of the date of resubmission under Condition 6 above, the resubmitted Management Plan will be deemed to be certified.
8. The Consent Holder must comply with all certified Management Plans at all times.

## **Bond**

9. Prior to the commencement of any works on site, the Consent Holder must provide and maintain in favour of the Council a bond to:
  - a) Secure the ongoing performance of all conditions of this consent;

- b) *Secure the closure and rehabilitation of the site should the construction of the **TWWSR** not be completed for any reason;*
  - c) *Ensure the performance of any monitoring obligations of the Consent Holder under this consent.*
10. *The bond must be in a form approved by the Council or its Responsible Officer(s) and must, subject to these conditions, be on the terms and conditions required by the Council or its Responsible Officer(s).*
  11. *Unless the bond is a cash bond, the performance of all conditions of the bond must be guaranteed by a guarantor acceptable to the Council or its Responsible Officer(s). The guarantor must bind itself to pay for the carrying out and completion of any condition in the event of any default of the Consent Holder, or any occurrence of any adverse environmental effect requiring remedy.*
  12. *The amount of the bond will be based on the cost value of the works plus an appropriate contingency and must be fixed annually by the Council or its Responsible Officer(s) who must take into account any matters submitted by the Consent Holder to be relevant to the determination of the amount. The amount of the bond must be advised in writing to the Consent Holder at least one month prior to the review date.*
  13. *The Council must release the bond following the successful commissioning of the **TWWSR**.*
  14. *“Successful commissioning of the **TWWSR**” means when the elements of the entire project have been demonstrated by the Consent Holder to the satisfaction of the Council or its Responsible Officer(s) to have reached a stable and properly functioning state, including the initial filling of the reservoir and commencement of distribution of stored water.*
  15. *All costs relating to the bond must be paid by the Consent Holder.*

### **Prior to Commencement of Physical Works**

#### **Detailed Design**

16. *Prior to the commencement of any earthworks authorised under this consent, the Consent Holder shall submit a detailed design report, including slope stability analysis and ground investigations, and a final set of detailed engineering design plans for **TWWSR** to the Council’s Responsible Officer(s) for certification. The detailed design report must include and demonstrate the following in order to obtain certification:*
  - a) *Geotechnical engineering report (including factual data and interpretive assessments and associated design considerations);*
  - b) *Detailed design of proposed HDPE Liner, its intended design life, and details of any maintenance that will be undertaken to ensure the design life is achieved;*
  - c) *A copy of the peer-review reports required by Conditions 20(a) and (b) of this Consent, including any amendments made to the detailed design as a result of the reports.*
17. *The main embankment dam and appurtenant structures must be designed, constructed, and maintained in accordance with the objectives, principles, and requirements of the currently operative New Zealand Society on Large Dams (**NZSOLD**) Dam Safety Guidelines (**NZSOLD Guidelines**).*
18. *Detailed design for **TWWSR** must ensure adequate dam strength, stable embankment slopes, competent foundations and abutment material, stable reservoir slopes, and an adequate drainage design that provides for precise monitoring.*

19. ***TWWSR** spillway capacity must be able to pass the probable maximum flood, currently estimated to be approximately 0.5 cubic metres per second, and the diversion capacity during construction must be verified by an independent competent engineer.*

#### **Milestone Design and Construction Peer Review Process**

20. *A review by an independent ‘competent engineer’ must be carried out at the following milestone stages.*
- a) After completion of investigations and before the **TWWSR** design is finalised;*
  - b) After **TWWSR** design is completed and before construction commences;*
  - c) After **TWWSR** foundations have been exposed and before **TWWSR** construction commences;*
  - d) Every three (3) months following **TWWSR** construction commencement until completion;*
  - e) After construction of the **TWWSR** is completed and before filling of the reservoir; and*
  - f) At the time of commissioning.*
21. *Progression of the **TWWSR** can only be made after each of these stages when the reviewer and designer are agreed. In the event of an unresolved dispute a third ‘competent engineer’ may be engaged to arbitrate at the Consent Holder’s expense. Responsibility for the safety of the **TWWSR** remains with the owner after taking advice from the designer.*

**Advice Note:** A ‘competent engineer’ is a suitably qualified and registered Chartered Professional Engineer and who, where the review or certification relates to matters of dam design, construction, or the preparation and peer review of documentation required for large dams, has a minimum of 10 years’ experience in those activities equivalent to that formerly identified as a Category A Recognised Engineer for Building (Dam Safety) Regulations 2008 (revoked 2015).

22. *Copies of each review specified in Condition 20 are to be provided to the Council’s Responsible Officer(s).*

#### **Construction Emergency Action Plan**

23. *The Consent Holder must, at least 20 working days prior to the commencement of construction of the **main embankment dam**, provide to the Council’s Responsible Officer(s), a Construction Emergency Action Plan (**CEAP**) for certification that it has been prepared in accordance with the recommendations of the NZSOLD Guidelines and relevant New Zealand dam safety legislative requirements for emergency action plans and meets the following objective and minimum requirements. The objective of the **CEAP** is to limit damage to the dam and downstream areas (including property, possessions and infrastructure), and prevent loss of life during construction. The **CEAP** must meet the following minimum requirements:*
- a) Identification of emergency conditions which could endanger the integrity of the dam and which require immediate action;*
  - b) Prescription of procedures which should be followed by the contractor and operating personnel to initiate emergency procedures at the dam; and*
  - c) Provision of timely warning to appropriate emergency management agencies and other agencies for their implementation of protection measures for downstream communities and infrastructure.*

### **Consultation on CEAP**

24. The **CEAP** must be the subject of consultation between the Consent Holder and Northland emergency services agencies (at the date of the consent including the Northland Emergency Management Group, Kaipara District Council Civil Defence and Northland Emergency Services Trust).
25. A copy of the certified **CEAP** must be provided by the Consent Holder to all neighbouring property owners, Te Roroa and Te Uri o Hau/Environs Holdings Limited.

**Advice Note:** A copy of the CEAP will be held by the Council.

### **Construction Environmental Management Plan**

26. The Consent Holder must, prior to the commencement of any site work, prepare and submit to the Council's Responsible Officer(s) for certification a Construction Environmental Management Plan (**CEMP**) which sets out the methodologies, practices and procedures to be adopted in order to manage the operational aspects of the consented work.
27. The objective of the **CEMP** is to set out measures that must be implemented to comply with the conditions of consent and to appropriately remedy or mitigate any adverse effects of construction work activities.
28. As a minimum the **CEMP** must include the following details:
- a) A description of the project including:
    - i) the construction works programme, including days and hours of operation and staging approach;
    - ii) a process for dealing with design adjustments including notification protocols;
    - iii) construction works methodologies, including proposed plant and machinery to be used;
    - iv) key construction quality performance metrics and processes for dealing with performance deviations;
    - v) a detailed site layout, including areas where stockpiles and equipment (including contractor parking) will occur, and the location of site offices and staff facilities;
    - vi) the design and management specifications for all earthworks on-site and their location;
  - b) Who the principal contractor and sub-contractors are;
  - c) Names and telephone numbers of supervisory staff including the details for emergency contact personnel who must be contactable 24 hours, 7 days a week;
  - d) Environmental emergency response procedures including a Site Management Plan describing how the Construction Team would respond should potentially contaminated land be encountered during the proposed works;
  - e) Processes to be followed in wet weather;
  - f) Measures to ensure dust from the earthworks activity does not create a nuisance on neighbouring properties;

- g) *Measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition in terms of rubbish disposal, storage and unloading of materials;*
- h) *Details of surface revegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction;*
- i) *Construction noise management protocols to be implemented on the site;*
- j) *A maintenance programme for haul and access roads;*
- k) *Security and spill management systems proposed for any refuelling and maintenance depots;*
- l) *Environmental complaints management procedures and response measures;*
- m) *Compliance monitoring, environmental reporting and environmental auditing, including a requirement to provide the results or outcomes of monitoring, reporting and auditing to the Responsible Officer(s);*
- n) *A copy of the accidental discovery protocol in accordance with Condition 73 of this consent;*
- o) *Site security arrangements;*
- p) *A requirement for a copy of the **CEMP** to be held on site;*
- q) *Mitigation and contingency measures for (but not limited to) the following:*
  - (i) *Erosion control and construction material loss;*
  - (ii) *Preventing spills (including oils, hydraulic fluids, other chemicals) and contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances;*
  - (iii) *Occurrences of non-compliance; and*
  - (iv) *Failure of protection works for earthworks.*

29. *The Consent Holder must undertake the activities authorised by these consents in accordance with the certified **CEMP**.*

30. *The **CEMP** must be updated throughout the course of the project to reflect changes to components of the project and the Erosion Sediment Control Management Plan (**ESCMP**) required under Condition 32. The **CEMP** must be reviewed and revised as necessary prior to construction and at the commencement and completion of each stage of dam construction and/or earthworks season. The updated or revised **CEMP** must be submitted to the Council's Responsible Officer(s) for re-certification. The Consent Holder must undertake the activities authorised by these consents in accordance with the latest certified version of the **CEMP**.*

### **Erosion and Sediment Control Management**

31. *Prior to the commencement of earthworks operations, the Consent Holder must provide a stabilised construction entrance(s) to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the consent holder's operations must be removed as*

soon as possible, but at least daily. The stabilised construction entrance(s) must be maintained throughout the duration of earthworks operations.

32. At least 20 working days prior to the commencement of any earthworks authorised under this consent, the Consent Holder shall prepare and submit to Council's Responsible Officer(s), an Erosion and Sediment Control Management Plan (**ESCMP**) for certification prepared in accordance with Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05). The **ESCMP** must set out the practices and procedures to be adopted in order that compliance with the conditions of this consent is achieved and must include;
- a) The expected duration (timing and staging) of the major cut and fill operations, drainage works, disposal sites for unsuitable materials/overburden, and clean water diversions;
  - b) Diagrams and/or plans, of a scale suitable for on-site reference, showing the locations of the major cut and fill operations, disposal sites for unsuitable materials, erosion and silt control structures/measures, and water quality sampling sites;
  - c) Details of erosion and sediment controls including specific pond design and calculations as required;
  - d) Supporting calculations and catchment boundaries for the erosion and sediment controls;
  - e) The commencement and completion dates for the implementation of the proposed erosion and sediment controls;
  - f) Methods to be used to stabilise batter faces;
  - g) Details of surface re-vegetation of disturbed sites and other surface covering measures to minimise erosion and sediment runoff following construction.
  - h) Measures to minimise sediment being deposited on public roads, beyond the works area;
  - i) Measures to avoid a dust nuisance occurring on neighbouring properties during **TWWSR** construction;
  - j) All earthworks must be undertaken in compliance with the latest certified version of **ESCMP**.
33. The Consent Holder may review and amend the **ESCMP** at any time during the term of these consents provided that the amendments still achieve compliance with the conditions of these consents. The amended **ESCMP** must be submitted to the Council's Responsible Officer(s) for re-certification.

