

AUCKLAND REGIONAL COUNCIL

RESOURCE CONSENT

Granted pursuant to the Resource Management Act 1991

As amended by the Environment Court on 16 October 2009 Consent Order
for appeal no. ENV-2007-AKL-000757

PERMIT NO: 33083

CONSENT HOLDER: North Shore City Council

FILE REFERENCE: 20137

CONDITIONS OF CONSENT:

Duration of Consent: This Consent shall expire on 31 October 2040 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Purpose of Consent: To authorise the **use** of stormwater dams that are owned or operated by the Consent Holder and that are located in, on, over or under the beds of lakes or rivers; in accordance with section 13(1)(a) of the of the Resource Management Act 1991.

To authorise the **damming** of water with, and the **discharge** of water from, stormwater dams that are owned or operated by the Consent Holder in accordance with sections 14(1) and 15(1) of the of the Resource Management Act 1991, including any damming and discharge associated with stormwater dams not located in the bed of a river.

Description of Activity Sites where activities are authorised by this Consent shall be limited to those detailed in Schedule SW10.

Dam height: 1.2 metres
Catchment Area: 64.6 hectares
Flood Volume: 34190 cubic metres

Site Name AF Thomas

Site Location AF Thomas Park, Goldfield Rd, Takapuna

Catchment Wairau Creek

Legal Description of Land Lot 1 DP 150598

Territorial Authority: North Shore City Council.

Map Reference 1755850 mE 5927880 mN

DEFINITIONS:

ARC	Auckland Regional Council
ARI	Annual Recurrence Interval
Manager	Means the Group Manager, Consents & Consents Compliance, Auckland Regional Council, or nominated Council staff acting on the Manager's behalf.
TP90	Auckland Regional Council Technical Publication No. 90 entitled "Erosion and Sediment Control Guidelines for Land Disturbing Activities" March 1999.
Watercourse	means a river or lake (with these terms having the same definition as set out in Section 2 of the Resource Management Act 1991).

GENERAL CONDITION:

1. This resource consent is granted subject to the ARC and its servants or agents being permitted access at all reasonable times to relevant parts of the stormwater and wastewater network for which the Consent Holder holds responsibility for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

Advice Note: The RMA allows enforcement officers to enter property when reasonably necessary. However, whenever reasonably possible, ARC officers will comply with all relevant Occupational Health and Safety requirements of any site onto which they enter.

2. The Consent Holder shall manage the stormwater dams in the manner set out in Attachment 1 of KC 208 Basis of Applying for Consents October 2006. Attachment 1, included as Appendix 2 of this consent, sets out how the management of these stormwater networks and related infrastructure can contribute to the achievement of the overall outcomes sought for the effects of flooding and stream erosion and for the effects of stormwater transported contaminants on the aquatic environment.

ALL STORMWATER DAMS – OPERATION AND MAINTENANCE:

3. That the Consent Holder shall operate, maintain and monitor the dams and associated structures so as to ensure that they are structurally sound, pose no undue risk to life, property or the natural environment, and are able to perform satisfactorily under foreseeable circumstances.
4. That, within 6 months of the commencement of this consent, the Consent Holder shall submit to the satisfaction of the Manager a Stormwater Dams Operating, Maintenance, and Monitoring Manual. The manual shall include:
 - a. 'as built' plans for each dam showing the surveyed dimensions, elevations, shape and location of:
 - i. the dam structure;
 - ii. the volume and areal extent of dammed water at normal and maximum operating levels; and
 - iii. associated outlet structures and spillways,

The plans shall include a site plan identifying the location of the dam in relation to boundaries with neighbouring properties. Notwithstanding the requirement to provide the manual within 6 months, these 'as built' Plans must be provided within two years of the commencement of this consent. **[As amended by the Environment Court – Consent Order for appeal no. ENV-2007-AKL-000757, dated 16 October 2009]**

- b. a description of the nature, location and frequency of operations, monitoring and maintenance of the dam, including methods of recording, reporting and evaluation of the monitoring results;
- c. a description the nature of any response measures to adverse dam performance or monitoring results; and

- d. identification of the parties or persons involved in and responsible for the implementation of Condition 4(c) above, including specification of operations, monitoring or maintenance to be undertaken by or under the supervision of a Chartered Professional Engineer experienced in dam construction.
- e. a description of the weed and pest control procedures that will be utilised to prevent or minimise nuisance effects;

Advice Note: Subject to any other authorisations necessary.

