I hereby give notice that an extraordinary meeting of the Regulatory Committee will be held on:

**Date:** Friday, 16 November 2018

**Time:** 9:30am

**Meeting Room:** Room 1, Level 26

**Venue:** 135 Albert St

Auckland

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**Komiti Whakahaere ā-Ture**

**Regulatory Committee**

**OPEN AGENDA**

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**MEMBERSHIP**

Chairperson
Cr Linda Cooper, JP

Deputy Chairperson
Deputy Mayor Cr Bill Cashmore

Members
Cr Josephine Bartley
Cr Fa’anana Efeso Collins
Cr Richard Hills
Cr Daniel Newman, JP
Cr Sharon Stewart, QSM
IMSB Chair David Taipari
Cr Wayne Walker
Cr John Watson
IMSB Member Glenn Wilcox

(Ex-officio)
Mayor Hon Phil Goff, CNZM, JP

(Quorum 5 members)

---

Maea Petherick
Senior Governance Advisor

12 November 2018

Contact Telephone: (09) 890 8156
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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Responsibilities

The committee is responsible for regulatory hearings (required by relevant legislation) on behalf of the council. The committee is responsible for appointing independent commissioners to carry out the council’s functions or delegating the appointment power (as set out in the committee’s policy). The committee is responsible for regulatory policy and bylaws. Where the committee’s powers are recommendatory, the committee or the appointee will provide recommendations to the relevant decision-maker.

The committee’s key responsibilities include:

- decision-making (including through a hearings process) under the Resource Management Act 1991 and related legislation
- hearing and determining objections under the Dog Control Act 1996
- decision-making under the Sale and Supply of Alcohol Act 2012
- hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002 (this cannot be sub-delegated)
- hearing and determining matters arising under bylaws
- receiving recommendations from officers and appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Regulatory Committee
- receiving recommendations from officers and deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing
- monitoring the performance of regulatory decision-making
- where decisions are appealed or where the committee decides that the council itself should appeal a decision, directing the conduct of any such appeals
- considering and making recommendations to the Governing Body regarding the regulatory and bylaw delegations (including to Local Boards)
- regulatory fees and charges
- recommend bylaws to Governing Body for consultation and adoption
- appointing hearings panels for bylaw matters
- review local board and Auckland water organisation proposed bylaws and recommend to Governing Body
- set regulatory policy and controls, including performing the delegations made by the Governing Body to the former Regulatory and Bylaws Committee, under resolution GB/2012/157 in relation to dogs and GB/2014/121 in relation to alcohol.
- engage with local boards on bylaw development and review
- adopting or amending a policy or policies and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term “decision-making” is used to encompass a range of decision-making processes including through a hearing. “Decision-making” includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates and certificates of compliance and also includes all necessary related decision-making.

In adopting a policy or policies and making any sub-delegations, the committee must ensure that it retains oversight of decision-making under the Resource Management Act 1991 and that it provides for councillors to be involved in decision-making in appropriate circumstances.
For the avoidance of doubt, these delegations confirm the existing delegations (contained in the chief executive’s Delegations Register) to hearings commissioners and staff relating to decision-making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Regulatory Committee. Relevant legislation includes but is not limited to:

All Bylaws
Biosecurity Act 1993
Building Act 2004
Dog Control Act 1996
Fencing of Swimming Pools Act 1987
Gambling Act 2003; Land Transport Act 1998
Health Act 1956
Local Government Act 1974
Local Government Act 2002
Local Government (Auckland Council Act) 2009
Resource Management Act 1991
Sale and Supply of Alcohol Act 2012
Waste Minimisation Act 2008
Maritime Transport Act 1994
Related Regulations

**Powers**

(i) All powers necessary to perform the committee’s responsibilities.

**Except:**

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only.

(ii) Power to establish subcommittees.
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Apologies</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>Declaration of Interest</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>Petitions</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>Public Input</td>
<td>9</td>
</tr>
<tr>
<td>5</td>
<td>Local Board Input</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Extraordinary Business</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>Objections to St Marys Bay and Masefield Beach improvement project</td>
<td>11</td>
</tr>
<tr>
<td>8</td>
<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>PUBLIC EXCLUDED</strong></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Procedural Motion to Exclude the Public</td>
<td>93</td>
</tr>
<tr>
<td>C1</td>
<td>Deliberations on objections to St Mary’s Bay and Masefield Beach Improvement Project</td>
<td>93</td>
</tr>
</tbody>
</table>
1 Apologies

At the close of the agenda apologies had been received from Mayor P Goff, Deputy Mayor B Cashmore and Cr R Hills for absence on council business.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Petitions

There are no petitions in this section.

4 Public Input

There is no public input in this section.

5 Local Board Input

There is no local board input in this section.

6 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

   (i) The reason why the item is not on the agenda; and

   (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

   (i) That item is a minor matter relating to the general business of the local authority; and

   (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”
Objections to St Marys Bay and Masefield Beach improvement project

File No.: CP2018/16354

Te take mō te pūrongo / Purpose of the report
1. To hear and determine fifteen objections to a component of the St Marys Bay and Masefield Beach improvement project; a tunnelled storage and conveyance pipeline.

Whakarāpopototanga matua / Executive summary
2. Auckland Council is seeking to deliver the St Marys Bay and Masefield Beach water quality improvement project. The project involves upgrading the stormwater outfall network to reduce wastewater contamination of these beaches.
3. A resource consent hearing for the project was held in September 2018 and a decision is expected by the time of the Regulatory Committee meeting on 16 November 2018.
4. A major component of the project is a storage and conveyance pipeline proposed to be constructed between the existing overflow point at the corner of London and New Streets, St Marys Bay, and new infrastructure at 94A and 94B Shelly Beach Road in Point Erin (see project overview map in Attachment A).
5. The council considered a range of options for the alignment of this project (see options analysis in Attachment B). All of the practical options involved installing a pipeline below properties. The proposed pipeline alignment was selected as it creates the least disruption to residents and is the most effective at capturing overflows discharging to St Marys Bay.
6. The entire pipeline will be constructed well below ground level using a tunnel boring machine.

Objections to the project
7. The pipeline passes underneath 24 land parcels comprising 61 properties with various ownership and leasing or cross leasing arrangements. In total, 109 property owners were separately served notice under section 181 of the Local Government Act (see Attachment C).
8. Fifteen objections have been received. A map of the properties is shown in Attachment A and copies of the objections in Attachment D. The scope of the objections is varied and includes:
   - concerns over property and cliff stability and soundness during and after construction
   - concerns over the council’s liability to make good any damage caused by the project
   - concerns over the potential for the pipeline to prevent future development of properties
   - concern over potential diminution of property values as a result of the pipeline
   - a desire for compensation as a result of having the pipeline installed under their property.
9. The council undertook negotiations and further consultation with objectors to attempt to resolve these objections (see list of communications in Attachment E). Negotiation has not been successful in resolving these 15 objections.
10. The council’s advice from engineering experts is that there will not be any impacts on the properties as a result of construction or operation of the project. This is due to the depth at which the pipeline will be installed, the construction methodology and monitoring and the technology used. Potential development or redevelopment of properties will also not be prevented by the pipeline.
11. Potential impacts on properties during construction will be measured through pre and post-construction surveys and intensive monitoring set out in the resource consent conditions.

12. Council is legally obliged to make good any damage caused by the project, which the monitoring and surveys are designed to pick up. The surveys will provide a sound baseline against which any claims against the project can be measured.

13. There are no known instances where the test for compensation for injurious affection under the Public Works Act is likely to be met. In any case, staff’s recommended determination that the Regulatory Committee proceed with the proposed works under the Local Government Act will not prevent an objector making a claim for injurious affection under the Public Works Act.

14. Clause 1(d) of schedule 12 of the Local Government Act provides a right for objectors to be heard by a committee of the council. Delegation to undertake the hearing of these objections lies with the Regulatory Committee.