### **Construction Traffic Management Plan**

34. The Consent Holder must, at least twenty (20) working days prior to the commencement of any site work, prepare and submit to the Council's Responsible Officer(s), a Construction Traffic Management Plan (**CTMP**) prepared by a person with a current STMS certificate for certification in accordance with Conditions 4-7 of this consent. The **CTMP** must include (but not be limited to) the following matters:
- a) An assessment of likely numbers of construction vehicle movements;
  - b) The safe management and maintenance of traffic flows, including pedestrians and cyclists, on existing roads;
  - c) The locations of access carriageways and their connections to public roads;



- d) *The methodology for ensuring the continued access to all properties affected by the construction process for both vehicles and pedestrians (access must be maintained at all times unless the prior written approval of the landowner has been obtained);*
  - e) *Construction dates and hours of operation;*
  - f) *Truck route diagrams both internal to the construction site and external to the local road network;*
  - g) *Documented evidence of the condition of the local road network that will be used by heavy vehicles;*
  - h) *Temporary traffic management signage/details for both pedestrians and vehicles to appropriately manage the interaction of these road users and heavy construction traffic.*
35. *The certified **CTMP** must be implemented and maintained by the Consent Holder throughout the entire construction period of the project.*

### ***Pre-Start Meeting***

36. *Prior to the commencement of any work authorised under this consent, the Consent Holder shall hold a pre-start meeting that:*
- a) *is located on the project site;*
  - b) *is scheduled not less than five (5) days before the anticipated commencement of the activity;*
  - c) *includes a representative of Council's Monitoring and Compliance Team;*
  - d) *includes the Consent Holder's agent and engineer responsible for 'signing off' completion of works in accordance with this resource consent;*
  - e) *includes Mana Whenua Kaitiaki; and*
  - f) *includes representation from the contractors who will undertake the works.*
37. *The pre-start meeting shall include confirmation of the erosion and sediment control measures, the earthworks methodologies and shall ensure all relevant parties are aware or familiar with the necessary conditions of consent.*
38. *The following information shall be made available at the pre-start meeting;*
- a) *Resource consent conditions;*
  - b) *Certified Management Plans where available (**CEMP**, **ESCMP**, **CTMP**); and*
  - c) *Timeframes for key stages of the works authorised under this consent.*

### **Landscape and Visual Mitigation**

39. *Within six (6) months of the commencement of this consent, a detailed Landscape and Visual Mitigation Planting Plan (**LMPP**), including an establishment and maintenance schedule, shall be prepared by a*

qualified landscape architect or tertiary qualified horticulturalist specialising in amenity horticulture in consultation with Environs Holdings Limited or their nominee, and shall be submitted to Council's Monitoring and Compliance Services Team Leader for approval (in a certifying capacity). The **LMPP** shall be in accordance with the recommendations of the landscape assessment titled 'Te Tai Tokerau Water Trust, Redhill Stage 2 Water Storage Reservoir, Dargaville, Landscape Assessment', reference 21001\_02, dated 27 July 2021, and prepared by Simon Cocker Landscape Architecture Ltd, and memorandum titled 'Te Waihekeora Water Storage Reservoir – Section 92 Request for Further Information', dated 6 September 2021, and prepared by Simon Cocker Landscape Architecture Ltd.

The **LMPP** shall include, but may not be limited to:

- a) A description of the purpose and objectives of the planting;
  - b) A plan of the proposed planted areas detailing proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting and timing of planting, height and density upon maturity. The planting sizes for the balance of the plants shall be provided such that maturity is reached and their intended purpose (e.g. partial screening) achieved within a 3-year period following initial planting;
  - c) Re-vegetation programme for re-grassing of bare areas following earthworks, including temporary mulching or other suitable ground covers within areas unable to be suitably re-grassed;
  - d) A programme of establishment and post establishment protection and maintenance (e.g. planting method, fertilising, weed removal / spraying, replacement of dead or poorly performing plants, watering, length of maintenance programme). Management of the vegetation within the allotments shall be the responsibility of the Lot owner;
  - e) Details of weed management; and
  - f) Details of certification process once established.
40. All planting described in the certified **LMPP** shall be implemented in the first planting season (approximately March to September) directly following approval of the **LMPP**. The planting shall be carried out to the satisfaction of the Council and shall be retained and maintained in perpetuity.

### **During Construction**

#### **Earthworks and Erosion, Sediment and Dust Control**

41. No earthworks can be carried out between 1 May and 30 September in any year unless the prior written agreement of the Council's Responsible Officer(s) has been obtained. Any request to undertake works between 1 May and 30 September must be in writing and must be made at least two weeks prior to the proposed commencement date of the works. This written request must include an updated **ESCMP** that has been prepared in accordance with Condition 32 of this consent
42. All earthworks shall be carried out under the supervision of a suitably qualified competent engineer and in accordance with the final detailed engineering design plans, **CEMP** and **ESCMP** approved and/or certified under Conditions 4-7, 16, 26 and 32 of this consent.

43. *The Consent Holder shall ensure adequate construction monitoring of all construction works. This shall include as a minimum detailed supervision and certification upon completion as complying with the required standards by the Consent Holder's engineer.*
44. *All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting the stability of any adjoining land. In the event that such collapse or instability does occur, it shall immediately be rectified.*
45. *Sediment control measures must be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Guideline Document 2016/005 Incorporating Amendment 2" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, then the conditions of these consents must prevail.*
46. *The installation of all erosion and sediment controls, must be supervised by a suitably qualified and experienced person.*
47. *The Consent Holder must submit a certificate to the Council's Responsible Officer(s), signed by a suitably qualified and experienced person, stating that the erosion and sediment controls have been constructed in accordance with the latest certified version of the **ESCMP** and prior to the commencement of other works.*
48. *All erosion and sediment controls must be installed for as long as there is a potential for sediment movement arising from dam construction activities into any waterways and all such control structures must be maintained to ensure they achieve their intended performance standards at all times.*
49. *All bare areas of land at the site beyond the reservoir footprint must be stabilised following the completion of earthworks.*
50. *Drains and cut-offs constructed to divert stormwater must be capable of conveying stormwater during not less than the estimated 1 in 20-year rainfall event. All channels on grades greater than 2% must be protected to avoid erosion occurring.*
51. *All offsite stormwater must, as far as is practicable, be directed away from earthworks areas and no drainage pathways must be constructed or permitted to flow over fill areas in a manner that creates erosion of the fill material.*
52. *The earthworks must not result in an increase in stormwater runoff towards the legal road corridor and must not block any existing stormwater outflows away from the legal road.*
53. *There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. If such deposition does occur, it shall immediately be removed. In no instance shall roads be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.*

54. *Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion in accordance with Auckland Council's Guideline Document 2016/0005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).*
55. *Notice shall be provided to the Council's Responsible Officer(s), at least five (5) working days prior to the removal of any erosion and sediment control works specifically required by the certified **ESCMP**.*
56. *Within one (1) month following the completion of earthworks authorised under this consent, a geotechnical completion report shall be provided to Council's Responsible Officer(s) for certification.*

### **Traffic Management**

57. *Traffic to and from the site shall be managed in accordance with the certified **CTMP**.*
58. *The Consent Holder must repair or reinstate any public roads that are damaged by construction traffic.*

### **Construction Activity Controls**

59. *The works authorised by this consent shall be restricted to 7:00am to 10:00pm each day with the exception of Public Holidays when no works are authorised.*
60. *Construction activities must be conducted in accordance with NZS 6803: 1999 "Acoustics - Construction Noise" and must comply with the "typical duration" noise limits contained within Table 2 of that Standard.*
61. *All equipment and machinery shall be regularly maintained to ensure noise levels are as low as practicable.*
62. *Upon receipt of complaint of an adverse noise emission under Condition 87 of this consent, the Consent Holder shall arrange for measurement of construction noise to take place as soon as practicable and within ten (10) working days. Measurement and reporting shall be undertaken in accordance with the requirements of New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise" by a suitably qualified and experienced specialist (e.g. Member of the Acoustical Society of New Zealand);*
63. *If noise does not comply with Condition 60 of this consent, the report shall provide recommendations to mitigate and manage the adverse effects and the Consent Holder shall implement all recommendations.*
64. *Within five (5) working days of the report required under Condition 62 of this consent being completed, results and remedial actions taken shall be submitted to the Council's Monitoring and Compliance Services Team Leader.*
65. *Where the Consent Holder proposes to undertake any excavation or other works on land adjacent to any structure supporting an overhead electric line where the work:*
  - a) *Is at a greater depth than 300mm within 6m of the outer edge of the visible foundation of the structure;*  
*or*
  - b) *Is at a greater depth than 3m, between 6m and 12m of the visible foundation of the structure; or*

c) *Creates an unstable batter -*

*the Consent Holder must, no less than 20 working days prior to the commencement of works, provide Northpower Ltd with written confirmation from an appropriately qualified and experienced person that the works comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34).*

**Advice Note:** *Condition 65 will not be relevant in the event that the overhead electric lines are removed from within the site boundaries.*

66. *The only hazardous substances that can be stored on site are fuel and lubricants for construction plant and machinery.*
67. *The construction operations must not give rise to any discharge of contaminants including dust at or beyond the property boundary, which is noxious, dangerous, offensive or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment.*