- f. The Consent Holder shall maintain and update the manual as necessary. Updates shall be provided to the Manager upon request.
- 5. That the Consent Holder shall ensure that the dams are operated, maintained and monitored in accordance with the manual required under Condition 4 of this consent.
 - 6. In the event of archaeological site evidence (eg shells, middens, hangi or ovens, pit depressions, defensive ditches, artifactual material or human bones) being uncovered during repair or maintenance works, the Consent Holder shall ensure that operations shall cease in the vicinity of the discovery and that the archaeologist, Auckland Regional Council, is contacted so that the appropriate action can be taken before any work recommences.
 - 7. That the Consent Holder shall ensure that every reasonable measure is taken during repair or maintenance works to control erosion of exposed earthwork areas and the discharge of sediment into natural waters. Measures to prevent sediment discharges shall comply with TP90 and shall include the following:
 - a. When dewatering an area of works, the Consent Holder shall ensure that no sediment laden water is discharged directly to a watercourse. Any sediment laden discharge pumped or otherwise removed from the works area shall be disposed of via a suitable sediment treatment system;
 - b. The Consent Holder shall ensure that all uncompacted material shall be kept clear of the watercourse channel during and after works;
 - c. The Consent Holder shall ensure that, in the event of any watercourse being temporarily dammed to enable construction or maintenance works, sufficient flow is maintained at all times below the site of works so as to not adversely affect in-stream biota;
 - d. The Consent Holder shall ensure that the beds of watercourses are stabilised at the end of each construction day;
 - e. The Consent Holder shall ensure that all sites are stabilised against erosion as soon as practicable and in a progressive manner as works are finished over various areas of the sites in accordance with measures detailed in TP90; and
 - f. The Consent Holder shall ensure that during the construction period provision is made to pass the 5% ARI flow within the watercourse with the minimum of damage or nuisance.

8. That the Consent Holder shall ensure that, unless specified otherwise in the special conditions of this consent or approved by the Manager, the dam will be capable of safely passing water for the 100 year ARI storm event with minimal damage to the dam and associated structures. The surface of flood spillways, overflow structures and the dam crest shall be constructed and maintained to protect them from significant erosion during operation.
9. That the Consent Holder shall ensure that all spillways, overflows and bypass arrangements are terminated and maintained in such a way as to minimise erosion of the stream, risk of obstruction of the waterways, and hazards to safety.
10. That the Consent Holder shall protect and maintain the entry to the spillways from becoming restricted by debris.
11. That the Consent Holder shall ensure that the dam structures, spillways and bypasses are adequately maintained at all times to minimise surface damage, and that no trees or vegetation, other than grass, that could weaken the structural stability of the dams, are allowed to grow on or adjacent to the embankments.
12. That the Consent Holder shall ensure that the dams are operated and maintained to avoid erosion of the upstream face of the dams by wave action and scour.
13. That, by no later than 30 September of each year, the Consent Holder shall provide to the Manager an annual stormwater dam report covering the following, for the 12 month period ending 30 June of that year:
 - a. details of any works undertaken in order to achieve compliance with the conditions of this consent, including: remedial engineering works; measures to avoid, remedy or mitigate barriers to fish passage; and the implementation of planting programmes;
 - b. details of any failure to complete works within the timeframes set out in the conditions of this consent or as approved by Manager in accordance with the conditions of this consent;
 - c. if relevant, revised timeframes within which any uncompleted works will be completed; and
 - d. a description of any complaints received about any stormwater dams and the Consent Holder's response to any such complaints.

SPECIAL CONDITIONS

Advice Note: Refer to schedule SW10 to determine which dams each of the following conditions apply to.