Ngā tūtohunga / Recommendations

That the Regulatory Committee:

a) hear and determine the objections by the owners according to clause 1(e) of Schedule 12 of the Local Government Act 2002, and

b) determine to proceed with the construction of the pipeline (as shown in Attachment A) according to clause 1(e) of Schedule 12 of the Local Government Act 2002.

Horopaki / Context

Water quality in the western isthmus

16. A combined network (which carries both stormwater and wastewater) services approximately 15,000 households in central Auckland, including St Marys Bay. The network is very close to capacity and combined overflows are frequent, with increasing public concern regarding these.

17. To address these issues in June 2018 Auckland Council adopted a Long-term Plan which includes a new water quality improvement targeted rate.

18. The Western Isthmus Water Quality Improvement Work Programme is the largest workstream funded through the targeted rate. It aims to progressively reduce overflows into the Waitematā Harbour from hundreds of events to six or less per outfall each year.

St Mary’s Bay and Masefield Beach water quality improvements

19. The St Marys Bay and Masefield Beach improvement project is the first project to be delivered as part of the Western Isthmus Water Quality Improvement Work Programme.

20. The project will have major benefits through:
   • reducing combined stormwater and wastewater overflows in this area from over 200 to around 20 per year, which will be discharged into a more dynamic receiving environment further out into the harbour
   • reducing risks to public health from water contact and improving beach aesthetics
   • improving operation of the stormwater system
   • contributing to restoring the mauri of the harbour.
21. The project also reduces implementation risk for the full Western Isthmus Water Quality Improvement Programme as, through undertaking this project, further improvements to the combined network can take place without continued contamination of these beaches. This is important as the full suite of proposed solutions will take some time to implement.

22. In the short-term the project will provide a combined outfall for both stormwater and wastewater. Long-term, however, as separation works are completed across the catchments its use will be primarily for stormwater management and dispersal.

23. A key objective of this project is to achieve completion of construction by December 2020 before the America's Cup, APEC and Te Matatini in 2021. This will enable use of St Marys Bay and Masefield Beach by locals and tourists during these major events without the risk of frequent sewerage discharges. This requires construction to start in early 2019.

**Infrastructure requirements, including pipeline**

24. As outlined above, the project involves the construction of a storage pipeline to capture and store current overflows and divert them to a new outfall structure at Point Erin. A new pump station within this structure will return flows to the sewer. When the capacity of the sewer is such that flows cannot be received, the system will discharge through a new sea outfall from Point Erin to a more dispersive receiving environment in the harbour (see Attachment A).

25. The above ground infrastructure required includes a pump station, overflow structure, odour control facilities and ancillary services and access.

26. The proposed storage and conveyance pipeline is the focus of the objections described in this report because it passes beneath 61 private properties. It will be constructed between the existing engineered overflow point at the corner of London and New Streets, St Marys Bay, and new infrastructure to be constructed at 94A and 94B Shelly Beach Road in Pt Erin (see map of alignment in Attachment A).

27. The entire pipeline is to be constructed below ground level using a tunnel boring machine. The shallowest depth of the pipeline immediately below a dwelling is slightly less than 12 metres.

**Resource consent and notification process**

28. Throughout 2017 the project was widely publicised in the St Marys Bay and Herne Bay catchments. Residents were invited to take part in project open days or request individual meetings, which included information and opportunities for feedback about potential pipeline alignments.

29. The resource consent application for the project was publicly notified in May 2018 and the hearing for the project was held in September 2018. A decision on the consent is expected to be available by the time of the Regulatory Committee Hearing on 16 November 2018.

30. Concurrently with the resource consent process, the Local Government Act process to gain consent to build under properties was initiated in March 2018. All impacted property owners were notified of the pipeline proposed underneath their property by mail in March 2018. Formal notice was served on 22 May 2018 (see formal notices in Attachment C).

**Tātaritanga me ngā tohutohu / Analysis and advice**

**Options considered for locating the pipeline**

31. A St Marys Bay water quality improvement programme took place in 2016 with input from the council, Watercare Services Limited, Panuku and various other stakeholders. This looked at a wide range of potential projects and options for improving water quality in this area.

32. The St Marys Bay and Masefield Beach improvement project was identified as a preferred initiative in 2016 to improve water quality, able to be delivered in the short term, while providing long term water quality benefits.
33. In developing this project, the option of surface trenching a pipeline (which would mean construction in the street corridor, avoiding tunnelling under private properties) was considered but discounted for the following reasons.

- Construction needs to be technically feasible. St Marys Bay is a highly constrained environment with narrow streets that already contain a large number of services.
- The size of the pipe needed to provide conveyance and storage for current overflows makes surface trenching infeasible. A smaller pipeline was considered between London/New St and St Marys Road Reserve, however a pipeline sized for conveyance only would still be large. Trenching such a pipe would be more technically challenging, slow, disruptive and expensive to construct than a straight tunnelled alignment.
- Trenchless construction of a pipeline in the streets would result in more surface construction sites than the current proposal (which has only one site in public streets, with the remainder being in NZTA land). This would significantly increase the cost, time to construct and disruption to residents of the project.
- The existing combined sewer network in this area, which mainly runs below the streets, will also require major upgrading and asset replacement and renewal in future. This means council needs to avoid creating too much ‘below street clutter’ in this area of St Marys Bay with this outfall network upgrade. Deep tunnelling means there is sufficient space below the street for networks separation and installation of new pipes should this be undertaken in the future.

34. An options analysis was also carried out to determine the preferred location for the above ground infrastructure to collect stormwater flows. Confirming this location was key to determining the pipe alignment.

35. This options analysis was previously provided to the Environment and Community Committee in September 2018 as part of a confidential item relating to land acquisition (see Attachment B). It is also summarised below.

**Options analysis**

36. Three main options were considered:

- **Option A**: 94A and 94B Shelly Beach Road: This area comprises two land parcels currently owned by the NZTA. The land is currently unused by the NZTA and is subject to a ‘Licence to Occupy’ granted to Auckland Council for recreational use.
- **Option B**: Corner of Curran and Sarsfield Street, within Point Erin Park and public roadway. This area is publicly owned by Auckland Council and Auckland Transport.
- **Option C**: In Point Erin Park. This area is owned by Auckland Council and operated by Community Facilities.

37. All of these options required a straight pipe alignment and some tunnelling under private properties to connect to outfall points, as it is difficult for a tunnel boring machine to move in a curved line (see options analysis in Attachment B).

38. As Attachment B outlines, **Option A**: 94A and 94B Shelly Beach Road was preferred for various reasons. Some factors considered in selecting this location included:

- Public feedback on the options was sought at a Project Open Day held June 2017. Overall, no firm preference for a particular alignment was shown. In general, people preferred alignments that were not passing beneath their properties, although most who commented preferred 94A and 94B Shelly Beach Road in Point Erin as a location for infrastructure.
- Feedback on the options was also sought and received from other infrastructure providers and, as detailed in Attachment B, an assessment against many other criteria such as constructability, time to construct and impacts on local traffic and open spaces was undertaken. This assessment resulted in the selection of Pt Erin as the preferred location for new infrastructure.
39. Once the preferred location at Point Erin was selected, the pipeline alignment needed to fit within the constraints of the location of the existing overflow points, allow for gravity operation and minimise construction and construction impacts in residential areas.

40. It is also important to minimise construction in a highly constrained and complex environment close to the top ground layer adjacent to a cliff top susceptible to instability. It is preferable to construct well below ground level in sound material.

41. For all these reasons, the proposed pipeline route was selected as the most practical in order to capture overflows discharging to St Marys Bay.

Notification and information provided to impacted Property Owners

42. All 109 impacted property owners and occupiers on the selected pipeline alignment were provided with the following communications, as per the examples in Attachment C.

- Letter dated 6 March 2018 outlining the project, informing the owner that their property is above the pipeline and they will be served notice.
- Letter 21 May 2018 serving notice under s181 of the Local Government Act for intent to construct the pipeline under the property.
- Letter 12 June 2018 reminding property owners of the closing date for objections (22 June).