### **Heritage and Cultural Values**

68. *Prior to any excavation or fill activity occurring at or within 100m of the Homestead Site (located at approximate grid coordinates NZTM 2000 1678554E 6007364N), all extant features of the Homestead site shall be photographed and documented to preserve a record of the site's existence by a local historian. Copies of the documented record shall be circulated to the KDC and Te Whare Taonga o Tunatahi (Dargaville Museum, 32 Mt Wesley Coast Road, Harding Park, Dargaville) no more than 10 working days after completion of recording.*
69. *Unless otherwise agreed between the parties, the Consent Holder shall provide Te Roroa and Te Uri o Hau/Environs Holdings Limited with the following information and within the following timeframes;*
- a) *an electronic copy of the consent decision and consent conditions within five (5) working days of the grant of this consent; and*
  - b) *an electronic copy of the certified **ESCMP** within five (5) working days of the certification of the **ESCMP**.*
70. *The Consent Holder shall engage with Te Roroa and Te Uri o Hau/Environs Holdings Limited at least 5 working days prior to any works commencing on site.*
71. *Unless otherwise agreed between the parties, the Consent Holder shall engage, at their full expense, Mana Whenua Kaitiaki at least twenty (20) working days prior to the commencement of works on site, to undertake the following:*
- a) *A blessing from a Kaumatua to ensure the 'state' of hau ora (holistic health) is maintained;*
  - b) *Mana Whenua Kaitiaki to attend the pre-works meeting; and*
  - c) *Cultural monitoring to be undertaken for the topsoil stripping and removal of peat to create the reservoir footprint.*

72. *Upon completion of the works authorised under this consent, the Consent Holder shall provide Council's Responsible Officer(s), with a formal letter from Te Roroa and Te Uri o Hau/Environs Holdings Limited to certify that cultural monitoring has been satisfactorily completed.*
73. *If archaeological remains or buried cultural deposits, such as layers of shell midden, charcoal rich or burned soils, oven stones or artefacts are encountered at any time and a Mana Whenua Kaitiaki is not present, the Consent Holder must cease work in the immediate vicinity and Te Roroa, Te Uri o Hau/Environs Holdings Limited and Heritage New Zealand must be contacted for advice on how to proceed.*

*In cases other than suspected human remains:*

- a) *The contractor must shut down all machinery, immediately secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent Holder or proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.*
- b) *The Consent Holder or proponent must consult with an iwi representative (Mana Whenua will provide contact details) to determine what further actions are appropriate to safe guard the site.*

*Where human remains are suspected:*

- a) *The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.*
- b) *The contractor shall notify the Police, Heritage New Zealand, Mana Whenua (who will in turn, notify their nominated kaumatua) and Mana Whenua Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.*
- c) *Excavation of the site shall not resume until the Police, Heritage New Zealand, Environs, and Mana Whenua representatives have each given the necessary approvals for excavations to proceed.*

**Advice Note:** *Contact details as at the date of consent for the Northern Area Archaeologist are: Dr James Robinson, Archaeologist, Heritage New Zealand - Pouhere Taonga, PO Box 836, Kerikeri 0245 PH: (64 9) 407 0470 - DDI. (64 9) 407 0473 - MOBILE 027 249 0864 Email: jrobinson@heritage.org.nz*

74. *A Works Completion Report must be prepared within 3 months of completion of earthworks. The report must be submitted to Council's Responsible Officer for certification. The Works Completion Report must contain sufficient detail to address the following matters:*
- a) *A summary of the works undertaken within the development area.*
- b) *Records of unexpected contamination encountered and the response actions, if applicable.*

## **Prior to Commencement of Reservoir filling**

### **Emergency Action Plan**

75. Prior to the first filling of the **TWWSR**, the Consent Holder must forward to the Council's Responsible Officer(s) written confirmation from a Professional Engineer(s) experienced in the design and construction of large dams with an assessed Potential Impact Category of 'High', confirming their engagement to prepare a post construction Emergency Action Plan (**EAP**) for the purpose of ensuring appropriate management of the risk associated with uncontrolled or excessive flow releases from the dam.
76. An **EAP** must be prepared by the Professional Engineers(s) referred to in Condition 75 in accordance with the recommendations of the **NZSOLD Guidelines** and relevant New Zealand dam safety legislative requirements. The **EAP** must be submitted to the KDC Responsible Officer(s) at least 20 working days prior to reservoir filling for certification that it meets the recommendations of the **NZSOLD Guidelines** and relevant New Zealand dam safety legislative requirements.
77. The Consent Holder must comply with the certified **EAP** at all times.

### **Consultation on EAP**

78. The **EAP** must be the subject of consultation between the Consent Holder and Northland emergency services agencies (at the date of the consent including the Northland Emergency Management Group, Kaipara District Council Civil Defence and Northland Emergency Services Trust).
79. A copy of the certified **EAP** must be provided by the Consent Holder to all neighbouring property owners, Te Roroa and Te Uri o Hau/Environs Holdings Limited.

**Advice Note:** Copies of the **EAP** will be held by the Council.

### **Commissioning Management Plan**

80. With the exception of filling of the Stage 1 reservoir authorised under resource consent RM210031, prior to the first filling of the TWWSR, a Commissioning Management Plan (ComMP) must be submitted to the Council's Responsible Officer(s) for certification. As a minimum the **ComMP** must include the following details:
- a) The key commissioning stages and any associated reservoir filling hold points;
  - b) Key performance metrics and processes for dealing with performance deviations;
  - c) Core commissioning documentation and verification processes; and
  - d) A process for reviewing the **ComMP**.
81. With the exception of filling of the Stage 1 reservoir authorised under resource consent RM210031, reservoir filling must not commence until all of the following are met:
- a) The **CEAP**, **EAP** and **ComMP** are certified;
  - b) The Code Compliance Certificate (CCC), or similar authorisation, for the **main embankment dam** and appurtenant structures has been issued under the Building Act 2004;

### **Dam and Reservoir Safety Management System**

82. Prior to the first filling of the **TWWSR**, a Dam and Reservoir Safety Management System (**DRSMS**) is to be submitted to the Council's Responsible Officer(s) for certification. The **DRSMS** must contain.
- a) A dam safety policy, dam safety statement or dam standard;
  - b) A description of the **DRSMS** and its elements including dam safety management activities, dam safety surveillance, routine monitoring requirements and resources for completing these activities;
  - c) Responsibilities and procedures for implementing the **DRSMS**;
  - d) Procedures and frequency for checking and reviewing the performance of the dam, liner and the **DRSMS**;
  - e) Procedures for identifying and addressing any dam safety issues, including deficiencies in the performance of the dam, liner and the **DRSMS**;
  - f) Procedures for regular reporting on the performance of the dam and the adequacy of the **DRSMS** to the owner and, where appropriate, Council's Responsible Officer(s); and
  - g) Appropriate supporting systems for management, staff training, communications and information management.
  - h) Procedures and methodology for replacing key components of the dam, including the liner if required, and decommissioning

#### **Operation and Maintenance Plan**

83. Prior to the first filling of the **TWWSR**, the Consent Holder must prepare and submit to the Council's Responsible Officer(s) for certification an Operation and Maintenance Plan (**OMP**) which sets out the methodologies, practices and procedures to be adopted in order to manage the **TWWSR**. The **OMP** must contain the following details:
- a) An overview of the **TWWSR** characteristics, construction and features and where details about the construction can be found;
  - b) As-built drawings;
  - c) Roles and responsibilities of the various parties associated with the operation of the **TWWSR**;
  - d) Inspection forms for engineering and maintenance inspections;
  - e) Design levels, flows, triggers and telemetric monitoring requirements;
  - f) Data management and information ownership;
  - g) Maintenance functions, including the methodology for construction works associated with the repair and replacement of the liner, and how the reservoir will be operated to allow repairs and maintenance of the liner; and
  - h) Details of annual reporting requirements to Council

#### **Operation and Maintenance of Te Waihekeora Water Storage Reservoir**

84. The **TWWSR** shall be operated and maintained in accordance with the certified **EAP**, **ComMP**, **DRSMS** and **OMP**.
85. Following completion of the **main embankment dam** and appurtenant structures, annual inspections must be undertaken and reported on in accordance with the latest dam safety guidelines prepared by the New Zealand Society on Large Dams by a suitably qualified technical adviser [formally identified as a Category



*A Recognised Engineer (Dam Safety) by Engineering New Zealand]. This inspection and assessment must include the following:*

- a) The performance and maintenance of the **TWWSR** in accordance with the dam safety guidelines prepared by the New Zealand Society on Large Dams;*
- b) Review and certification of routine dam safety surveillance records, monitoring and instrumentation.*
- c) Identification of any dam safety deficiencies and recommended actions to investigate or address for potential or confirmed dam safety deficiencies.*
- d) Review works completed on previously recommended dam safety action.;*

*The annual inspection report must be submitted to the Council's Responsible Officer(s) by 1 May of each year. Any minimum requirements arising from the annual inspection report must indicate a reasonable timeframe in which follow-up actions are to be undertaken. Any recommended remedial works outlined in the yearly inspection report must be carried out promptly and completion confirmation should be provided to Council.*

86. *In addition to the annual inspection reports required by Condition 85, a comprehensive review of the safety and efficiency of the **main embankment dam** and appurtenant structures in accordance with the dam safety guidelines prepared by the New Zealand Society on Large Dams must be undertaken at five yearly intervals by a suitably qualified and experienced independent registered engineer. The review report must be for the preceding five-year period ending 30 June and will commence from the time of commissioning. A copy of the review report must be forwarded to the Council's Responsible Officer(s) by the following 30 September. Any recommended remedial works must be carried out in accordance with the timeframe specified in the review report and completion confirmation should be provided to Council.*

### **Monitoring and Review**

#### **Complaints**

87. *The Consent Holder must maintain a permanent record of any complaints received regarding adverse effects from or related to the construction and operation of the **TWWSR**, including sedimentation effects in downstream waterbodies. This record must include:*
- a) the name and address of the complainant (if provided);*
  - b) the date and time that the complaint was received;*
  - c) details of the alleged event;*
  - d) weather conditions at the time of the complaint and of the alleged event; and*
  - e) any measures taken to investigate/mitigate/remedy the cause of the complaint.*
88. *The Consent Holder must provide details of any complaints received to the Councils' Responsible Officer(s) no later than the next working day.*

### **Section 128 Review**

89. Under Section 128 of the Act the conditions of this consent may be reviewed by the Council at the Consent Holder's cost:

- a) Within a period of one month following commencement of works and then annually following commencement of consent in order to:
  - (i) Deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage;
  - (ii) Require the adoption of the best practicable option to remove or reduce any adverse effect on the environment;
  - (iii) Assess the appropriateness of imposed compliance standards or parameters;
  - (iv) Deal with any adverse effect on the environment arising from the exercise of the consent that was not foreseen at the time the application was considered and which is appropriate to deal with at the time of the review.