Fish Passage

14. That, within 2 years of the commencement of this consent, for those dams to which this condition applies (as identified in Schedule SW10), the Consent Holder shall assess the benefits of, and options for, measures to avoid, remedy or mitigate adverse effects on fish passage. The Consent Holder shall submit to the satisfaction of the Manager the results of the assessment including:
 - a. whether or not measures to avoid, remedy or mitigate adverse effects on fish passage are proposed, and the reasons for this; and

- b. in the event that such measures are proposed, details of the design, construction, operation and maintenance of the measures and the proposed timeframe for their implementation.
15. That the Consent Holder shall construct, operate and maintain in working order at all times measures to avoid, remedy or mitigate adverse effects on fish passage in accordance with the measures and timeframe proposed under Condition 14 or as otherwise approved by the Manager, including any approvals given previously in accordance with the conditions of the following resource consents:
- a. Consent number 25841, Condition 5 (Akoranga);
 - b. Consent number 24184, Conditions 6 and 7 (Chelsea Forebay 1); and
 - c. Consent number 26812, Condition 12 (Pharlap North).

Riparian and Wetland Planting

16. That, within 4 years of the commencement of this consent, for those dams to which this condition applies (as identified in Schedule SW10), the Consent Holder shall assess the benefits of, and options for, undertaking either:
- a. a programme of riparian and/or wetland planting adjacent to, upstream and/or downstream of the dam, or
 - b. alternative measures to avoid, remedy or mitigate the adverse effects of elevated water temperatures associated with the damming of water.

The Consent Holder shall submit to the satisfaction of the Manager the results of the assessment including:

- i. whether or not a planting programme or alternative measures are proposed and the reasons for this; and
 - ii. in the event that a programme of planting is proposed, a riparian or wetland planting plan. The plan shall include details of site preparation, fencing, plant species and density and the frequency and duration of post-planting maintenance (weeding and replacement plantings), or
 - iii. in the event that alternative measures are proposed, details of these measures including a description of the way in which they will avoid, remedy or mitigate the adverse effects of elevated water temperatures associated with the damming of water and a proposed programme of implementation and maintenance.
17. That the Consent Holder shall undertake riparian or wetland planting and associated preparation, fencing and maintenance works in accordance with the plan and timeframes proposed under Condition 16, or as otherwise approved by the Manager, including any approval given previously in accordance with the conditions of the following resource consents:
- a. Consent number 20709, Condition 7 (Pitoitoi East & West,
 - b. Consent number 23638, Condition 8 (Steamer Place);
 - c. Consent number 25841, Conditions 9 and 10 (Akoranga);

- d. Consent number 26806, Conditions 18 and 19 (Apollo Drive Ponds 2 and 3);
- e. Consent number 26549, Condition 19 (Medallion);
- f. Consent number 27244, Condition 8 (Kyle Rd South); and
- g. Consent number 20641, Conditions 2, 4 and 5 (Twin Court).

Dam Safety

- 18. That, within 2 years of the commencement of this consent, for those dams to which this condition applies (as identified in Schedule SW10), the Consent Holder shall ensure that remedial works to the dam emergency spillway are completed to the satisfaction of the Manager.
- 19. That, within three months of the completion of the works required in accordance with Condition 18, the Consent Holder shall supply to the Manager a certificate from a chartered professional engineer experienced in the supervision and construction of dams, certifying that:
 - a. the engineer has supervised the construction of the works; and
 - b. the dam will, in the opinion of the certifying engineer, perform correctly under foreseeable circumstances.
- 20. That the Consent Holder shall, as part of the Operating and Maintenance Manual required in accordance with Condition 3 of this consent, document specific surveillance and response measures required to assure the safety of the dam to which this condition applies (as identified in Schedule SW10): This shall include details of:
 - a. the nature, location and frequency of monitoring and surveillance of the dam during commissioning, normal operation and unusual events, including methods of recording, reporting and evaluation of the monitoring results;
 - b. the nature of any response measures to adverse dam performance or monitoring results, including the setting of alarms (triggers) and an Emergency Action Plan; and
 - c. the parties or persons involved in and responsible for each of (a) and (b).

These requirements shall be consistent with guidance given in the New Zealand Dam Safety Guidelines (New Zealand Society on Large Dams, November 2000) and Dam Safety Guidelines (Auckland Regional Council Technical Publication 109, June 2000).