43. The letters were mailed to all regionwide addresses and PO Boxes and hand delivered to all local addresses. In addition, email copies of letters were distributed to all parties who were on the project database already and who subsequently requested this.

44. All letters invited recipients to meet with the project team to discuss any concerns and to meet with technical specialists. This offer was taken up by a number of residents.

Summary of objections received

45. As a result of this notice and further consultation period, a total of 15 objections were received. The objecting properties are shown in the map in Attachment A. The full objections are included in Attachment D and summarised in Table 1 below.

Table 1. Summary of objections received by property owner

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Summary of concerns relevant to Local Government Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Susan Young</td>
<td>17 London Street</td>
<td>1. Impact on future development or redevelopment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Impact on property values</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>3. Construction impacts on property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. Compensation</td>
</tr>
<tr>
<td>2</td>
<td>Trevor and Ann Hackett</td>
<td>19 London Street</td>
<td>1. Decrease in value of property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Construction impacts on property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. Stability of the cliff</td>
</tr>
<tr>
<td>3</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>1. Impact on future development</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Stability of the cliff</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. Compensation</td>
</tr>
<tr>
<td>4</td>
<td>Candy Tauberer</td>
<td>25E Ring Terrace</td>
<td>1. Stability of the cliff</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Construction impacts on property and trees</td>
</tr>
<tr>
<td></td>
<td>Sue Mihakis-Tierney</td>
<td></td>
<td>2. Stability of the cliff</td>
</tr>
<tr>
<td></td>
<td>c/o Doug Cowan</td>
<td></td>
<td>3. Construction impacts on property</td>
</tr>
<tr>
<td>6</td>
<td>Darrin Johannink</td>
<td>23 London Street</td>
<td>1. Stability of the cliff</td>
</tr>
<tr>
<td></td>
<td>and Anjala Natali</td>
<td></td>
<td>2. Alternative route options</td>
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<td></td>
<td>3. Construction disruption</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>4. Construction impacts on property</td>
</tr>
</tbody>
</table>
### Objections to St Marys Bay and Masefield Beach improvement project

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Summary of concerns relevant to Local Government Act</th>
</tr>
</thead>
</table>
| 7   | Leo van Veenendaal          | 111 Shelly Beach Road        | 1. Construction impacts on property  
2. Impact on future development  
3. Compensation                        |
| 8   | Sheryl Glasse                | 85a Shelly Beach Road        | 1. Stability of the cliff  
2. Construction impacts on property |
| 9   | Russ and Lynda Bowler        | 2/17 Ring Terrace            | 1. Stability of the cliff  
2. Construction impacts on property  
3. Council responsibility to make good any damage caused |
| 10  | Christine Heather           | 3/99 Shelly Beach Road       | 1. Stability of the cliff  
2. Council responsibility to make good any damage caused |
| 11  | Jeanette Henry               | 19 Ring Terrace              | 1. Stability of the cliff  
2. Council responsibility to make good any damage caused |
| 12  | Margaretha and Allan Cooper  | 6/79 Shelly Beach Road       | 1. Construction impacts on property  
2. Stability of the cliff  
3. Council responsibility to make good any damage caused |
| 13  | Kevin Pollock                | 25a Ring Terrace             | 1. Stability of the cliff  
2. Council responsibility to make good any damage caused |
| 14  | Brian William Putt and Suzanne Linda Ashmore | 27 Ring Terrace | 1. Council responsibility to make good any damage caused  
2. Construction impacts on property |
| 15  | Allan Tyler                  | 21 Ring Terrace              | 1. Construction impacts on property |

46. As shown in Table 1, objections were primarily based around the following topics:

- Concern over property and cliff stability during and after construction, how this would be monitored and any damage remediated.
- Concern over the council’s liability to make good any damage caused during construction.
- Concern over the potential for the pipeline to prevent future development or redevelopment of properties.
- Concern over potential diminution of property values as a result of the pipeline passing beneath.
- A desire for compensation as a result of having the pipeline installed under the property either as a result of injurious affection or just generally.

47. Subsequent to receiving the objections a number of different meetings, communications and negotiations were held with objectors to provide further information about the Local Government Act process and try to resolve queries and concerns. Attachment E provides a register of significant communications undertaken with all objectors.

48. The project team also worked with the project engineers to assess each of the submitters concerns and to develop a detailed understanding of local geography and conditions. This work included:

- Obtaining detailed and up to date ground level data along the proposed alignment
- Undertaking a detailed cliff and tree survey along the entire proposed pipeline alignment to improve knowledge of exact contours and look for any areas of instability or trees of interest. Baseline monitoring of the cliff and trees has commenced so that the natural extent of ground movement and any developing areas of instability can be recorded.
These areas are not anticipated to be affected by the construction of the pipeline, this monitoring is being undertaken by the council to make sure that the ‘background’ risk posed by the clifftop is well monitored.

- Requested access to all individual properties along the proposed alignment to carry out a preliminary inspection and scan of individual properties.
- Undertook detailed design and analysis of the proposed pipeline alignment

49. This work confirmed the engineering assessments summarised below in relation to the submitters’ concerns.

Cliff stability

50. Extensive technical assessments relating to ground conditions, groundwater, cliff stability, impacts on trees and construction impacts have been carried out as part of the process for designing and consenting the project. The assessments have concluded that the clifftop is already naturally susceptible to instability. This unstable behaviour will continue.

51. Construction of the project will not have any impact on the behaviour of the cliff (i.e., it will not make it better or worse). The project is not being constructed in the unstable cliff top ground layer, it is well below ground in sound unweathered material. Appropriate monitoring conditions are proposed in the resource consent conditions to ensure that construction does not impact the cliff.

Construction impacts

52. The project engineers Aurecon have undertaken an assessment of the potential for impacts on individual properties along the pipeline alignment. Aurecon advise that that there will be very little or no construction impact on properties (in terms of vibration, noise, land instability, settlement or building movement), including those with piled foundations.

53. This is because the pipeline is well below ground level and constructed in sound material as it passes below properties along the alignment. The proposed monitoring in the resource consent conditions, if granted, will ensure limits for vibration, noise etc are not exceeded. The proposed pre- and post-conditions surveys of properties will also provide a mechanism for assessing potential damage.

54. Several objectors requested ‘evidence’ of proposed monitoring and technical assessment in the resource consent conditions. All objectors have been provided with the proposed conditions along with an offer to meet with the team to go through how these apply to their property.

55. The proposed resource consent conditions are publicly available, but a delay in receiving the consent decision means that the final proposed conditions will not be available until shortly before the Regulatory Committee hearing on 16 November 2018.

56. Assessment of construction impacts have been updated since the consent was submitted to include new information (as described in paragraph 42, above). Also, much of the proposed pipeline has been lowered slightly during detailed design (to improve hydraulic performance).

57. The combined effect of these changes is that the new alignment is generally slightly deeper than earlier designs. This information is shown on updated property drawings that have been provided to all objectors. The deeper alignment means that the assessments undertaken for the resource consent and pipeline design were conservative and the risk of any impact on properties is even less than previously analysed.
Council’s obligation to make good any damage caused by construction

58. A concern has also been raised over liability for damage caused by the work and whether neighbours could claim compensation from each other if one had 'not objected' under the Local Government Act.

59. This concern is unfounded, the council and its contractors are legally liable for any damage caused by the project.

60. Council will not provide indemnification against future cliff stability problems. As discussed above, the cliff is inherently unstable, but the project will not impact on this situation.

61. As explained above, technical assessments show that there is not expected to be any impact on the cliff from the construction and operation of the project. The cliff is however inherently unstable and likely to cause ongoing issues for property owners, but this is a natural phenomenon.

Potential to prevent future development or redevelopment of properties

62. The project team has reviewed the proposed design against existing development controls, including zoning, for each individual property (see engineering assessment and review of development controls by property in Attachment F).