### **Advice Notes**

- i) The scope of this resource consent is defined by the application made to Council and all documentation supporting the application. It is noted that the distribution network infrastructure, including the pipelines, has been separated out from the activities of constructing and operating the reservoir because the final alignments are yet to be confirmed. The Consent Holder has acknowledged that further resource consents may be required from Council for the distribution network infrastructure.
- ii) The Consent Holder has stated that they will comply with Rule C.3.1.1 'Off-stream damming and diversion – permitted activity' of the Proposed Regional Plan for Northland. Ensuring ongoing compliance with Rule C.3.1.1 falls within the jurisdiction of the Northland Regional Council and will not be monitored by Kaipara District Council.
- iii) If you disagree with any of the above conditions, or additional charges relating to the processing of this application, you have a right of objection pursuant to sections 357A or 357B of the Act. Any objection must be made in writing to Council within 15 working days of notification of the decision.

### **Reasons for the Decision**

- 1. In terms of section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable because:
  - Construction effects relating to stormwater management, dust, noise, vibration and traffic can be appropriately managed via best practice erosion and sediment control methods, specified hours of operation, access, traffic management and dust controls, and consent conditions to provide for management plans, monitoring and adaptive management as required;
  - The site is not located within an Outstanding Natural Landscape, nor does it contain any identified Outstanding Natural Features. The potential natural character effects of the proposal have been assessed as low, and the temporary adverse visual effects arising from construction will be (at most) low;

- *A detailed set of consent conditions is imposed for the design, construction, commissioning, operation and maintenance of the TWWSR, including a requirement for certification of a range of management plans and independent expert reviews at milestone stages of the project;*
  - *The ecological values of the proposed TWWSR footprint have been assessed to be very low and any ecological effects will be less than minor;*
  - *Consent conditions and advice notes recommended by Te Uri O Hau/Environs Holdings Limited and Te Roroa have been adopted and there will be no adverse effects on cultural values or historic heritage more broadly;*
  - *The proposal will enable the establishment and operation of a water storage reservoir to enable and support new horticultural development in the Kaipara, bring economic opportunity to local communities, and will have positive effects with respect to employment opportunities in design and construction;*
  - *There are no submissions in opposition to the proposal; and*
  - *The application is supported by a range of technical reports and there are no substantive areas of disagreement between the applicant and their technical specialists, and Council's technical reviewers, that cannot be addressed via conditions of consent.*
2. *In terms of section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement 2016 as discussed in Section 7.0 of this report.*
  3. *In terms of section 104(1)(c) of the Act, other relevant matters including monitoring have been considered in the determination of the application.*
  4. *The Council has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in section 5.*

Reporting Planner



\_\_\_\_\_  
Jessica Hollis  
(Consultant – Hollis Planning)

21/03/2022

\_\_\_\_\_  
Date

Peer Reviewer



\_\_\_\_\_  
Wendy Robinson  
Resource Consents Manager

21/03/2022

\_\_\_\_\_  
Date

*Signed:*

A handwritten signature in black ink, appearing to read 'David Hill', with a large, sweeping initial 'D'.

*21/03/2022*

*Name:*

*David Hill*

*Date:*

*Independent Commissioner on behalf of*

***Kaipara District Council***

*Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.*

**RM210241**
**Section 104 of the Resource Management Act 1991 (the Act) - Assessment Report**

<b>Details of Application</b>	
<b>Applicant</b>	Te Tai Tokerau Water Trust
<b>Property to which the consent relates</b>	<p>Redhill Road and Redhill Cemetery Road, Redhill</p> <p>Part Lot 8 Deposited Plan 261, RT NA95C/212</p> <p>Part Lot S4 Deposited Plan 965 and Lot 2 Deposited Plan 165593, RT NA100B/77</p> <p>Part Lot 8 Deposited Plan 261, NA42/98</p> <p>Lot 10 Deposited Plan 261, RT NA47C/876</p> <p>Lot 1 Deposited Plan 197370, RT NA125B/285</p> <p>Part Allotment 91 Parish of Kopuru and defined on Deposited Plan 8055, RT NA95C/213</p> <p>Lot 2 Deposited Plan 195628, RT NA124B/782</p> <p>Lot 3 and Part Lot 2 Deposited Plan 261, RT NA16D/652</p> <p>Lot 11 Deposited Plan 261, RT 662519</p> <p>Deposited Plan 8114, RT NA75B/627</p>

**1.0 Description of Proposal**

- The proposal is to construct and operate Te Waihekeora Water Storage Reservoir ("TWWSR") on farmland located between Redhill Road and Redhill Cemetery Road, southwest of Te Kopuru. The TWWSR is stage two of a two-stage scheme with stage one (RM210031) being consented by Kaipara District Council ("Council") on 11 May 2021.
- The application details that TWWSR is the first step to create a wider water storage and distribution scheme on the Pouto Peninsula to allow the establishment of new horticultural development in the Kaipara and bring economic opportunity to local communities. The application states that the completion of TWWSR would ultimately support in the order of 1,000ha of new irrigated horticulture in the district.

3. The proposal is described in full in the application and further information prepared by Williamson Water and Land Advisory, dated 8 August 2021, and supporting technical reports, and a site layout plan is shown in **Figure 1**. Key details of the proposal are summarised as follows:

- Land use consent is required under Rules 10.11.1 – Limits for Network Utilities, 12.10.1a – Excavation and Fill, 12.10.5 – Maximum Height, 12.10.6 – Height in Relation to Boundary, and 12.10.8 – Permeable Surfaces, of the Kaipara District Plan (“District Plan”). The application includes a rule assessment against the District Plan in Table 7, Section 6.3.
- TWWSR will be formed in a valley nestled between Redhill Road and Redhill Cemetery Road and will be retained by one main embankment dam of approximately 11m in height and four smaller saddle dams ranging from 3.5m – 8.7m in height. The design of TWWSR achieves a water storage volume of 3,170,000m<sup>3</sup> at a full supply level of RL 84.5m.

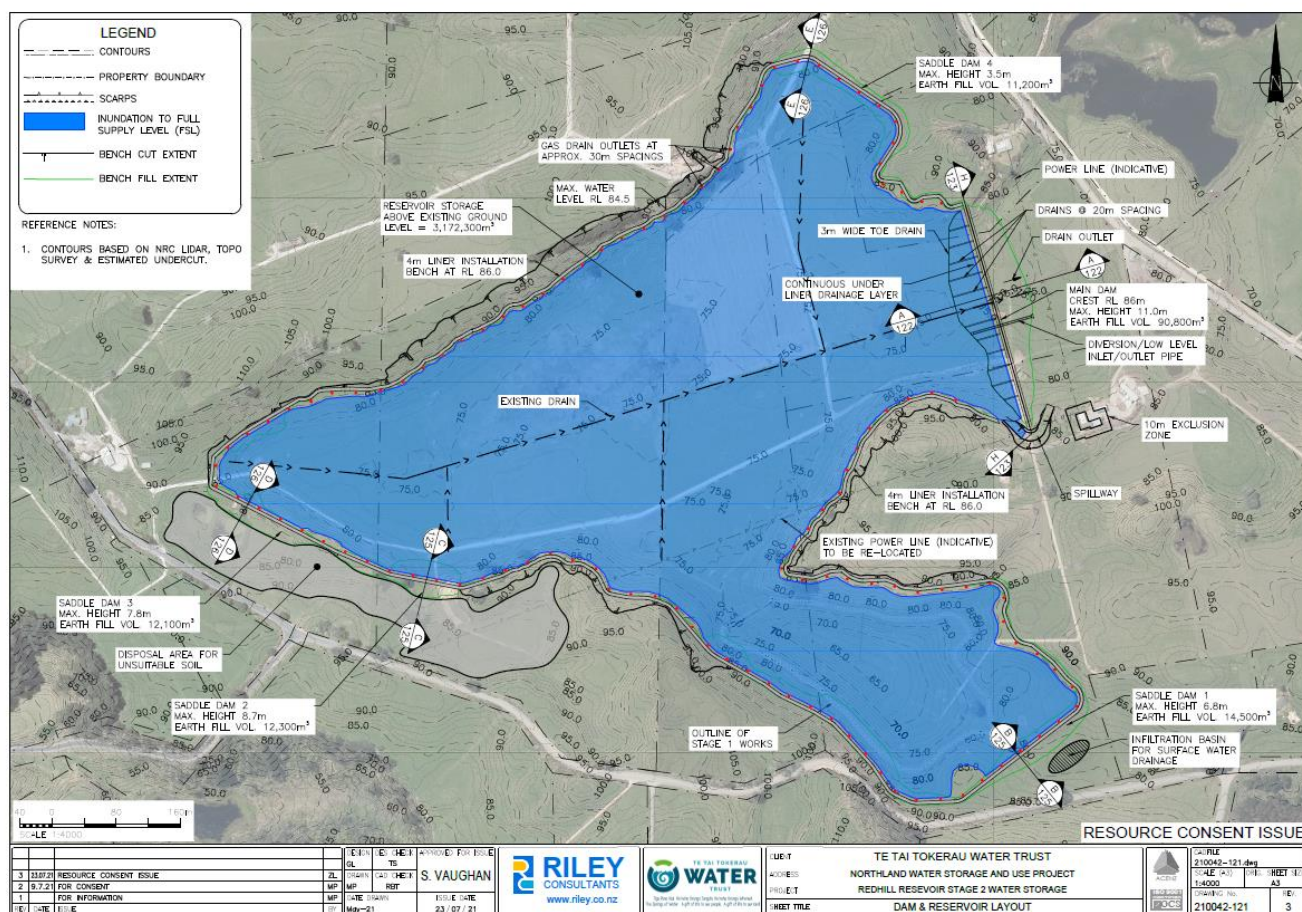


Figure 1 – Site layout plan

- A summary of dam parameters and approximate earthworks volumes is included in the Draft Construction Environmental Management Plan prepared by Riley Consultants Limited. Earthworks will extend over an area of approximately 6.4ha and will be staged to minimise the extent of exposed earth throughout the construction period. Engineered fill for the undercut and dams will be site-won from specific borrow areas on site.
- The approximate earthworks volumes (from the Draft Construction Environmental Management Plan) are shown on the following page.