- 21. That the Consent Holder shall ensure for those dams to which this condition applies (as identified in Schedule SW10), that dam operation, monitoring, maintenance and response measures are implemented in accordance with the details submitted in accordance with Condition 20 of this resource consent.
- 22. That, if required in writing by the Manager, the Consent Holder shall, for those dams to which this condition applies (as identified in Schedule SW10),

As amended by the Environment Court – Consent Order for appeal no. ENV-2007-AKL-000757 dated 16 October 2009

commission an independent safety evaluation of the dam at intervals of no more than 5 years. The first evaluation shall be completed within 3 months of receipt of the Manager's written requirement. The evaluation shall be undertaken by an engineer experienced in the supervision, construction and monitoring of dams and shall be in accordance with guidance given in the New Zealand Dam Safety Guidelines (New Zealand Society on Large Dams, November 2000).

Flow Regime

23. That the Consent Holder shall, for the dams named English Oak (Permit No. 34473) bypass downstream of the dam all inflows into the dam and not less than 0.6 litres/second at all times during the period 1 November to 30 April.

Advice Note: Condition 23 alone relates to the dam named English Oak (Permit No. 34473) in Schedule SW10. [As amended by the Environment Court – Consent Order for appeal no. ENV-2007-AKL-000757, dated 16 October 2009]

24. That the Consent Holder shall ensure that the dam named Pharlap North (Permit No. 34499) is operated and monitored so it does not dam water other than in response to rainfall events of a magnitude equalling or exceeding the 10 % Annual Exceedance Probability storm (and in accordance with its design). At all other times, the Consent Holder shall ensure that the flow of water through the dam outlet is unimpeded and that water is not impounded by the dam.

Advice Note: Condition 24 relates only to the dam named Pharlap North (Permit No. 34499) in Schedule SW10. [As amended by the Environment Court – Consent Order for appeal no. ENV-2007-AKL-000757, dated 16 October 2009]

REVIEW CONDITION

25. That the conditions of this consent may be reviewed by the Manager, pursuant to Section 128 of the Resource Management Act 1991, by the giving of notice pursuant to Section 129 of the Act, in November 2011 and subsequently at intervals of not less than five years thereafter for the purpose of dealing with any adverse effects on the environment which may have arisen from the exercise of the Consent which were not dealt with at the time that the Consent was granted, and additionally for the purposes of assessing the adequacy of the conditions in terms of:

- i. avoiding, remedying or mitigating adverse effects on the environment resulting from the activities authorised by this Consent; and
- ii. monitoring and reporting requirements.

and to amend those conditions or add further conditions if necessary.

Advice Note: Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

ADVICE NOTES:

1. The Resource Consent Holder is advised that they will be required to pay to the Council any administrative charge fixed in accordance with Section 36(1) of the

Resource Management Act 1991, or any additional charge required pursuant to Section 36(3) of the Resource Management Act 1991 in respect of this consent.

2. The Resource Consent Holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the Resource Management Act 1991, unless a later date is stated as a condition of consent. The provisions of Section 116 of the Resource Management Act 1991 are summarised in the covering letter issued with this consent.
3. That, in addition to this resource consent, permits from the authorising Building Consent Authority for structures may be required in which case they must be built in compliance with the provisions of the Building Act 2004 to the satisfaction of the Building Consent Authority. It is the responsibility of the consent holder to design, build, maintain and operate safe structures, related to this resource consent, and the Auckland Regional Council accepts no responsibility in this regard.
4. That this resource consent and any associated management plans are included with any relevant contract documents.

This consent has been granted by the Auckland Regional Council pursuant to the Resource Management Act 1991.

Note: Permit No. 33083 & 34458 to 34520 granted by Auckland Regional Council on 31 October 2007. Amended by the Environment Court Consent Order for appeal no. ENV-2007-AKL-000757, dated 16 October 2009.