63. In general, development or redevelopment of properties on the cliff edge will present significant technical challenges to property owners as construction will impact significantly on the unstable surface of the cliff top. However, construction activity in the surface ground layer of the cliff top will not impact on the pipeline.

64. Construction of piled foundations to support dwellings and structures was further analysed as this could potentially impact on the pipe. There are no properties where development will be prevented as a result of the pipeline. For most properties, the depth of the pipeline and rock cover means that future foundations are unlikely to extend to the depth of the pipeline. Even if they did, designing around the pipeline would not be problematic, due to its relatively small size.

65. There are three properties where, depending on the nature and extent of any future redevelopment, care may need be needed to design foundations so as not to impact the new pipeline. There are no technical difficulties forseen with respect to designing foundations in this way as the pipeline is not large enough to prevent a selection of sites and angles for new foundations.

66. There are no known current development proposals (e.g. with Resource Management Act or Building Act approval) that could be assessed for specific impacts.

Reduction in property values and compensation

67. **Injurious Affection:** The process that the council is carrying out under section 181(3)(b) / Schedule 12 of the Local Government Act does not constitute the acquisition (or "taking") of land. However, compensation for injurious affection can be claimed under the Public Works Act (1981) and this process must be pursued independently of the Local Government Act process. Injurious affection has a specific meaning with respect to reducing property value and must be proven.

68. As this stage, based on the advice from the Council’s experts, there is no evidence that injurious affection will arise.

69. Property owners can also still make a claim for compensation under the Public Works Act, even if their objection to the project is not upheld by the Regulatory Committee in their determinations under the Local Government Act.
Costs

70. Some objectors have requested the payment of costs relating to participating in this Local Government Act process. The council does not intend to pay for such costs. The council has endeavoured to engage with, and assist, objectors, including making the council’s specialists available to discuss matters with the objectors.

71. If an objection is not sustained, objectors may appeal to the District Court. If they are successful the Court may make a costs award in favour of the winning party (that is against the council).

72. In cases where there is injurious affection payable then there may be some justification for covering a claimant’s reasonable costs. That is a matter for the Land Valuation Tribunal.

Summary of analysis and advice

73. There are not anticipated to be any significant impacts on the properties as a result of construction or operation of the project. The proposed resource consent conditions and detailed pre and post-construction surveys provide a mechanism for both the council and property owners to confirm this. The surveys provide a sound baseline against which any claims against the project can be assessed.

74. There is no evidence to suggest that property values will be diminished or development will be prevented.

75. There is also no current evidence to suggest injurious affection of any objector. In any case, a determination in favour of the work under the LGA by the Regulatory Committee will not prevent a claim under the Public Works Act for injurious affection at a later date.

Recommended decision

76. For all of these reasons outlined above, it is recommended that the Regulatory Committee:

• hear and determine the objections by the owners pursuant to section 181 of the Local Government Act 2002, and then

• determine to proceed with the construction of the pipeline, as its construction will not significantly impact on property owners and is essential to successful delivery of the St Marys Bay and Masefield Beach improvement project.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

77. The Waitematā Local Board have not been specifically briefed on the private property owners’ objections described in this report. However, they have been briefed extensively on the overall project.

78. The local board provided comments on the resource consent application that were supportive of the project overall, subject to some specific matters such as cliff stability, the visual impact of new infrastructure and disruption being resolved during the detailed design and construction process. These impacts are not relevant to construction of the storage pipeline but are being addressed through proposed resource consent conditions.

Tauākī whakaaweawe Māori / Māori impact statement

79. It is recognised that works that impact on the mauri of water bodies are of significance to mana whenua in their role as kaitiaki of Auckland’s waterways.

80. As outlined in previous reports to the Environment and Community and Strategic Procurement Committee on this project, extensive iwi consultation has taken place on the project.
81. Mana whenua have expressed support for the project, with a submission in support of the project being received on the resource consent application from Ngāti Whātua Ōrākei. Ongoing hui will be held throughout the project construction and delivery.

**Ngā ritenga ā-pūtea / Financial implications**

82. The project has a total budget of more than $30 million. Budgets to cover the full cost of the project were approved in the Long-term Plan 2018-2028. This funding comes from the new water quality targeted rate.

83. In relation to the financial implications of the decision recommended in this report to proceed with construction of the pipeline. If an appeal to the District Court is made by an objector the following financial risks apply:
   - Legal and internal fees. These are not anticipated to be significant and can be accommodated within the existing project budget (which includes contingency allowances)
   - Award of costs or compensation to one or more property owners. These are not expected to be substantial, for the reasons outlined above relating to the low impact of the project on properties.

84. Objectors can pursue a claim of injurious affection independently using the Public Works Act. At the time of writing, there are no known objections which are likely to meet the test for injurious affection as the new pipeline will not damage existing properties and will not prevent further development or redevelopment of existing properties.

**Ngā raru tūpono / Risks**

85. The decisions outlined in this report are not considered to create a significant risk to the council. As outlined above, legal advice is that an appeal by an objector to the District Court is unlikely to be successful.

86. Risks to individual properties are considered to be adequately managed by the proposed resource consent conditions and the monitoring offered for all properties along the pipeline alignment as outlined in Attachment C.

87. Key risks to the overall project and proposed management are as follows:
   - Appeals to the Environment Court may delay the project meaning it is not possible to complete construction by late 2020. The nature of any appeals and potential impact on project progress will be known by mid December 2018. How any appeals are managed will depend on their scope, and any directions from the court. However, the project team will seek to resolve issues as quickly as possible, including through mediation, to enable the project to proceed without undue delay.
   - Appeals to the District Court will not necessarily delay the project. This is because significant components of the project could be constructed while any objections are being resolved. These include the Pt Erin infrastructure and new outfall, removal of the old outfall and connection of the Sarsfield Street overflows to the new system.

**Ngā koringa ā-muri / Next steps**

88. Subsequent to this determination and any appeals to the District Court (or Environment Court under the Resource Management Act), a contractor will be engaged to begin construction of the project. A report will be provided to the Strategic Procurement Committee in December 2018 seeking approval to appoint this contractor during the Christmas recess.

89. As advised to all submitters under the Resource Management Act, objectors under the Local Government Act and interested parties, detailed pre-condition surveys of properties will be carried out close to the time of construction, other than where the property owner does not require this or will not allow it.
### Ngā tāpirihanga / Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Maps showing project overview and objectors' properties</td>
<td>23</td>
</tr>
<tr>
<td>B</td>
<td>Options analysis for location of new infrastructure</td>
<td>25</td>
</tr>
<tr>
<td>C</td>
<td>Examples of formal notices sent to residents under the Local Government Act 2002</td>
<td>31</td>
</tr>
<tr>
<td>D</td>
<td>Copies of all objections received</td>
<td>43</td>
</tr>
<tr>
<td>E</td>
<td>Record of communications</td>
<td>79</td>
</tr>
<tr>
<td>F</td>
<td>Engineering assessments and review of development controls for each property</td>
<td>89</td>
</tr>
</tbody>
</table>

### Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authorisers</th>
</tr>
</thead>
</table>
| Craig McIlroy – General Manager Healthy Waters | Barry Potter - Director Infrastructure and Environmental Services  
James Hassall - General Counsel |
Objections to St Marys Bay and Masefield Beach improvement project

Attachment A

Item 7

Maps showing project overview and objectors' properties
Attachment B - options considered for locating new infrastructure
Attachment B

Options considered for locating new infrastructure

1. Council has undertaken an options analysis to assess potential locations for the new infrastructure. This is summarised in Table 1.

2. The basic criteria for all potential options were as follows:
   - it must be technically feasible to construct the required infrastructure at the site,
   - achieves the water quality outcomes required.

3. ‘Do-nothing’ (i.e., building no infrastructure) was not considered an acceptable option, due to the clear need to reduce overflows in this area.

4. Three options were considered feasible and assessed further by council’s Healthy Water’s department with input from Community Facilities, Auckland Transport and the NZTA in Attachment C of the report.