**Table 2: Approximate Earthworks Volumes Associated with Each Construction Activity**

Construction Activity	Approximate Earthworks Volume – Cut (m <sup>3</sup> )	Approximate Earthworks Volume – Fill (m <sup>3</sup> )	Rehabilitated Area (m <sup>2</sup> )
Main Dam Embankment	50,000	90,800	9,300
Saddle Dam Embankment No.1	4,000	14,500	3,600
Saddle Dam Embankment No.2	8,000	12,300	2,200
Saddle Dam Embankment No.3	10,000	12,100	2,600
Saddle Dam Embankment No.4	10,000	11,200	2,500
Spillway	3,000	~	1,700
Required Borrow	150,000	~	80,000
Required Disposal	~	75,000	37,000

- TWWSR will be fully lined with a 1.5mm thick, smooth High Density Polyethylene (“HDPE”) geomembrane liner, the installation of which is outlined in the Draft Construction Environmental Management Plan. Stage two of the TWWSR (covered under this application) will be integrated with stage one (consented under RM210031) by welding the two HDPE liners together. Dependant on construction timing, stage two would result in the flooding of the 4m high embankment included in stage one, however the applicant has advised that the stage one embankment will likely only be constructed if stage two doesn’t proceed.
- TWWSR will collect water from the small surrounding catchment and will be augmented by water taken from drains and streams in times of high flows through pumping systems and gravity. Resource consents AUT.042442.01.01-04.01 were granted by Northland Regional Council (“NRC”) in March 2021 for taking high flows from the Okapakapa Stream, Aratapu Creek, Makaka Creek and Cole Drain, and a second high flow take, AUT.042739.01.01, from the Makaka Creek was granted in June 2021.
- The distribution network for TWWSR is still in the design phase with only preliminary routes proposed and the applicant has advised that more detailed analysis is still required. The applicant has therefore confirmed that the distribution network infrastructure, including the pipelines, has been separated out from the activities of constructing and operating the reservoir. The applicant has provided an assessment of potential consent requirements for future distribution infrastructure and has acknowledged that further resource consents may be required from Council.
- Hours of construction activity are proposed between 7:00am to 10:00pm, seven days per week excluding public holidays. Construction works are proposed year-round and are intended to be completed over a 12-14 month period, however this timeframe will be dependent on suitable ground and weather conditions.



- Access to the site is proposed from an existing vehicle crossing on Redhill Cemetery Road and a temporary site premises will be established. The construction activity will generate approximately 30 daily one-way vehicle movements, in a combination of heavy and light vehicles, with the majority of daily vehicle movements associated with light vehicles for workers and heavy truck and trailer units primarily required for site/equipment establishment and delivery of large materials.
- The application initially included details of a variation to the conditions of RM210031 to align the landscape mitigation and construction parameters with those proposed under stage two, however the applicant subsequently advised (on 15 September 2021) that the variation was not being pursued and that they intended to surrender RM210031 upon this stage two consent application being granted. The applicant has now advised that they will not be surrendering RM210031 as they wish to retain the option to complete stage one independently of stage two. The full implementation/completion of this stage two consent would result in the applicant being unable to comply with the current landscaping conditions of RM210031. The applicant is aware of this and has applied separately to vary the landscape mitigation and construction parameter conditions of RM210031.
- Existing and proposed views across the site are shown in **Figures 2, 3 and 4**.

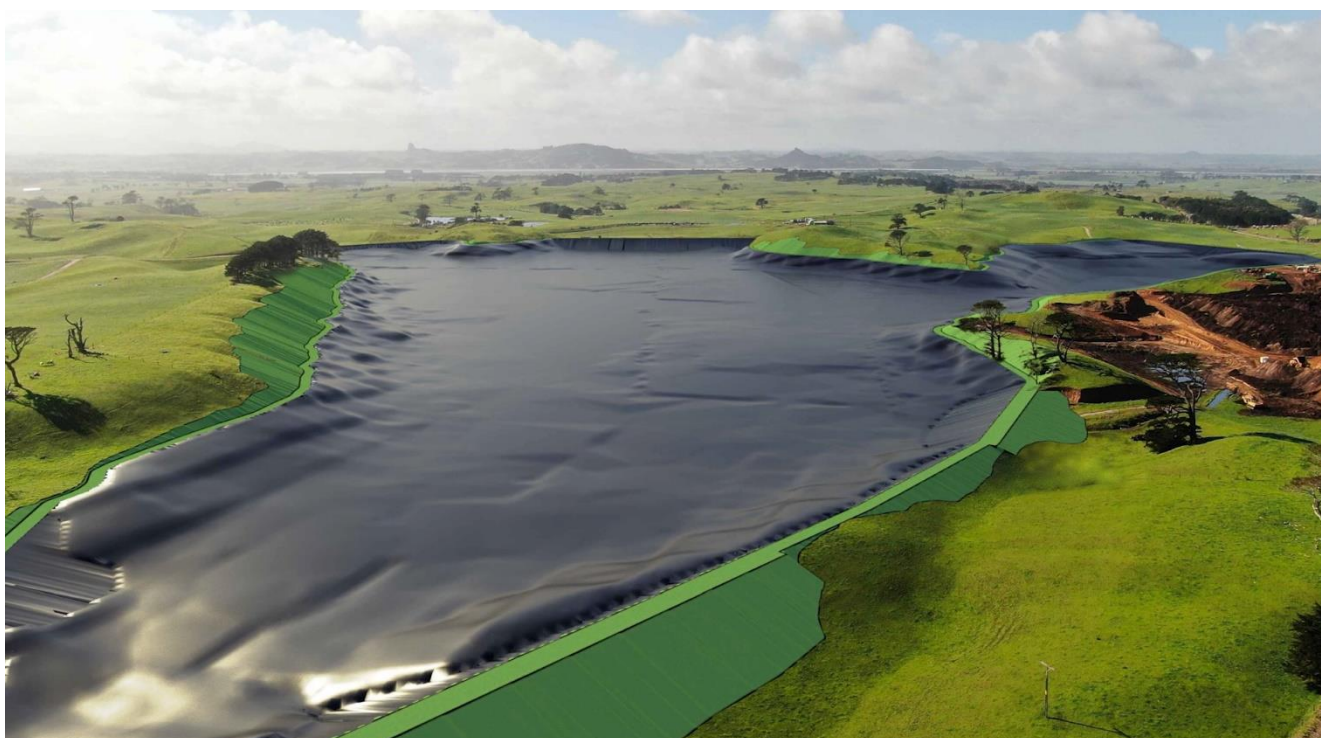


**Figure 2 – Existing view to the west across Stage two land area from Redhill Cemetery Road**  
 (Source: <https://www.taitokerauwater.com/>)





**Figure 3 – Proposed view to the west across Stage two land area from Redhill Cemetery Road (including Stage one is the earthworks to the top) (Source: <https://www.taitokerauwater.com/>)**



**Figure 4 – Proposed view to the east across Stage two land area from Redhill Road (including Stage one to the right) (Source: <https://www.taitokerauwater.com/>)**

## 2.0 Site Description and Surrounding Environment

4. A description of the site and surrounds is provided in Section 3 of the application prepared by Williamson Water and Land Advisory, dated 8 August 2021, and further details are provided in the applicant's supporting *technical* reports (including a range of photos in the landscape assessment). I have undertaken a site visit on 1 March 2021 in association with RM210031 and agree with the details provided in the application with respect to the subject site and the receiving environment. Site visits have also been undertaken by Council's landscape and engineering technical reviewers.
5. I have adopted the applicant's description of the site and surrounds for the purpose of this report and note that the earthworks associated with RM210031 (stage one) are now complete.

## 3.0 Kaipara District Plan (Operative 2013) Rule Assessment

6. The following apply to the subject property:

Zoning: Rural Zone

Overlays: N/A

Rules: 10.11.1 – Limits for Network Utilities – Discretionary Activity

12.10.1a – Excavation and Fill – Restricted Discretionary Activity

12.10.5 – Maximum Height – Restricted Discretionary Activity

12.10.6 – Height in Relation to Boundary – Restricted Discretionary Activity

12.10.8 – Permeable Surfaces – Restricted Discretionary Activity

Activity Status: Discretionary Activity

7. Overall, the proposal will be assessed as a Discretionary Activity, this being the most stringent classification under the relevant planning rules.