APPENDIX 1

Schedule SW10 – North Shore City Council Stormwater Dams

Permit No.	File Ref. ¹	Dam Name	Emergency Spillway Details	Site Location	Legal Description	Special Conditions Applying
33083	20137	AF Thomas	Dam crest with grass cover	AF Thomas Park, Goldfield Rd, Takapuna	Lot 1 DP 150598	
34458	15865	Akoranga	Outlet weir with erosion protection matting	11 Kitewao St, Northcote	Pt Harbour Bed SO 67077	15, 17
34459	14051	Alison Park	Flap gate and pump station	Seabreeze Rd, Devonport	Reclaimed Land DP 693	14, 15, 16, 17
34460	14597	Apollo	Concrete	Ascension Place, Sunnynook	Lot 55 DP 99679	
34461	16276	Apollo Drive Pond 2	Reinforced clay (enkamat) 20.5 m width	70 Apollo Drive, Mairangi Bay	Lot 102 DP 351982	17
34462	16276	Apollo Drive Pond 3	Weir type with width of 4m	Reserve adjacent 78 Apollo Drive, Mairangi Bay	Lot 104 DP 236799	17
34463	20138	ARC Refuse Transfer	Dam crest with grass cover	11 Home Place, Glenfield	Allot 476 PSH Takapuna	
34464	20139	Atlas	Dam crest with grass cover	9 Atlas Place, Sunnynook	Lot 1 DP 45227	
34465	17317	Bayside	Concrete spillway 4m	Adjacent to 31 Bayside Drive, Browns Bay	Lot 50 DP 113075	14, 15, 16, 17
34466	20140	Becroft Park	Grass. 2 m	cnr Tristram Ave and Becroft Drive	Pt Lot 1 DP 42749	
34467	20141	Bellbird	Dam crest with grass cover	Reserve adjacent to 1 Bellbird Rise, Murrays Bay	Lot 206 DP 99833	14, 15
34468	34468	Bluebird	Dam crest with grass cover	82 Bluebird Crescent, Glenfield	Lot 214 DP 197052	
34469	0408	Cemetery 1	Road	North Shore Cemetery, 235 Schnapper Rock Rd, Albany	Pt Allot 23 PSH of Paremoremo	14, 15, 16, 17

Schedule SW10

Permit No.	File Ref. ¹	Dam Name	Emergency Spillway Details	Site Location	Legal Description	Special Conditions Applying
34470	14966	Chelsea ponds forebay 1	Rock rip rap	South Chatswood reserve and Chelsea Estate, Colonial Rd, Birkenhead	Pt Allot 161 Psh of Takapuna, Lot 2 DP 93323, Lot 1 DP 93327 Recreational reserve – NSCC	15
34471	20143	Constellation	Dam crest with grass cover	Upper Harbour Highway opposite Caribbean Dr	Lot 1 DP 46899	
34472	15901	Croffield Lane	Dam crest with concrete grid and grass cover	Reserve adjacent to 24 Croffield Lane, Wairau Park	Lot 4 DP 177351	
34473	10157	English Oak	Over road to creek	Reserve adjacent to 47 English Oak Drive, Albany South	Lot 100 DP 205231	16, 17
34474	11376	Expressway	Road	1 Coliseum Drive, Albany Expressway	Lot 101 DP 175245	16, 17
34475	5514	Fitzwilliams	Gobi blocks, 8 m	Reserve adjacent to 10 Emlyn Place, Torbay	Lot 109 DP 138691	
34476	10920	Freyburg Park	Grass. 10 m	4 Woodlands Crescent, Browns Bay	Lot 15 DP 40933	
34477	20144	Gatman	Wooden structure	43 Gatman Street, Birkdale	Lot 23 DP 113033	14, 15
34478	20145	Greenvalley	5m wide weir	18 Greenvalley Rise, Glenfield	Lot 45 DP 107251 and Lot 17 DP 109492	
34479	20146	Greville	Road	Greville Rd, Albany	Section 1 & 6 SO 310185	
34480	10231	Harkin	Dam crest with grass cover	Harkin Close, Albany South	Lot 17 DP 186628	
34481	20147	Hugh Green	Concrete grid spillway across crest.	Reserve adjacent to 101 Hugh Green Drive, Albany	Lot 6 DP 54464	16, 17, 18, 19
34482	20149	Jonathan Lavery	Concrete, 5.3m.	32 Lyford Crescent, Sunnynook	Lot 2 DP 163954	