5. All options required a straight alignment and some tunnelling under private properties to connect outfall points, as it is difficult for a tunnelling machine to move in a curved line. No options considered construction along a roadway due to the large number of services in the existing roadways and the potential for significantly more disruption to the local community using methods appropriate for following these local roads (such as open trenching).

6. Each option is described briefly below:
   - Option A: 94A and 94B Shelly Beach Road: This area comprises two land parcels currently owned by the NZTA. The land is currently unused by the NZTA and is subject to a ‘Licence to Occupy’ granted to Auckland Council for recreational use.
   - Option B: Corner of Curran and Sarsfield Street, within Point Erin Park and public roadway. This area is publicly owned by Auckland Council and Auckland Transport.
   - Option C. In Point Erin Park. This area is owned by Auckland Council and operated by Community Facilities.

7. Having identified these three options, staff then analysed them against various criteria such as their ability to enable waterfront transformation through reducing overflows, impact on traffic and constructability. The results of this analysis are shown below in Table One.

Table 1. Options analysis for locating the new Infrastructure

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option A – 94A and 94B Shelly Beach Road</th>
<th>Option B – Corner of Curran and Sarsfield Street</th>
<th>Option C – In Point Erin Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enables waterfront transformation through reducing overflows</td>
<td>Yes</td>
<td>Potentially – space constraints may limit scope of infrastructure</td>
<td>Yes</td>
</tr>
<tr>
<td>Traffic disruption</td>
<td>Minimal – construction will take place on this site. Construction traffic is able to drive onto the site via Curran St and then exit via the motorway onramp.</td>
<td>Very high and unlikely to be approved by NZTA, AT or Community Facilities.</td>
<td>Moderate - not preferred by Community Facilities as will involve closing Erin Park for a lengthy period.</td>
</tr>
<tr>
<td>Criteria</td>
<td>Option A – 94A and 94B Shelly Beach Road</td>
<td>Option B – Corner of Curran and Sarsfield Street</td>
<td>Option C – In Point Erin Park</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------</td>
<td>-------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td></td>
<td>meaning little impact on local residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constructability</td>
<td>Preferred site with shallowest major excavations, a lot of room for machinery and laydown, easy to restrict public access for safety during construction</td>
<td>Least preferred – difficult site close to busy roads and residential areas, will be most disruptive.</td>
<td>Less preferred – will impact on public ability to use Point Erin Park and require very large and deep major excavations.</td>
</tr>
<tr>
<td>Connectivity to system infrastructure</td>
<td>Preferred site, simple to connect to storage pipeline and to new outfall. Minimises number of private properties on pipeline alignment.</td>
<td>Not preferred, difficult to effect connections and these will be very deep.</td>
<td>Not preferred, difficult to effect connections and these will be very deep.</td>
</tr>
<tr>
<td>Operability</td>
<td>Preferred site, infrastructure can be set out efficiently from the start.</td>
<td>Not preferred due to close proximity to busy roads and residential area, very constrained site.</td>
<td>Less preferred as will be difficult to design new infrastructure to ‘fit in’ with the existing park.</td>
</tr>
<tr>
<td>Impacts on existing spaces</td>
<td>Minimal impact, the presence of this infrastructure will not impede existing recreational use of the space. Not close to residential area.</td>
<td>Significant impact on busy street and residential areas.</td>
<td>Some infrastructure could be below ground, but will be difficult to locate odour control facilities in a sympathetic manner within park surrounds and moving them away from the park would be expensive. Closer to residential area.</td>
</tr>
<tr>
<td>Provides future-proofing for Western Isthmus Water Quality Improvement Programme</td>
<td>Yes, with lowest risk</td>
<td>No</td>
<td>Potentially, but higher risk as would take up more space at Point Erin park; approval for this could be difficult to gain</td>
</tr>
<tr>
<td>Can be completed in time for America’s Cup 2021</td>
<td>Highest chance of achieving completion as simplest consenting, construction and approvals process.</td>
<td>Lowest chance of completing in time.</td>
<td>Moderate chance of completing as more difficult construction.</td>
</tr>
<tr>
<td>Value for money</td>
<td>Cost of land approximately $3 million. Secures land for this and for future infrastructure requirements, cost of</td>
<td>Non-applicable as unanimously not preferred by all stakeholders.</td>
<td>May not require any land purchase, but requires much deeper excavations – significantly raising construction cost.</td>
</tr>
</tbody>
</table>
8. Option A, 94A and 94B Shelly Road, the land area available is much larger than required for the final infrastructure, but the site provides ample space for safe construction and operation without impinging on large numbers of stakeholders.

9. During much of the construction period, public access to the site, although restricted, will be able to be maintained for pedestrians walking from Point Erin along to St Mary’s Bay Road reserve and Jacob’s Ladder.

10. Option B, the corner of Curran and Sarsfield Street, was not preferred. Although it may have been technically feasible to use this area as the main construction site, it would involve very tight logistics and more frequent traffic movements. Materials for the works would need to be stored elsewhere (such as Point Erin Park) and transported in, which would mean impacts on additional sites.

11. Option C, within Erin Park, provided a large amount of land area which would be sufficient for a working construction site. However, depending on the exact location of the works, public access to some or all of the park would need to be restricted, including the carpark and swimming pools. The public use of this area is higher than for Option A.

**Recommended Option**

12. The preferred option for all stakeholders was Option A: 94A and 94B Shelly Beach Road. In summary, Option A was identified as the best option because:

- Once constructed, the new infrastructure will not impinge on existing developed recreational spaces or streetscapes.
- The site provides space for additional stormwater and wastewater infrastructure that is likely to be required as the Western Isthmus Water Quality Improvement Programme progresses.
- Using undeveloped land affords the opportunity to install needed infrastructure and then develop community facilities around this infrastructure, rather than trying to redevelop existing sites around new infrastructure.
- Acquiring this site will enable integrated spatial masterplanning of the waterfront areas in this location to take place. Once Auckland Council owns this land it can work with Panuku (who are developing the Harbour Bridge Park), Auckland Transport (Horne Bay Cycleway) and other stakeholders to provide connectivity and amenity from Point Erin Park northwards towards Skypath.
- The alignment minimises the number of private properties affected by tunnelling. The tunnelling will take place at depth and impacts on householders will be minimal.
- Building on this site minimises construction cost, difficulty and impacts on the local community, including through reduced traffic disruption and park closures.
- Building on the site minimises construction health and safety risks from both the community and contractor’s perspective.
- Building on the site minimises operational health and safety risks for staff maintaining the infrastructure once it is installed. Using an undeveloped site allows...
the infrastructure to be designed for best safety outcomes possible, without the constraints of existing development and public access expectations.

13. For all these reasons, it is recommended that the Finance and Performance Committee approve the acquisition from the Crown under section 50 of the Public Works Act 1981, of approximately 6,583 metres squared of land at 94A and 94B Shelly Beach Rd, Ponsonby, as shown in Attachment C of the report.

14. Once acquired the land will initially be used for stormwater management purposes, with the secondary recreational use as a community space to be developed over time.
6th March 2018

x

To whom it may concern

**St Marys Bay and Masefield Beach Water Quality Improvement Project**

Auckland Council is writing to you about a programme to improve water quality, and is grateful for the support of our residents and ratepayers.

As part of our water quality improvement and stormwater programme, we are planning to build the St Marys Bay and Masefield Beach Water Quality Improvement project. This is a large waters infrastructure project being led by Auckland Council Healthy Waters, located within St Marys Bay and Masefield Beach, Auckland.

Attachment 1 shows the location and overview of the project. Your property is on the alignment of the pipeline as highlighted in this map.

The project will reduce combined sewer overflows to the beaches of St Marys Bay and Masefield Beach and thereby it will also reduce the total amount of overflow contamination currently discharging to the Waitematā Harbour from the existing combined sewer network.

Auckland Council proposes to install a new storage pipeline, approximately 1.8m diameter that will run from New Street/London Street, underneath a number of residential properties, through to a new site north of Point Erin. The pipeline is approximately 1km in length. It will be located between 5m and 21m below ground level, and will be installed by a tunnel boring machine.