## 4.0 Notification Assessment

8. This application was publicly notified at the applicant's request in accordance with section 95A of the Act on 12 October 2021 with submissions closing on 9 November 2021.
9. A total of three submissions were initially received for this application, one in opposition, one in support and one neutral. The submissions, as they stood at the time of initial receipt, are summarised in Table 1 below:

Table 1 – Submissions received

Submitter Name	Address/ Property	Support/ Oppose	Issues Raised	Wants to be heard
Environs Holdings Limited	5 Hunt Street, Whangarei	Support	<ul style="list-style-type: none"><li>Environs has been in consultation the applicant in conjunction with the three marae from Te Uri o Hau hapū which is within the surrounding area known as Ōturei, Ripia &amp; Waikaretu marae. We understand the nature of the application for Te Waihekeora, we have assessed its impact under Part 2 of the RMA and affirm that there is no cultural impact on our values and relationships with the project area.</li></ul>	Yes

			<ul style="list-style-type: none"> <li>Recommended methods to implement cultural measure to avoid, remedy, mitigate, offset or compensate as per the Te Waihekeora Cultural Addendum Assessment - Aug 2021, provided to the applicant. Particular regard to involvement of Mana Whenua in the following: <ul style="list-style-type: none"> <li>- Compliance Planning</li> <li>- Sediment and Erosion Controls</li> <li>- Te Waihekeora Operational Plan</li> </ul> </li> </ul>	
J & D Adolph Limited	47 Marine Drive, Dargaville	Oppose	<ul style="list-style-type: none"> <li>Opposes "water to be taken from 4 outlets on the Notorius Drain (Okapakapaka Stream) at Notorius Road West, Aoroa, Dargaville to fill the reservoir". The submitter notes that they have a resource consent to take water from Notorius Drain downstream and they are concerned that there will not be enough water during the growing season, particularly in a dry summer. The submitter notes that they have no information on how the median flow has been calculated and therefore no information on how the median flow is affected for the two weirs in Notorius Drain. The submitter seeks that consent is refused and that if consent is granted that the applicant be prevented from taking water from Notorius Drain during the months of November – April (inclusive).</li> </ul>	Yes
Fire and Emergency New Zealand	21 Pitt Street, Auckland	Neutral	<ul style="list-style-type: none"> <li>Access to firefighting water supply is important given the area has a rural community without reticulated water supply. The reservoir provides the opportunity for Fire and Emergency to have access to a consistent alternative water source. The New Zealand Fire Service Firefighting Water Supplies Code of Practice NZS4509:2008 (Code of Practice) identifies requirements for alternative water sources so as to be suitable for firefighting. It is recommended that the dedicated firefighting access area adjacent to the reservoir provides a turnaround zone adequately designed to suit a Type 2 Fire Appliance. Type 2 Fire Appliances are equivalent of an 8m medium rigid truck (indicated in the NZ Transport Agency on-road tracking guide). The access to this area would also need to be a sealed or hard surface at least 4 metres wide to accommodate the Appliance.</li> </ul>	Yes

10. Environs Holdings Limited advised on 22 November 2021 that it no longer wished to be heard in support of its submission.
11. Independent Commissioner David Hill issued Minute #1 on 7 December 2021 directing that the submission from J & D Adolph Limited be struck out under section 41D(1)(b) and (c) of the Act.
12. Fire and Emergency New Zealand advised on 22 February 2022 that it wished to withdraw its submission on the application as it had reached a side agreement with the applicant.

### **Section 100 of the Act**

13. Due to the nature of the proposal, its status within the District Plan, that the only remaining submitter (Environs Holdings Limited) did not wish to be heard and the applicant has not requested to be heard, a hearing is not considered necessary pursuant to Section 100 of the Act.

## **5.0 Statutory Acknowledgements**

14. There are no features within the subject site that have been recognised by the Crown, through a statutory acknowledgment, as significant to Te Uri o Hau or Te Roroa. Environs Holdings Limited is a subsidiary of Te Uri o Hau Settlement Trust (caretaker of Te Uri o Hau Claims Settlement Act 2002) and Te Roroa Whatu Ora Trust is an entity of Te Roroa (recognised under the Te Roroa Claims Settlement Act 2008). The two entities have prepared a joint Cultural Values Assessment (dated 25 February 2021), and

supplementary assessment for Stage two (this application), and agreed consent conditions and advice notes are recommended to be imposed on the consent.

## **6.0 Section 104(1)(a) - Actual & Potential Effects on the Environment**

### **Trade Competition**

15. With regard to section 104(3)(a)(i) of the Act, there are no known issues in the consent application that raise questions of trade competition or the effects of trade competition.

### **Written Approvals**

16. With regard to section 104(3)(a)(ii) of the Act, the Council must not have regard to the effects on those persons who have given written approval to the application. No written approvals have been provided in support of the application.

### **Permitted Baseline**

17. In accordance with section 104(2) of the Act, the Council may disregard an adverse effect of an activity on the environment if the Plan or a National Environmental Standard permits an activity on the site with that effect (commonly referred to as the 'permitted baseline' test). The purpose of the permitted baseline test is to isolate and make effects of activities on the environment that are permitted by the District Plan or a National Environmental Standard, irrelevant. The baseline has been defined by case law as comprising non-fanciful (credible) activities that would be permitted as of right by the plan in question.
18. For the application site, earthworks up to 5,000m<sup>3</sup> in any 12-month period is a permitted activity. Given that the scale of the proposed earthworks is well above the permitted activity level a comparison for the purposes of a permitted baseline analysis is not considered useful.

### **Assessment of Effects**

19. An assessment of effects on the environment is provided in Section 7 of the application prepared by Williamson Water and Land Advisory, dated 8 August 2021, and in the supporting technical reports. Additional information and assessment was also provided by the applicant on 31 August and 15 December 2021 in response to requests for further information under section 92 of the Act.
20. Council engaged the following technical reviewers to assist with the assessment of this application:
- Awa Environmental Limited (Navin Weeraratne – Engineering Lead and Grant Murray – Chartered Geotechnical Engineer) – to review the geotechnical and hydraulic engineering matters, including Appendices C - J and M, further information responses including 50% design drawings, draft detailed design report, and proposed consent conditions.
  - AECOM (Conor Reid – Senior Ecologist) – to review the ecological matters, including Appendix Q.
  - Evolve Planning and Landscape Architecture (Kylie McLaughlin-Brown, Landscape Architect) - to review the visual and landscape matters, including Appendix L and further information responses.
  - Hawthorn Geddes Engineers and Architects Limited (Conal Summers – Senior Engineer) – to review the potential contaminated land matters and advise on consent requirements under the

Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

21. In addition, feedback on the application was also sought directly from NRC (confirmation of regional consent requirements), Northland Transportation Alliance (potential effects on the roading network), Council's Infrastructure Planning Team (potential effects on Council assets), Council's Development Engineer (general engineering matters), and Council's Monitoring and Compliance Services Team Leader (appropriateness of consent condition timeframes as relevant to the monitoring team).
22. It is noted that Awa Environmental Limited ("Awa") have raised concern that the proposal is only at a pre-feasibility or highly conceptual stage, and that questions raised by them relating to feasibility and operation, including the water balance, of the TWWSR have not been addressed. Awa consider that given the pre-feasibility state of the proposal, it is possible that not all environmental effects have been identified and addressed and have proposed a number of consent conditions in response to these concerns. The recommendations from Awa have been incorporated into the consent conditions.
23. With respect to Awa's concerns relating to the pre-feasibility state of the proposal, the applicant has recently obtained resource consents for the establishment and operation of the Matawii Water Storage Reservoir ("MWSR") near Kaikohe. Consents were granted by an expert consenting panel, chaired by Alternate Environment Judge LJ Newhook, under the COVID-19 Recovery (Fast-Track Consenting) Act 2020<sup>1</sup>. Similar to the current application, the Matawii proposal contained investigations, design and assessment of a preliminary nature that was acknowledged as requiring substantial further development and detailed evaluation. Investigations and design of the dam were expected to become more refined as the project progressed and the consent decision records that *"given here the early stage of investigation and design, we consider a more detailed and mandatory set of conditions should be imposed for the design, construction, commissioning, operation and maintenance of the dam and which require independent expert reviews at milestone stages of the project to ensure responsibilities under the RMA are met"*<sup>2</sup>.
24. The applicant provided a set of suggested consent conditions with their application for TWWSR which were based on the land-use conditions imposed on the MWSR. A number of discussions on consent conditions have taken place with representatives for the applicant, including their planner – Ms Martell Letica, between 11 February 2022 and 10 March 2022. The applicant is generally in agreement with the proposed consent conditions with only minor matters being unresolved as of 10 March 2022 (when the applicant declined to comment further and advised that they will work with the consent conditions that are imposed).
25. Final feedback on the consent conditions has been provided from Awa on 14 March 2022 and minor wording changes incorporated as a result. The consent conditions have also been reviewed on behalf of Council by Warren Bangma, Senior Associate at Simpson Grierson.

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<sup>1</sup> <https://www.epa.govt.nz/fast-track-consenting/listed-projects/matawii-water-storage-reservoir/decision-and-appeal/>

<sup>2</sup> Para. 206 of the Expert Consenting Panel decision

26. Generally, the applicant's assessment of effects on the environment is agreed and adopted for the purpose of this report. There are no submissions in opposition to the proposal and no substantive areas of disagreement between the applicant and their technical specialists, and Council's technical reviewers, that cannot be addressed via conditions of consent. Therefore, the following assessment is focused on key points only and additional comments from Council's technical reviewers.

#### *Positive Effects*

27. The proposal will provide for the establishment and operation of a water storage reservoir to enable and support new horticultural development in the Kaipara and bring economic opportunity to local communities. The application states that the completion of TWWSR would ultimately support in the order of 1,000ha of new irrigated horticulture in the district. The project design and construction activity will also have positive effects with respect to employment opportunities.

#### *Construction Effects – Dust, Erosion and Sediment Control*

28. The application states that *"given the relatively small catchment area and restricted number of outlet points for stormwater movement offsite or to natural waterbodies, management of stormwater has been designed to suit the low-risk nature of the site"*. An erosion and sediment control layout plan has been provided as well as a Draft Erosion and Sediment Control Management Plan and Draft Construction Environmental Management Plan. The approach to sediment control includes contouring of spoil disposal areas, construction of a dirty water diversion bund(s), staging of works and minimising exposed soil areas for dust management, stabilising the entrance and yard, use of a shaker ramp at the entrance, use of silt fences and a decanting earth bund. Erosion and sediment controls will be in place until the site has been re-vegetated/ stabilised.
29. Awa have not raised any concerns regarding dust, erosion and sediment control and noted that the above aspects are readily controlled and managed on large construction projects, however they considered that the duration of operations may be underestimated. The applicant has confirmed that a construction period of 12-14 months is considered feasible and is based on the experiences of stage one. A number of conditions are recommended on the consent relating to implementation and maintenance of erosion and sediment control measures and taking into account the above I consider that any effects relating to stormwater management, dust, erosion and sediment control will be acceptable.