Schedule SW10

Permit No.	File Ref. ¹	Dam Name	Emergency Spillway Details	Site Location	Legal Description	Special Conditions Applying
34483	15137	Kittewake Lower	7m emergency spillway	209A Schnapper Rock Rd, Albany South	Lot 3 DP 204190	
34484	20149	Knightsbridge	4.5 m wide concrete spillway	Reserve adjacent to 60 Knightsbridge Drive, Forrest Hill	Lot 97 DP 59573 and Lot 47 DP 57533	18, 19
34485	14538	Kyle Rd South	Reinforced enkamat grass tarsar spillway with level RL 14.9m	Reserve adjacent to 119 Kyle Rd, Greenhithe	Lot 200 DP 207425	14, 15, 17,
34486	16435	Lakeridge	25 m reno mattress weir, RL 49.61 m	4 Lakeridge Close, Albany North	Lot 514 DP 363905	
34487	20150	Langana	Dam crest	Reserve adjacent to 19 Langana Ave, Northcross	Lot 132 DP 170216	16, 17
34488	15901	Link Drive	NA	13 Link Drive, Wairau Park	Lot 1 DP 140306	16, 17
34489	20151	Linwood Reserve	Vegetated dam crest	Reserve adjacent to 22 Linwood Ave, Sunnynook	Lot 251 DP 53183	
34490	14176	Living Stream Upper	width 10m	10 Living Stream Rd, Albany	Lot 13 DP 379101	
34491	12264	Maryann	Dam crest with grass cover	Reserve adjacent to 2 Maryann Place, Greenhithe	Lot 352 DP 201198	
34492	16161	Medallion	Grassed / geotextile	56 Medallion Drive, Albany	Lot 2 DP 353570	14, 15, 17, 20, 21, 22
34493	15137	Meteor Lower	7m earth / grass	211B Schnapper Rock Road, Albany South	Lot 14 DP 204190	
34494	16309	Monarch Park	Concrete ledge spillway towards Moore St.	68 Moore St, Northcote	Lot 100 DP 71320	
34495	16069	Northcroft	Rip rap emergency spillway	40 Northcroft St, Takapuna	Harbour Bed SO 67077 and Lot 1 DP 54144	
34496	20152	Oaktree	Dam crest with grass cover	52 Oaktree Avenue, Browns Bay	Lot 933 DP 77534	

Schedule SW10

Permit No.	File Ref. ¹	Dam Name	Emergency Spillway Details	Site Location	Legal Description	Special Conditions Applying
34497	1940	Oakway	4 m wide spillway with 0.5 m high steps	21 Oakway Drive, Albany South	Lot 110 DP 202088, Lot 100 DP 205231	16, 17, 23, 24
34498	20153	Omega	Concrete block spillway	33 Omega Street, Albany	Lot 102 DP 190445	
34499	16269	Pharlap North	Erosion protection mat	Pharlap Drive, Albany	Lot 1 DP 356833	15, 23, 24
34500	12265	Pitoitoi - East	Vegetated dam crest	Reserve adjacent to 27 Pitoitoi Avenue, Greenhithe	Lot 3 DP 181135	17
34501	12265	Pitoitoi - West	Vegetated dam crest	Reserve adjacent to 27 Pitoitoi Avenue, Greenhithe	Lot 3 DP 181135	17
34502	20154	Rosedale East	Road	348 Rosedale Rd, Albany	Lot 73 DP 171819	16, 17
34503	20155	Rosedale West	Road	372 Rosedale Rd, Albany	Lot 74 DP 171819	16, 17
34504	13039	Rothwell	Dam crest	221 Albany Highway, Albany	Lot 1 DP 209521	
34505	12829	Sherwood	Spillway with energy dissipating rocks, 10 m.	85 Glencoe Road, Browns Bay	Lot 900 DP 66860	14, 15, 16, 17
34506	17549	Springvale Drive	Width 20 m	Reserve adjacent to 25 Springvale Drive, Albany	Lot 216 DP 367217	
34507	11375	Stadium - Lower	Dam crest	4 Civic Crescent, Albany	Lot 4 DP 201569	
34508	11375	Stadium - Upper	Earth	4 Civic Crescent, Albany	Lot 4 DP 201569	
34509	14586	Steamer Place	Dam crest with grass cover	38 Admirals Court Drive, Greenhithe	Lot 77 DP 207374	17
34510	17929	Stredwick Lower	Earth, 9.5 m	Reserve adjacent to 6 Mizen Court, Browns Bay	Pt Lot 1 DP 46825	16, 17
34511	17929	Stredwick Upper	Earth	Reserve adjacent to 6 Mizen Court, Browns Bay	Pt Lot 1 DP 46825	16, 17
34512	20156	Sunnynook Park	Dam crest with grass cover	90 Sunnynook Road, Sunnynook	Pt Lot 237 DP 64113	
34513	20157	Trias	Road	52 Trias Rd, Wairau Park, Glenfield	Lot 410 DP 117552, Lot 239 DP 111226 and Lot 192 DP	16, 17

