

1.0 APPLICATION DESCRIPTION

Application and property details

Fast-Track project name: Downtown Carpark Site Development

Fast-Track application number: FTAA-2512-1158
BUN60460864, LUC60460865, DIS60460866 and WAT60460867

2.0 Technical Specialist Memo – Hazardous Substances

To: Sarah Wilson – Lead Planner & Adonica Giborees - PPL

From: Ruben Naidoo

Qualifications & Relevant Experience: I have the qualification of: Bachelor of Technology: Environmental Health and have 19 years of experience in contaminated land and hazardous substances management. I am a full member of the [New Zealand Institute of Environmental Health \(NZIEH\)](#). I have prepared expert evidence and technical assessments for resource consent applications, plan changes, notices of requirement for designation and fast-track applications and have appeared as an expert witness before consent authorities on multiple occasions.

Preparation in Accordance with the Code of Conduct: I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Signature: *RNaidoo.*

Date: 1 May 2026

3.0 Documents Reviewed

The following documents have been reviewed in preparing this memorandum:

- AEE (B& A, December 2025)
- Hazardous Substances Assessment (T&T, November 2025)
- Draft Hazardous Substances Management Plan (T&T, November 2025)
- Flood Hazard & Risk Assessment (T&T, November 2025)
- Coastal Hazard & Risk Assessment (T&T, November 2025)
- Proposed Conditions
- Architectural Drawings, Warren & Mahoney, October 2025
- S67 response- Hazardous Substances Addendum Report, Downtown West Development, T&T, 2 April 2026

4.0 Specialist Assessment

E31 and E36 of Auckland Unitary Plan –Operational in Part (AUP OP) and PC120

4.1.1 Hazardous Substances

The proposed storage/use of hazardous substances are covered by the provisions of Chapter E31- Hazardous Substances of the AUP OP, which seeks to minimize the potential risk that a hazardous facility may have on the surrounding people, properties and environment.

The proposal includes the installation of new diesel tanks at the application site, to be located in dedicated rooms the basement levels B1 and B4 in addition to level 1 of the building, to supply back-up power generators.

The proposed storage and use of 20 200l diesel exceed the permitted and restricted discretionary quantity for the use and storage of hazardous substances for the Business – City Centre Zone, and therefore a resource consent is required as a Discretionary Activity, pursuant to E31.4.1 (A7)

The Proposal involves the storage of hazardous substances in flood hazard areas, noting this is only identified as a 'residual risk' with due to proposed mitigation measures, subject to E36.4.1A (A84) this is classified as a restricted discretionary activity.

Other hazardous substances that may be used on-site, including biocides and cleaning products are expected to be in quantities that have a permitted activity status.

There are no specific assessment criteria for a discretionary activity under rules E31. The applicant is required to demonstrate that the proposal meets the objectives, policies and the Standards of rule E31 in terms of site design, drainage systems, spill containment systems, waste management through a risk assessment and management process. The factors for consideration should include but not limited to:

- *sensitivity of surrounding natural, human and physical environment*

- *identification of hazards including natural hazards*
- *potential cumulative risks presented both onsite and offsite*
- *feasible structural and operational controls measures*
- *emergency management*

A risk analysis identified events associated with the proposed diesel storage that could result in off-site effects are- a fire in the rooms housing the storage tanks, structural failures of these tanks, and spills during either use or refueling.

A qualitative risk assessment for the identified hazards/failure modes associated with each of these events concluded that overall, the residual risks, after controls have been implemented, are low and can be managed.

Hazardous Substances Management Plan (HSMP)

The applicant has provided an HSMP that details the controls in place, managing the hazardous facility to avoid or adequately mitigate adverse effects, including risks, to people, property and the environment.

The HSMP shall detail the roles and responsibilities, important contact details, a hazardous substance register, pollution risks and detailed controls, spill response, emergency management, and requirements for site inspections, monitoring, staff training, audit and regular review of the HSMP.

An evacuation plan prepared in accordance with the requirements set in the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018, has been included as part of the HSMP.

- *I consider that the proposal is generally consistent with the relevant assessment criteria of Chapter E31 and E36 of the AUP OP. I concur with the AEE that, with the implementation of the site design, controls measures and operation procedures outlined in the application documents, together with the recommended conditions, that any potential environmental and health risks are likely to be mitigated to an acceptable level.*

4.1.2 Coastal Hazard and Risk Assessment

Council records reflect areas adjacent to the site are identified as subject to the 1% annual exceedance probability flood plain on the Auckland flood plain maps; and the site is also within an area subject to coastal inundation hazard due to sea level rise according to the AUP hazard overlays.

The proposed development is adjacent to a flood plain and the building design will incorporate flood and coastal inundation protection measures, as detailed in the Coastal Hazard and Risk Assessment and the Flood Hazard and Risk Assessment.

Auckland Unitary Plan's (AUP) Chapter E36 'Natural Hazards and Flooding' requires the completion of natural hazard risk assessments when a subdivision, use or development requiring resource consent is proposed to be undertaken on land which may be subject to natural hazards considering the effects of climate change over at least a 100-year timeframe.

The revision to AUP E36 associated with PC120 has some important updates that are material for assessing development in the context of potential future coastal hazards with climate change.