During times of rain when the sewer network reaches full capacity, the new pipeline will have the ability to store overflows from the St Marys Bay local combined network that currently discharge directly into the sea.

When capacity is restored, overflows will be pumped back to the network for treatment at the Mangere Wastewater Treatment Plant.

When capacity is exceeded and the pipeline is full, which will only be during very heavy rainfall events, overflows will be discharged via a new marine outfall 450m out into the Waitematā, a location that will enable dispersion and dilution.

As part of the project the existing failed outfall will be removed, and there will no longer be any direct discharges onto Masefield Beach (currently there are approximately 107 per year). In addition, any wastewater overflows into St Marys Bay will be significantly reduced.
from approximately 99 per year to around 2 per year. The project will result in significant improvements in terms of discharges to these local environments from approximately 206 per year (total to both St Marys Bay and Masefield Beach) to approximately 20 per year (via the new outfall).

In order to ensure that local residents are aware of the upcoming work before finalising our plans, we would like to meet with you to discuss the proposed stormwater works and how it will affect your property. The purpose of the meeting will be to provide more detail on the project, outline the benefits that this project will deliver to the surrounding community and to discuss any particular details or concerns regarding your property.

Following initial discussions and meetings with landowners/occupiers, Auckland Council will be requesting your agreement to proceed with installing the pipeline beneath your property under the Local Government Act 2002.

Auckland Council will also require resource consent to construct the Project. The resource consent application is programmed to be lodged with Auckland Council by the end of March 2018. This will be a publically notified application, which will enable anybody who is affected or interested to make a submission.

We would like to arrange a meeting time with you to discuss this project ahead of seeking your formal approval.

Please could you get in touch with Jess Brooks so that we can arrange a suitable time to meet with you. Jess can be reached on:

Email: stmarysbay@aucklandcouncil.govt.nz
Phone: 09 890 8433

In the meantime if you have any queries regarding this letter or the project, please do not hesitate to contact me directly or via the email address above.

Thank you for your kind attention.

Yours sincerely,
Caroline Crosby

Project Manager - Healthy Waters
021 884 336
LOCAL GOVERNMENT ACT NOTIFICATION

16th April 2018

x

Dear x

St Marys Bay and Masefield Beach Water Quality Improvement Project
Further to our initial letter dated 6th March 2018 regarding the St Marys Bay and Masefield Beach Water Quality Improvement Project, we are now providing you with formal notification about this project.

Auckland Council is proceeding with plans to install a new storage pipeline, approximately 1.8m in diameter that will run from New Street/London Street, through to a new site north of Point Erin to allow storage of flows from the St Marys Bay local combined sewer network that currently discharge directly into the sea. This will reduce combined sewer overflows to St Marys Bay and Masefield Beach from around 200 events per year to around 20 and in doing so, significantly reduce the amount of wastewater discharged to the Waitemata Harbour. The project will involve construction of three construction shafts, with installation of the 1.8m diameter pipeline between these shafts undertaken using a tunnelling machine between 4m and 21m below ground level. Two permanent above ground structures will also be constructed; one in St Marys Bay Park and the other in Point Erin Park. The failed outfall at Masefield Beach will be replaced with a new marine outfall that discharges further out into the Harbour Channel. An outline scheme of the project is provided as Attachment 1.

This proposed public work will impact on the property at address as the storage pipeline will pass below this property at depths ranging between points 1A and 1B.

Formal Notification Process
The Local Government Act 2002 (LGA) – section 181 enables Auckland Council to give formal notice in writing to the occupiers, and owners of the land affected by the proposed storage pipe, before we start work. A plan showing the works on your property is included as Attachment 2.

This letter and the attached plan therefore comprises of formal notice under section 181 of the LGA to gain access and construct the storage pipeline under this property.

A copy of the attached plans is available for inspection at Auckland Council - Bledisloe House, please contact the Project Manager (details below) if you wish to view these plans.
Outline of the Proposal
The attached plans detail the works proposed within the boundaries of your property and in the surrounding area. The proposed work within the boundaries of your property is the construction of the new pipeline using a tunnelling machine. The proposed work will be undertaken in accordance with all relevant legislation.

We are currently applying for Resource Consents for the project and have received advice from technical specialists as to the potential impacts on your property from the project.

During construction of the project, noise and vibration will be generated. Analysis of noise and vibration levels at your property has been undertaken, and levels are expected to be similar in nature to other construction activities around Auckland.

While the tunnelling machine passes under your property, you may be able to perceive noise and/or vibration. Noise and vibration levels are predicted to be relatively low, and are not expected to have adverse impacts on your property, buildings or significant structures on your property. Any potential effect will be short term and will be managed through the implementation of a Construction Noise and Vibration Management Plan (CNVMP).

The construction noise and vibration management plan (CNVMP) will ensure that the works are carried out to comply with the applicable limits, appropriate liaison and notification procedures are in place, and that there is a robust process for responding to any complaints.

- Our assessment of your property indicates that there will be no adverse impacts from construction of the new pipeline
- We will request your approval to carry out survey of your property before construction starts and monitor it during construction to make sure there are no adverse impacts
- Once the pipeline is installed, we do not anticipate any impact on your property arising from the works

Council, and its contractors, will endeavour to minimise any inconvenience to you caused by the construction of the storage pipeline. The proposed work on your property will be undertaken in accordance with all relevant legislation and the conditions of the Resource Consents.

Please note that the council and its contractors will:
- Complete works with safety as the highest priority
- Not reduce the security of your property
- Minimise any disruption to you and your family, household or tenants
- Reinstate, at their cost, any physical damage caused to your property through their actions
- Provide a photographic record of the affected areas before and after any construction work

At this stage, it is anticipated that construction of the entire project will commence in early 2019. It is expected that the project will take approximately two years to complete. We will keep you updated on the project and the anticipated start date. We request that should your
circumstances change (e.g. moving or selling the house) that the project manager is updated.

Local Government Act Process

Please see attachment 3 for an overview of the decisions and options available to you.

As the owner or occupier you have the right (under the 12th Schedule of the LGA) to object to the proposed work, within one month of the receipt of this letter. All objections shall be lodged in writing to Auckland Council, stating the nature of the objection.

Approval
If you have no objection to the proposed work, you need do nothing. Doing nothing constitutes your Approval under Schedule 12 of the LGA.

Please note: Your Approval does not impose any liability on you in respect of the Works. You are in no way legally responsible for the works or any outcome arising from them.

Objection

If you wish to object to the stormwater works below your property, please write or email Jess Brooks (details below), stating clearly what aspect of the proposed work you are objecting to.

If you object within one month then the matter may progress to a special Council hearing if, after further discussions, we are unable to satisfy your concerns. Council will advise the process for an objection hearing and give you reasonable notice of the day, time and place of hearing so that you may attend.

You are entitled to make a claim for injurious affection (if there is any) to the land caused by the proposed work. Your approval does not preclude a claim for injurious affection from proceeding. Compensation for injurious affection (where there is any) can still be claimed, even after you have given your approval for the work.

Resource Management Act Process

As a resident of the local area there is an opportunity for you to make a submission regarding the project as the resource consent process is publicly notified. Auckland Council Regulators will also be sending you a letter to explain where you can find all consent documents and how to submit a response to the project. This is likely to be around the end of May. The Resource Management Act (RMA) process will run in parallel with the LGA process, but they are separate and an objection under the LGA process is not the same as a submission under the RMA. As part of the RMA process, an assessment of the wider environmental effects, including residents amenity during construction, will be considered.
Our representative, Jess Brooks will be contacting you in the next few days to make sure you have received this notice, and to discuss any questions that you may have.

Please do not hesitate to contact Jess or Caroline on the project email at any stage if there are any aspects of the above work you would like to discuss further.