Schedule SW10

Permit No.	File Ref. ¹	Dam Name	Emergency Spillway Details	Site Location	Legal Description	Special Conditions Applying
					102792	
34514	20158	Twin Court	Dam crest	23 Twin Court, Albany	Lot 23 DP 190521	17
34515	20158	Unsworth Lower	Grassed	31 Unsworth Drive, Greenhithe	Pt Lot 246 DP 122818	
34516	20159	Unsworth Middle	Concrete slab laid on a bund, 20.5 m	31 Unsworth Drive, Greenhithe	Pt Lot 246 DP 122818	16, 17
34517	20159	Unsworth Upper	Earth, 12.6 m	31 Unsworth Drive, Greenhithe	Pt Lot 246 DP 122818	16, 17
34518	20160	Vega	Dam crest	Accessway adjacent to 9 Vega Place, Sunnynook	Lot 1 DP 45227	
34519	10231	Vinewood	Earth	Reserve adjacent to 42 Mahoney Drive, Albany South	Lot 143 DP 331306	
34520	20161	Woodridge - Lower	Vegetated dam crest	19 Woodridge Avenue, Browns Bay	Lot 110 DP 191377	

Notes

1 File references of files holding existing consents to dam water or related consents at the same site location, otherwise new file references assigned

John ...

RECEIVED
20 OCT 2009

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal under section 120 of the
Act

BETWEEN NORTH SHORE CITY COUNCIL

ENV-2007-AKL-000757

Appellant

AND AUCKLAND REGIONAL COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Principal Environment Judge C J Thompson sitting alone under section 279 of the Act.

IN CHAMBERS at Wellington.

CONSENT ORDER

1. **INTRODUCTION**

1.1 The Court has read and considered the appeals, the Respondent's reply, and the memorandum of the parties dated 29 September 2009.

1.2 The Director-general of Conservation, Watercare Services, Metrowater Ltd, Waitakere City Council, Rodney District Council, Auckland City Council, Landco Okura Limited and John Shears have given notice of their intention to become parties under section 274 and have signed the memorandum setting out the relief sought.

1.3 The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:



- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

ORDER

- 1.4 Therefore, the Court orders, by consent, that the amendments set out in Annexure "A" are made to the specified permits.
- 1.5 The relief sought in Part G of the schedule of relief attached to the Notice of Appeal relating to Permit 34977 (Works in a Watercourse) is withdrawn.
- 1.6 The appeal is dismissed only in relation to the relief sought in Parts B, D and G of the schedule of relief attached to the Notice of Appeal.
- 1.7 There is no order as to costs in relation to this order.

DATED at Wellington this 16th day of October 2009



C J Thompson
Principal Environment Judge



ANNEXURE "A"

A. Permit 33079 (Discharges to Air) (Part B of the Schedule to the Appeal).

- (i) That condition 8 be amended as follows:

That within any private property or public recreation area there shall be no hazardous air pollutant, caused by discharges from the wastewater and stormwater networks, which is present at a concentration that is likely to be detrimental to human health or the environment that causes, or is likely to cause, adverse effects on human health, property or the environment.

Advice Note:

When considering compliance with Condition 8 of this Consent the ARC will refer to National and International Ambient Air Quality Guidelines (where available) in order to determine whether the concentrations of a hazardous air pollutant causes, or is likely to, cause adverse effects on human health, property or the environment.