Consideration of the following consent matters:

- The proposal involves ‘activities sensitive to natural hazards’ (both group A (hotel accommodation) and group B (hazardous facilities)) and ‘activities potentially sensitive to natural hazard’ (being retail, office and commercial uses) which subject to E36.4.1A (A58) Coastal Hazard Area 3 (1.0 – 1.5 m RSLR) is classified as ‘potentially tolerable’ is a restricted discretionary activity.
- The proposal involves the development of below ground parking where the Site and associated entry and exit points are located within the Coastal Hazard Area 3 (1.0 – 1.5 m RSLR) which subject to E36.4.1A (A61) is classified a restricted discretionary activity.

Key elements of the development that are potentially at risk to coastal inundation hazards include, inter alia:

- The lowest level (B4) has a fuel storage area with bulk diesel tanks that are corrosion resistant and double skinned with vents. Fuel tanks would be considered sensitive to flooding from coastal inundation as they are classified as a hazardous facility.

To inform a coastal inundation risk assessment for the proposed development, various relative sea level rise (RSLR) pathways were sourced from NZ Sea Rise based on different future emission projections.

The development design has included a flood barrier at both Service Lane entrances to mitigate the risk of flooding entering the basement, and/or including land contouring at both the Quay Street and Customs Street West entrance to prevent water ingress to the Service Lane during flood conditions.

With the current **mitigation** plan of a **flood barrier** the risk to fuel storage on B4 from coastal inundation over 100 years can be classed as **low**.

4.1.3 Flood Hazard & Risk Assessment

Council GeoMaps identifies a “flood prone area” located at the northeastern area of the site. However, the applicant notes that the mapped extents of the flood prone area are incorrect, and the flood prone area is only confined to the Service Lane area.

The flood hazard risk assessment has been undertaken in accordance with Chapter E of the Auckland Unitary Plan (AUP) PC120, triggered by the site’s location alongside a 1% AEP floodplain.

Consideration of the following consent matters:

- The Proposal involves ‘activities sensitive to natural hazards’ (both group A (hotel accommodation) and group B (hazardous facilities)) and ‘activities potentially sensitive to natural hazard’ (being retail, office and commercial uses) which with a default risk classification of ‘potentially tolerable’. Where located within the Low Flood Hazard Area they are classified under E36.4.1A (A79) as a restricted discretionary activity.
- The Proposal involves surface parking and above ground parking areas (including vehicle entry and exit points) in flood hazard areas, subject to E36.4.1A (A81) where parking areas area and entry and exist points are subject to moderate flood hazards they are classified as a restricted discretionary activity.

Three ‘risk elements’ in relation to flood hazards have been considered:

- Flooding of non-habitable floor levels (Level 00 and above).
- Flooding of the basement levels.

- Flooding of surrounding land and street access

A 'default level of risk' has been classified as acceptable, potentially tolerable or significant for the three risk elements, however, in terms of the basement level associated with the storage of hazardous substances:

The basement levels are non-habitable spaces however they contain other activities potentially sensitive to flood hazard, such as the storage of hazardous substances, critical plant infrastructure and 'back of house' facilities for building staff.

The default level of risk is classified as potentially tolerable.

However, the property design incorporates measures that fully mitigate flood consequences to the basement levels through the installation of flood barriers, which prevent water ingress via the Service Lane into the basement.

Furthermore, the proposed flood barriers require full waterproofing in their design to ensure significant leakage is prevented for the full duration of the flood event. The flood barriers will require regular maintenance throughout their operational life to ensure readiness in the event of the extreme flooding scenario considered. Operation of the flood barriers must be factored into an emergency response plan of the property in the event of flooding.

The report concludes that the flood risk is considered acceptable as the proposed flood barriers prevent floodwater from reaching the basement levels via the Service Lane. The proposed mitigation method is to install flood barriers at either end of the Service Lane to prevent floodwaters entering the Service Lane and draining into the basement.

Conclusions from the Flood hazard assessment include, inter alia:

- Given the proposed flood mitigation measures (flood barriers and raising of ground floor levels) that have made the property resilient to flooding, we consider the flood risk to people on the property to be acceptable.

I concur with the assessment and consider adequate information has been provided in relation to the flood risk assessment and the mitigation measures have been appropriately addressed.

5.0 Recommendation

Based on the information reviewed, I consider that the applicant has generally provided sufficient assessment information in relation to Chapter E31- *E31.4.1 (A7) – as a Discretionary Activity*, and E36 of the AUP OP and Plan Change 120 (PC120), commensurate with level of risk associated with storage and use of hazardous substances for the proposed site operation, assessed as a Restricted Discretionary Activity.

I support the proposal subject to the recommended conditions of consent and an additional condition requiring a flood management plan that will in particular secure specific design, maintenance and management of flood barrier device.

6.0 Proposed Conditions

I have reviewed the draft conditions with respect to E31- hazardous substances and E36 -natural hazards and flooding in conjunction with PC120 and consider the following conditions applicable and acceptable.

Management Plans

Conditions 11-20

Hazardous substances Management Plan

Conditions 109-111

Flooding

Conditions 112-113

Hazardous Substances

Conditions 135-138

Recommended additional condition:

The applicant is required to provide a flood hazard management plan/emergency protocol in conjunction with advice from the Auckland Emergency Management/Civil Defence departments to the council for review and certification prior to the establishment of the facility.