#### *Noise and Vibration Effects – Construction and Operation*

30. The days and hours of construction activity are proposed between 7:00am to 10:00pm Monday to Sunday (excluding public holidays). The application includes a report prepared by Marshall Day Acoustics Limited (Appendix P) that assesses the proposed construction noise against Rule 12.10.15 – Construction Noise and Temporary Activities – of the District Plan. The Marshall Day report concludes that *"noise modelling shows that construction works will comply with the New Zealand Standard NZS 6803: 1999 "Acoustics - Construction Noise" guidelines at all surrounding dwellings (excluding dwellings on the subject site). Construction operation can occur at night while complying with the NZS6803:1999 District Plan noise limit of 45 dB LAeq"*. The report also states that *"vibration was not measured on site, however no perceptible vibration was evident, even within around 20m of large bulldozers working. We do not consider there is*

*any risk of vibration amenity or structural issues arising as a result of these work at any of the dwellings, as these are at considerable distance from the proposed works".*

31. Construction works are proposed year-round and are intended to be completed over a 12-14 month period, however this timeframe will be dependent on suitable ground and weather conditions. Accordingly, a condition is recommended which prevents earthworks during winter months (1 May and 30 September) unless prior agreement is provided from Council's Responsible Officer. It is acknowledged that construction activity will occur on the site for long hours during the day and evening, seven days a week, however no submissions in opposition to the proposal, including from surrounding property owners and occupiers, have been received. Recommended consent conditions from Marshall Day have been incorporated into the final condition set, and a section 128 review condition is recommended to be imposed on the consent, in addition to requirements for monitoring and complaints procedures, in the event that an adverse effect does arise that was not foreseen during the consideration of the application.
32. Given that no opposing submissions have been received and taking into account the conclusions of the Marshall Day report and recommended consent conditions, I consider that temporary noise and vibration effects from construction will be of an acceptable level within a rural working environment.
33. With respect to the operation of TWWSR, the application details that operation will require the use of pumping infrastructure which emits a low hum from within purpose-built housing which protects it from the elements and that all other operational equipment has no discernible noise emissions. Given the relative open space nature of the surrounds and distance to residential dwellings, the applicant considers that environmental noise standards would be complied with and this is accepted.

#### *Traffic Effects - Construction and Operation*

34. The proposal primarily comprises earthmoving activities within the application site during construction and only minor traffic movements during operation. Access to the site is proposed from an existing vehicle crossing on Redhill Cemetery Road and a temporary site premises will be established. The construction activity will generate approximately 30 daily one-way vehicle movements, in a combination of heavy and light vehicles, with the majority of daily vehicle movements associated with light vehicles for workers and heavy truck and trailer units primarily required for site/equipment establishment and delivery of large materials.
35. The application details that operation of TWWSR will have similar if not less intensive traffic movements than farming as a land use activity as video site surveillance will be installed for continuous monitoring while safety and maintenance inspections will be limited to travel to and from the site only. Therefore, as a Network Utility Activity, the operation of TWWSR would not require more than 60 daily one-way movements (as limited under Rule 12.10.18 – Traffic Intensity of the District Plan).
36. In the context of a rural working environment, the number of heavy vehicles associated with the proposal during the construction period, and any resulting effects on the surrounding roading network, are considered to be acceptable. The Northland Transportation Alliance and Council's Development Engineer, Mr Prasad Sappa, have reviewed the proposal and have not raised any concerns with the proposal subject to the recommended conditions requiring a Construction Traffic Management Plan being provided and certified by Council, and compliance with the plan during construction.

37. Given that no opposing submissions have been received and taking into account the feedback from the Northland Transportation Alliance and Mr Sappa and recommended consent conditions, I consider that any effects of the proposal on the safe and efficient operation of the surrounding road network are considered to be acceptable.

*Geotechnical Stability, Dam Engineering and Operation*

38. The main embankment dam is defined as a 'large dam' under the Building Act 2004 and will require a building consent. The applicant advises that the building consent deals largely with the structural elements and risk, and that the main embankment dam must be designed, constructed, and maintained in accordance with the objectives, principles, and requirements of the currently operative New Zealand Society on Large Dams (NZSOLD) Dam Safety Guidelines 2015 ("NZSOLD Guidelines").
39. The application includes a range of technical reports relating to geotechnical stability, hydrology and hydraulic assessment prepared by Riley Consultants Limited. The applicant has also engaged Tonkin & Taylor to undertake a peer review of the hydrology and hydraulic assessment and the concept design and construction effects assessment. The hydrology and hydraulic assessment includes a 'dam breach' assessment that determines the damage level for housing, critical, or major infrastructure and the natural environment, population at risk, and potential loss of life. Dams are then categorised as low, medium, or high potential impact classification ("PIC") based on the combined hazard. Having assessed these parameters, the main embankment dam has been conservatively given a High PIC in accordance with NZSOLD Guidelines. Dam safety management and emergency planning is contained in the applicant's Draft Dam Safety Management System and Draft Emergency Action Plan.
40. Awa have advised that *"with regard to the dam safety, design and construction issues associated with the proposed embankment dam, earthworks, and appurtenant structures the information supplied is largely complete and appropriate. The applicant appears to have made reasonable assumptions and conservative approximations in respect of the design and dam safety aspects of the project at this time"*. It is acknowledged that the information provided with the application is only preliminary concept design and a range of consent conditions are recommended relating to geotechnical engineering, dam design and safety. These conditions include that a detailed geotechnical report, slope stability assessment and detailed designs are required, and must be certified by Council, prior to works commencing to confirm suitability of the design, and a requirement for expert reviews at key milestones. These conditions are largely in line with those imposed on the MWSR by the expert consenting panel and are supported by Awa.
41. Awa have questioned the need to use an HDPE liner on the TWWSR and have noted particular concerns regarding the impact of significant settlement in the existing compressible peat deposits on the liner. Awa consider that settlement of the organics is likely to affect the performance of the HDPE liner and will influence its maintenance requirements, repair, and replacement frequency. Awa acknowledge that the HDPE liner is likely to have a material warranty of 20 years and an installation warranty of 5 years and will therefore be considered a serviceable component with a maintenance, repair and, if necessary, replacement plan in place for the design life of the facility. Awa has recommended specific reference to the liner be included in consent conditions regarding the detailed dam design and dam safety management system and this is reflected in the recommended consent conditions.



42. It is noted that the applicant has stated that they will comply with Rule C.3.1.1 'Off-stream damming and diversion – permitted activity' of the Proposed Regional Plan for Northland. Ensuring ongoing compliance with Rule C.3.1.1 falls within the jurisdiction of the NRC and NRC have not raised any concerns with the applicant's assessment of compliance. Clause 7 of Rule C.3.1.1 requires that the dam structure "*must be maintained in a sound condition, and functioning for the purpose it was designed for, and at all times be capable of withstanding a one percent annual exceedance probability flood without structural failure or risk to people or other property*".
43. Awa consider that there is significant uncertainty in relation to the water balance and TWWSR operation, however I note that these will be operational matters for the applicant rather than necessary information required to resolve/inform the assessment of this resource consent application. Likewise, the feasibility and commercial viability of the project is not a relevant consideration under the Act. However, land use consent is sought for the operation of TWWSR as a network utility activity to distribute/supply water for predominately horticultural use and consent conditions relating to operation and maintenance of TWWSR are therefore considered appropriate and necessary. The recommended consent conditions include the requirement for an Operation and Maintenance Plan which sets out the methodologies, practices and procedures to be adopted in order to manage TWWSR. Conditions are also recommended relating to commissioning of TWWSR and ongoing maintenance and inspection requirements.
44. Taking into account the technical reports provided with the application, the findings of the technical review from Awa, and subject to the imposition of the recommended conditions of consent, it is considered that any adverse effects in relation to geotechnical matters, land stability, dam engineering and operation will be acceptable.

#### *Landscape, Visual, Character and Amenity Effects*

45. The site is not located within an Outstanding Natural Landscape, nor does it contain any identified Outstanding Natural Features. The applicant has engaged Mr Simon Cocker of Simon Cocker Landscape Architecture to prepare a landscape assessment for the proposal. Mr Cocker identifies that the proposal includes a landscape and visual mitigation concept which is proposed to be developed as a condition of consent in conjunction with mana whenua. Mr Cocker concludes that the potential adverse landscape and natural character effects of the proposal will be low, and that the temporary adverse effects arising from construction will be (at most) low.
46. Council has engaged Ms Kylie McLaughlin-Brown of Evolve Planning and Landscape Architecture to undertake a technical review of Mr Cocker's report. Ms McLaughlin-Brown generally concurs with the findings of Mr Cocker, including a recommendation that a Landscape Mitigation Planting Plan be prepared and implemented. I accept and agree with the conclusions of Mr Cocker and Ms McLaughlin-Brown
47. In response to a further information request, Mr Cocker also provided an assessment of night-time construction effects, including lighting and glare. Mr Cocker advised that it is possible that lighting associated with construction activity within the site will be visible from some surrounding dwellings, but that since the construction activity will occur at different locations within the site as the construction progresses, it is likely to move into, and out of views from dwellings over time. Mr Cocker concluded that the potential adverse visual amenity effects on occupants of all dwellings and users of Redhill and Redhill Cemetery Roads will be very low.

48. No submissions were received in relation to landscape matters including visual effects, nor on character and amenity effects more generally, including from those properties adjacent within the wider receiving environment who can view the site. I consider that subject to the imposition of recommended consent conditions, the landscape and visual effects and effects on character and amenity values will be acceptable.

### *Ecological Effects*

49. The applicant has provided a memorandum from Dr Martin Neale of Puhoi Stour to report on the ecological values present on the application site. Dr Neale concludes that *“the ecological values of the proposed reservoir footprint are currently very low, which reflect the current use of the land as a dairy farm. The development of a reservoir in this location will result in the loss of two native trees and I consider this a minor ecological effect”*.
50. Council has engaged Mr Conor Reid of AECOM to undertake a technical review of Dr Neale’s report. Mr Reid initially questioned whether any natural wetlands existed within the application site and this information was passed onto NRC for consideration. NRC confirmed that there were no natural wetlands on the site and that consent was not required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Mr Reid subsequently confirmed that he has no further matters of ecological concern and that he supports the proposal from an ecological perspective.
51. The application was also provided to the Department of Conservation (“DOC”) for comment upon receipt by Council and no concerns have been raised by DOC. Dr Neale’s opinion with respect to potential adverse ecological effects is therefore accepted.