Auckland Council Representative: Jess Brooks
Contact Phone: 09 890 8433
Email: stmarysbay@aucklandcouncil.govt.nz

Auckland Council Project Manager: Caroline Crosby
Contact Phone: 021 884 336
Email: stmarysbay@aucklandcouncil.govt.nz

Yours faithfully
Craig McIroy
Manager Infrastructure and Environmental Services
Auckland Council

Attachments
Attachment One - LGA flow chart process
Attachment Two - Project Plan
Attachment Three - Individual Property Plan
Item 7

Attachment C

Objections to St Marys Bay and Masefield Beach improvement project
Attachment Three – Individual Property Plan

ABOUT THE PIPELINE
- The pipeline will be constructed in unweathered fast coast rocks and formation rock.
- The minimum depth of the pipeline under your property will be 1.8m.
- The pipeline passes under part of your dwelling.

BEFORE CONSTRUCTION
- We will request access to your property so that we can carry out a detailed survey to confirm that we know as much about the surface characteristics of your property before starting work. We may also request that you provide us with any information you consider relevant to the work.
- We will discuss with you whether you would like a pre-condition survey of the buildings on your property carried out if you would like this and give your approval for it before we carry out a pre-condition survey.
- We will notify you ahead of construction commencing.

DURING CONSTRUCTION
- While the tunneling machine passes under your property, you may be able to perceive ground borne noise and vibration at times. Predicted levels are relatively low and are not expected to have adverse impacts on your property or buildings or significant structures on your property.
- Noise and/or vibration from tunneling may be perceptible for about two days, depending on tunneling progress.
- Noise and vibration monitoring will be undertaken during construction to make sure that noise and vibration levels remain within the applicable noise and vibration limits. Please let us know if you wish to have monitoring undertaken at your property.

AFTER CONSTRUCTION
- If the construction affects your property, we will return to your property and redevelop it to its original state.
12th June 2018

Dear Resident,

To follow on from our Formal LGA Notification dated 21st May 2018 for the St Mary’s Bay and Masefield Beach Water Quality Improvement Project.

This is just a friendly reminder that any concerns you may have need to be documented in writing to Auckland Council and sent to Jess Brooks whose contact details are provided below, prior to the closing date of Friday 22nd June, 2018. If we do not hear from you, this constitutes your approval for construction of the pipeline under your property.

If you have any questions regarding the project or process please do not hesitate to contact Jess or Caroline.

Auckland Council Representative:  Jess Brooks  
Contact Phone:  09 890 8433  
Email:  stmarysbay@aucklandcouncil.govt.nz

Auckland Council Project Manager:  Caroline Crosby  
Phone:  021 884 336  
Email:  stmarysbay@aucklandcouncil.govt.nz

Kind regards  
Caroline Crosby

Reminder S181 Schedule 12 Notification
1 Susan Young, 17 London Street

Submission on Resource Consent Application proposed by Auckland Council Healthy Waters on:

1. Installation of a new conveyance and storage pipeline connecting from New Street/London Street through to Point Erin Park;
2. A Weir structure pump station and odor control within Point Erin Park;
3. A smaller structure and odor control within St Mary’s Road park and
4. Four Odor Control Air Ventilation Shafts on New Street/London Street.

Local Government Act –

Submitter: Property Owner of 17 London Street.

I strongly oppose to the resource Consent Application proposed by Auckland Healthy Waters stated above for the following reasons:

1. Stability of the cliff: The proposed Storage Tunnel will pass directly under the cliffs in several locations. 17 London Street is one of the locations. According to Auckland Council Healthy Water’s Application, because ground water is unlikely to be affected by the tunneling methodology and they believe the vibration during tunneling is of a low level because the tunnel is located within ECFB rocks. Base on these two findings, Auckland Council Healthy Water concluded that the construction would have little effect to the cliff in terms of potential cliff instability.

As per the application report, Appendix F, Report by Aurecon, on the Summary of Rock Strength Testing - BH01(situated outside #10 London Street) indicated the ECFB rocks are consisted of siltstone, sandstone, unweather grey silty fine grained sandstone, it is weak, very weak and weak+ at varying levels from 15 meters to 34 meters deep.

17 London Street is situated on the cliff edge and 10 London Street is not. I find it difficult to accept that tunneling and the vibration during the drilling of the tunnel will have no effect on the stability of the cliff and the foundation of the house perched on the face of the cliff. Perhaps the house may not fall down during the drilling process, but if the vibration caused by drilling and earth works below disturbs the foundation of the house, cracking on internal and external walls, settlements on the side and erosion are just some of the problems that can happen to the house. The cost to repair these kinds of damages can be quite substantial. I doubt insurance companies will accept claims on fixing the house if the Council’s earth works caused the damage. I need assurance from the Council that it is their responsibility to repair any damage to the house that is caused by the disturbance and vibration to the earth and house foundation during the tunnel construction.

On my property, I have a very tall flagpole situated at the bottom of the cliff. Because of its height, I believe it has a very deep foundation. Because it is very close to the tunnel excavation level, I believe any disturbances to the ground will endanger its stability. Again, I need...
assurance from the council that the repair for any damage to the stability of the flagpole caused by drilling will be the responsibility of the Council.

I strongly object to having the earth work done under 17 London Street based on the information provided by Auckland Council Healthy Waters at this present time and the possible damage that may happen to the house and flagpole and the grounds of 17 London Street.

2. **A Sewer Storage Tunnel.** The project was presented to the residence that there would just be a pipe under our property and it is a permitted activity. A normal service pipe is around 150mm like the one proposed to be constructed in Sarsfield Road. The proposed Sewer Storage Tunnel under 17 London Street however, is actually an elongated Sewer Storage Tank, 1 meter long with an internal diameter of 1.6meters. According to the application report, the sewer/storm water will be captured and stored within the pipeline and return to the central sewer system WHEN IT HAS CAPACITY. With more houses, units and apartment being built in Auckland, I find it difficult to imagine that the main sewer line will have the capacity to accommodate and able to empty the tank as anticipated.

According to the Auckland Council Healthy Water Application, construction of underground pipeline and ancillary structures for the conveyances of waste water and storm water is a permitted activity. However, this application is not just a construction of a pipeline, it is constructing a Sewer Storage Tunnel equivalent to the capacity of a Sewer Storage Tank. It should not be under the same category. I am worried that future sewer seepage into the ground may occur due to lack of maintenance. In fact, if problems arise to the Sewer Storage Tunnel after its in operation, it is almost impossible to get access to do repair works. Serious health issues may happen.

I do not give approval and strongly object to have a septic tank built directly under my property. I am worried about possible future sewer seepage into the ground due to lack of maintenance and natural disasters. Also, there is no mentioned of any long-term maintenance plan for this Sewer Storage Tunnel written in the report. Maintenance plan has been mentioned only for the pump at Point Erin and St Mary’s Park.

3. **Odor Control and Air Exchange Points.** As indicated in the report that the combined waste water/storm water has the potential to become anaerobic (septic) if stored for more than 12 hours. The character of odor emitted from anaerobic wastewater is commonly described as having a “Rotten Egg”, “Rotten Cabbage” or “Sewer” like character. It is considered to be unpleasant and often offensive.

As per Appendix P, air quality contaminant level will be controlled by Phase 1 - “Forced Ventilation” in Point Erin Park. However, if the Sewer Storage Tunnel continued to fill with combine Sewer Overflows, it will create a seal and “forced ventilation” will stop, air will be discharged
through the Air Ventilation shafts in St Mary's Park and New Street/London Street shafts. If the Sewer Storage Tunnel continues to fill, the St Mary's road shaft will be seal off by the inflowing Combined Sewer Overflows. The air/odor in the Sewer Storage Tunnel will then only be discharged through the New Street/London Street Air Exchange. This means New Street/London Street at this point will be the only outlet for the odor.