- (ii) That condition 12 be amended as follows:

~~That the wastewater storage tanks shall be flushed clean once the tanks have been emptied in accordance with the Operation Maintenance Manual set out in Condition 3.~~

That once the wastewater storage tanks have been emptied;

- (a) Those tanks with an autoflush mechanism shall be automatically flushed clean; or
- (b) Those tanks without an autoflush mechanism shall be flushed clean as and when required in order to avoid noxious, dangerous, offensive or objectionable odour, dust and/or particulate occurring within any private property or public recreation area.

Flushing the tanks shall be undertaken in accordance with the Operation Maintenance Manual required by Condition 3.

- (iii) That condition 17 be amended as follows:

The consent holder shall undertake a walkover inspection of the site at all of the following times:

- (a) During or immediately after the tank receives overflow wastewater from the first six storm events following construction.



- (b) Every six months regardless of whether a storm event has occurred.
- (c) On receipt of a complaint.

Any evidence of odour that may result in non-compliance with Condition 5 shall be recorded and investigated and any remedial actions shall be undertaken as soon as practicable. ~~The network operating procedures shall include procedures for the walkover and recording of the results and any remedial actions taken shall be reported to the Manager within 20 days of the site inspection. The recording of results and any remedial action/s taken shall be reported to the Manager in accordance with Condition 21.~~

- (iv) That condition 19 be amended as follows:

That in the event of any discharge into air from the wastewater and stormwater networks resulting in noxious, offensive or objectionable odours affecting private property or public recreation area the Consent Holder shall investigate the cause. The Consent Holder shall use best practicable options to prevent or minimise reoccurrence of similar odours and shall record any actions taken. Records of any investigation shall include, but not be limited to:

- (a) The date, position and nature of the complaint.
- (b) The name, telephone number and address of the complainant, unless the complainant refuses to supply these details
- (c) Any remedial action taken.

Details of any complaints received shall be provided to the Manager ~~within 7 days of receipt of complaint/s in accordance with Condition 21.~~

If any discharge event identifies a new discharge location the Consent Holder shall modify Schedule WW2 accordingly and notify the Manager of the modification.

- (v) That condition 21 be amended as follows:

That the Consent Holder shall notify ~~officer~~ the Manager as soon as practicable after confirming onsite that a discharge of contaminants to air as a result of the wastewater and stormwater networks is continuing, which has resulted in odours that are or were likely to be noxious, offensive or objectionable. The results of any remedial and/or mitigation measures undertaken shall be reported to the Manager, in accordance with the reporting



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procedure set out in the Operation Maintenance Manual, as required by Condition 3 and within 20 days of the incident occurring.

B. Permit 33083 (Damming and the discharge of water within dams)
(Part D of the Schedule to the appeal)

- (i) That the last paragraph of condition 4(a) be amended as follows:

The Plans shall include a site plan identifying the location of the dam in relation to boundaries with neighbouring properties. Notwithstanding the requirement to provide the manual within 6 months, these 'as built' Plans must be provided within two years of the commencement of this consent.

- (ii) That condition 23 be amended as follows:

That the Consent Holder shall for ~~these~~ the dams named English Oak (Permit No. 34473) to which this condition applies (as identified in Schedule SW10), bypass downstream of the dam all ~~baseflows~~ inflows into the dam and not less than 0.6 litres/second at all times during the period 1 November to 30 April.

Advice Note: Condition 23 alone relates to the dam named English Oak (Permit No. 34473) in Schedule SW10.

- (iii) That condition 24 be amended as follows:

That the Consent Holder shall ensure that the dam named Pharlap North (Permit No. 34499) is operated and monitored for these dams, to which this condition applies (as identified in Schedule SW10), that so the dam-it does not dam water other than in response to rainfall events of a magnitude equalling or exceeding the 10% Annual Exceedance Probability storm (and in accordance with its design). At all other times, the Consent Holder shall ensure that the flow of water through the dam outlet is unimpeded and that water is not impounded by the dam.

~~Condition 23 and 24 are conditions that relates only to the dam Oakway (Permit No. 34497), and named Pharlap North (Permit No. 34499) in Schedule SW10.~~