### *Cultural and Heritage Effects*

52. The applicant has provided a joint Cultural Values Assessment (“CVA”) prepared on behalf of Te Uri o Hau and Te Roroa (dated 25 February 2021), and a supplementary assessment for Stage two (this application). The CVA and supplementary assessment provide several recommendations relating to consent conditions and advice notes for the proposal and the applicant has agreed to the majority of these being imposed as consent conditions.
53. Environs Holdings Limited (representing Te Uri o Hau) is the only remaining submitter on the application. Environs is in support of the proposal and the submission states – *“Environs has been in consultation (with) the applicant in conjunction with the three marae from Te Uri o Hau hapū which is within the surrounding area known as Ōturei, Ripia & Waikaretu marae. We understand the nature of the application for Te Waihekeora, we have assessed its impact under Part 2 of the RMA and affirm that there is no cultural impact on our values and relationships with the project area...Recommended methods to implement cultural measure to avoid, remedy, mitigate, offset or compensate as per the Te Waihekeora Cultural Addendum Assessment - Aug 2021, provided to the applicant. Particular regard to involvement of Mana Whenua in the following: Compliance Planning, Sediment and Erosion Control, Te Waihekeora Operational Plan”*.
54. The agreed consent conditions and advice notes are recommended to be imposed on the consent and subject to this occurring any effects on cultural values are considered to be acceptable.

55. The applicant has also provided an archaeological assessment prepared by Mr Jonathan Carpenter and Mr Russell Gibb of Geometria. The assessment has not identified any previously recorded archaeological sites within 100m of the proposal, and an old homestead site involving house, out-buildings and curtilage that was identified in the report for stage one (RM210031) has subsequently been confirmed to post-date 1900 (and therefore is not an archaeological site requiring an archaeological authority to destroy). Mr Carpenter and Mr Gibb conclude that there are unlikely to be archaeological effects from the proposal, however they recommend that the homestead site and other features associated with the Parenga Kauri Oil company should be recorded prior to destruction as they are an important part of New Zealand's industrial heritage. They also recommend that works on the site proceed under an accidental discovery protocol.
56. The applicant has agreed to the measures recommended in the archaeological assessment, to be imposed as conditions of consent, and any effects on historic heritage are considered to be avoided, remedied or mitigated to an acceptable level.

#### *Contaminated Land*

57. The applicant has provided a ground contamination review from Williamson Water and Land Advisory of the former Kauri Oil Refinery. The review concludes that *"the occurrence of a historic kauri oil refinery at the proposed reservoir site presents a possible source of historic contamination. However, given the age of the activity, the small scale and short duration of the operation, it is highly unlikely that any contamination remains that would present a risk to human health or the environment in the context of the proposed reservoir works or in a future subdivision scenario. Given the nature of the refinery in the context of the proposed works, we do not consider it necessary for consent to be sought under the NESCS"*.
58. The Williamson Water and Land Advisory assessment has been reviewed on behalf of Council by Mr Conal Summers, Senior Engineer from Hawthorn Geddes. Mr Summers agrees with the applicant's position that no consent is required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. As a precautionary measure, it is recommended that the Construction Environmental Management Plan be required to include a Site Management Plan describing how the construction team would respond should potentially contaminated land be encountered during the proposed works.

#### *Effects on Infrastructure*

59. It is noted that there is an existing Northpower electricity line extending across the site and the applicant has confirmed that all works will be undertaken in accordance with the New Zealand Electrical Code of Practice 34:2001. This code of practice includes the requirement that safe working distances are maintained from electricity infrastructure and a consent condition is recommended to ensure ongoing compliance is achieved and that there are no effects on the Northpower infrastructure. The applicant has advised that there is an agreement in principle with Northpower to re-route the power lines around the exterior of the site, and that this can be undertaken as a permitted activity under the District Plan, however the agreement will not be formalised until this consent is granted. An advice note has been recommended to clarify that the setback provisions will not apply if the electricity line is relocated.

60. The application details that the Council water supply for the Glinks Gully community is located to the southwest of the site, however TWWSR is separated from this water supply by rolling dunes and possibly sits lower relative to mean sea level than the water supply pond. The application identifies the only possible adverse effect on this water supply is transportation of dust fines from the earthworks and that this will be managed via the erosion and sediment control measures on site. Council's Infrastructure Planning Team have reviewed the proposal and have not raised any concerns.

### *Conclusion*

61. In summary, having assessed the effects of the activity, and taking into account that no live submissions in opposition have been received, it is considered that subject to compliance with conditions the activity will result in no more than minor, and acceptable, adverse effects on the environment.

## **7.0 Section 104(1)(b) - Provisions of Standards, Policy Statements and Plans**

### **National Environmental Standards**

*Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*

62. As detailed in paragraphs 57 and 58 of this report, consent is not required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

### **Regional Policy Statement**

*Northland Regional Policy Statement 2016*

63. The Operative Northland Regional Statement 2016 ("RPS") contains high level policy guidance for development. Following the assessment of potential effects as detailed in this report, and subject to the recommended conditions of consent, it is considered that the proposal is in accordance with the high level objectives of the RPS.
64. There are no other National Policy Statements relevant to this proposal.
65. The applicant has been granted consent for the proposal from NRC on 20 September 2021. The NRC consent is for earthworks for dam and reservoir construction, to divert stormwater during land disturbance activities, and to discharge stormwater to land during land disturbance activities.

### **Kaipara District Plan 2013**

66. An assessment of the proposal against the provisions of the District Plan is provided in Section 9.2.7 of the application prepared by Williamson Water and Land Advisory, dated 8 August 2021. The applicant's assessment is agreed and adopted for the purpose of this report, and I consider that the proposal is consistent with the outcomes sought by the relevant provisions of the District Plan.

### **Conclusion**

67. Overall, the proposal is considered to be consistent with the relevant provisions of the Regional Policy Statement the District Plan.

## **8.0 Section 104(1)(c) - Other Matters**

68. There are no other matters relevant to this application.

## **9.0 Section 37 Extension**

69. Section 37 of the Act provides for a consent authority to extend a time period specified in the Act. Under Section 37A(4)(b) of the Act, a consent authority may extend the time period (up to no more than twice the maximum specified in the Act), where either:
- (i) special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter), or
  - (ii) the applicant agrees to the extension; and the authority has taken into account –
    - (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
    - (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
    - (c) its duty under Section 21 to avoid unreasonable delay.
70. A time extension has been applied to this consent under Section 37 of the Act from 11 February 2022 to 10 March 2022 (a period of 17 working days) to allow the applicant to review the draft consent conditions as they had requested on the application form.

## **10.0 Part 2 of the Act**

71. It is accepted that the relevant plans as detailed in the above assessment have been competently prepared in accordance with Part 2 of the Act. For completeness an assessment of Part 2 matters is included below.

### **Section 5 – Sustainable Management Purpose of the Act**

72. Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources, with sustainable management defined in Section 5(2).
73. It is considered that the proposal will promote the sustainable management of natural and physical resources. The proposal is for the construction and operation of TWWSR to enable and support the establishment of future horticultural activities and the effects can be avoided, remedied or mitigated to an acceptable level.

### **Section 6 – Matters of National Importance**

74. Section 6 of the Act sets out matters of national importance that a consent authority must recognise and provide for. Such matters include preservation of natural character; protection of outstanding natural features, landscapes, and significant indigenous vegetation; relationship of Maori; protection of historic heritage; and management of significant risks from natural hazards. There are no matters of national

importance considered to be relevant to this proposal. As such, the proposal is in keeping with section 6 of the Act.

### **Section 7 – Other Matters**

75. Section 7 of the Act sets out other matters a consent authority must have particular regard to. The following matters are considered relevant:

- (a) the efficient use and development of natural and physical resources:
- (b) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:

76. The proposed development represents an efficient use of the site and will maintain the existing amenity values and quality of the environment. As such, the proposal is in keeping with section 7 of the Act.

### **Section 8 – Treaty of Waitangi**

77. Section 8 of the RMA requires a consent authority to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The proposal will not compromise the principles of the Treaty of Waitangi.

## **11.0 Reasons for the Decision**

78. In terms of section 104(1)(a) of the Act, subject to compliance with conditions, the effects of the activity on the environment are considered to be acceptable because:

- Construction effects relating to stormwater management, dust, noise, vibration and traffic can be appropriately managed via best practice erosion and sediment control methods, specified hours of operation, access, traffic management and dust controls, and consent conditions to provide for management plans, monitoring and adaptive management as required;
- The site is not located within an Outstanding Natural Landscape, nor does it contain any identified Outstanding Natural Features. The potential natural character effects of the proposal have been assessed as low, and the temporary adverse visual effects arising from construction will be (at most) low;
- A detailed set of consent conditions is imposed for the design, construction, commissioning, operation and maintenance of the TWWSR, including a requirement for certification of a range of management plans and independent expert reviews at milestone stages of the project;
- The ecological values of the proposed TWWSR footprint have been assessed to be very low and any ecological effects will be less than minor;
- Consent conditions and advice notes recommended by Te Uri O Hau/Environs Holdings Limited and Te Roroa have been adopted and there will be no adverse effects on cultural values or historic heritage more broadly;
- The proposal will enable the establishment and operation of a water storage reservoir to enable and support new horticultural development in the Kaipara, bring economic opportunity to local communities, and will have positive effects with respect to employment opportunities in design and construction;

- There are no submissions in opposition to the proposal; and
- The application is supported by a range of technical reports and there are no substantive areas of disagreement between the applicant and their technical specialists, and Council's technical reviewers, that cannot be addressed via conditions of consent.

79. In terms of section 104(1)(b) of the Act, subject to compliance with conditions, it is considered that the proposal is consistent with the relevant objectives and policies of the Kaipara District Plan 2013 and the Northland Regional Policy Statement 2016 as discussed in Section 7.0 of this report.
80. In terms of section 104(1)(c) of the Act, there are considered to be no other matters of relevance to this application.
81. The Council has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in section 5.



*Reporting Planner*

*21/03/2022*

\_\_\_\_\_  
*Jessica Hollis*

*(Consultant – Hollis Planning)*

\_\_\_\_\_  
*Date*



*Peer Reviewer*

*21/03/2022*

\_\_\_\_\_  
*Wendy Robinson*

*Resource Consents Manager*

\_\_\_\_\_  
*Date*

*Signed:*



*22/03/2022*

*Name:*

*David Hill*

*Date:*

*Independent Commissioner on behalf of*

**Kaipara District Council**

*Signed under delegated authority pursuant to Section 34A of the Resource Management Act 1991.*