According to the proposal, there appeared to be one air ventilation shaft at Point Erin Park, one at St Mary’s Road and FOUR 10 METER HIGH VENTILATION SHAFTS at New Street/London Street. The proximity of the New Street/London Street shafts to the residential living quarters and St Mary’s College is ONLY 5-7 METERS. When it is so close to the residential area, no matter which direction the wind or breeze is blowing, no one in New Street/London Street and in fact the whole St Mary’s Bay Suburb can be exempted from this polluted air.

I have young grandchildren and they come to visit me often. I do not wish to see that their visits will cause them serious health issues. I also do not wish to ask them not to come because I so look forward to their visits. Their visits are very important to my life and my well being.

I strongly object to allowing the erection of Air Ventilation shaft for the discharge of offensive septic air-smell from the Sewer Storage Tunnel because of possible long-term health issues to the residents and their visitors.

4. **Physical Impact, Short Term** - if this project is permitted to go ahead, the disruptions to London Street is huge and can last for months. The traffic, the noise, the vibration can be unbearable for residence especially residents like myself who is retired and spend majority of the day at home. My enjoyment in life is to have my children and grandchild coming to visit me on regular bases. When construction begins, a large part of London Street will become a construction site and it will be dangerous and inconvenience for my children and grandchildren to come and visit me.

5. **Psychological Impact on personal health**. The worry over the stability of the cliff; the potential collapse of the property; the construction of a Sewer Storage Tank under the house; the vibration, the noise during the construction period; the possibility of leakage from the Sewer Storage Tank due to unforeseen earth movements, minor earthquake or lack of maintenance; the septic odor released from the Sewer Storage Tunnel all year round; even by looking at the pictures of the Air Ventilation shaft in the report has given me nauseated feelings.

I purchase this property with a vision to have a happy retirement. But now, I have nothing but stress and worry. I worry that I cannot afford to fix the house or the flagpole when they get damaged; I worry that I will
not be able to enjoy the regular walks I have doing in the surrounding areas. I may not have too many years to enjoy that. I worry that the value of the house will drop and my retirement fund, which is the house would diminish substantially.

I strongly object to the construction of the Sewer Storage Tunnel underneath 17 London Street because I am worry about the long-term impact on my health, from psychological to physical. Depression cause by stress can be serious and should not be taken lightly.

6. **Impact on Future Development.** If this house, due to some unexpected or unforeseen circumstances, partially collapsed, fall down or burnt down, the possibility to rebuild will be very difficult if it has a Sewer Storage Tunnel in its foundation. No one can predict the future, but no one can denial this can be a possibility.

I have been involved in a property in Hillsborough, Auckland. The property is adjacent to a large storm water pipe. We have plans to construct a new house on the site. Unfortunately, the cost for professional consultancy fees for the different technical reports required by the Council and other Government Department is enormous. The amount of red tares we need to go through when applying for Council Approval for the new house build over part of the large storm water pipe is beyond anyone’s imagination. The time, the energy and the cost required by the Council for the application and construction was so significant and impossible that in the end, it was necessary for us to put the whole project on hold.

This proposed Combined Sewer/Storm Water Storage Tunnel is much bigger than the storm water pipe in Hillsborough. I cannot even begin to imagine how anyone could put a building over it if the existing house has fallen down. Any future development on this property can almost be discounted. The value of the property with no future potential will certainly drop accordingly.

I strongly oppose to the construction of a Sewer Storage tunnel under 17 London Street as it will greatly affect its impact on future redevelopment potentials.

7. **Impact on Present and Future Value.** I would never purchase a property with a Sewer Storage Tunnel under it. I anticipated the value of any property would be affected if there is a Sewer Storage Tunnel under its foundation and that the property has no potential for any future development. I have no choice at present because I already owned this property. I bought this property at a price that is not affected by the Sewer Storage Tunnel. It is UNFAIR that I should have to sell at a price that is affected by the presence of the Sewer Storage Tunnel.
I strongly object to the construction of a Sewer Storage Tunnel under 17 London Street. However, if for some reason the council ignored all submissions and all potential risks to individuals and decided to go ahead with the project, for fairness to all affected property owners, appropriate compensation should be awarded to those property owners.
Submission on Resource Consent Application proposed by Auckland Council Healthy Waters on:

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Resource Management Act –

Introduction

I have been a resident of St Mary’s Bay for a number of years. I am fully aware of the water quality problem in St Mary’s Bay and certainly would like to have a clean and safe beach in our backyard where everyone, old and young, could come to enjoy.

Projects to improve the water quality in our harbor are certainly a worthwhile, complex and expensive exercise. I fully understand that any improvements in the quality of water will come at a cost or may involve some sacrifices by some. However, I do not wish to see residents at St Mary’s Bay, because of the Project, were put into an unfair and adversely affected situation. I hope to see long-term solutions rather than spending huge amount on money on short-term quick fix Band-Aid type of solution.

I oppose strongly to the Auckland Council Healthy Water Project. The reasons for my opposition to the Application of this Project are as follows:

1. **Concern over the stability of the cliff and the properties directly on the cliff face.** After reading the report, I am not 100% convinced that the cliff and properties on the cliff face will not be affected during the drilling of the tunnel.

2. **Concern over the Sewer Storage Tunnel.** The "pipeline" presented to us is actually a Sewer Storage Tunnel. It collects and stores the combine waste/storm water inside the Sewer Storage Tunnel. The content will only return to the main sewer line WHEN IT HAS CAPACITY. In view of the Auckland housing situation, more houses, units and apartments are being built every day, the capacity of the sewer line may always be in full capacity and may not able to carry and empty the Sewer Storage Tunnel contents as predicted. Thus, the content will remain in the tunnel and when overflows, will discharge into the harbor similar to the situation we are having right now.

3. **Concern over the contaminated air discharged via the Odor/Air ventilation shafts** at Point Erin Park, St Mary’s Park and most importantly the FOUR 10 meter tall shafts on New Street/London Street. These 4 shafts are only 5-7 meters away from the residential dwellings and St Mary’s College. Because of the close proximity to the residential...
dwellings, no matter which direction the wind and breeze are blowing, residents residing in the suburb will all be affected. This air that is discharged from the shafts will be affecting residents of St Mary’s Bay 365 days a year. We support and keen to clean up the water for the wider community to use but not at the expenses of us residents breathing and surrounded by contaminated air everyday of the year. Information on this Odor/Air ventilation shafts has never been mentioned in any of the information literatures distributed to the residents or the public prior to this application. If it had been released early, more inputs would have been given to the Auckland Council Healthy Water team.

4. **Concerns over the Weir Structures on St Mary’s Park and the Odor/Air Ventilation Shafts on New Street and London Street.** These structures are intrusive and a constant reminder that we are in an Air Contaminated Zone. With the construction of the weir structure in Point Erin Park and St Mary’s Park, the open space for recreation use for the residents and public will also be reduced.

5. **Concern over the cost of the Project and its effectiveness.** After reading the report, I am not convinced that the construction of the Sewer Storage Tunnel, especially at its chosen location (no alternative site were considered), and the construction of the Odor /Air Ventilation shaft at its chosen location is the only solution to resolve the water quality situation. Money spent on this project may not provide the most effective solution. Auckland Council Healthy Water indicated to us at our meeting that if we wish to engage or seek independent advice on this issue, individual residents would have to pay for it. Any lawyer fees for the submission also are the responsibility of the individual. This, to me, is completely unfair and unacceptable. There is no way an individual can afford to absorb this kind of expenses. In fact, we are ratepayers, we contribute money to the council for any infrastructure development, and we should also have the right to use some of the money to engage consultants to carry out studies for the benefits of the city.

6. **Concern over long-term physical and mental health and the well being of residents directly affected.** It is easy for project managers to say the construction of a tunnel under a property or a shaft outside a living area will not affect people’s health. The Auckland Council Healthy Water Team members are not the ones who are living there. Consideration should be given to residents who cannot cope with the new situation and developed subsequent psychological issues.

7. **Concern over the short term disturbances during the construction period.**

8. **Concern over the value of the properties.** When we purchase the property, there were no Sewer Storage Tunnel under the house, there were no Odor/Air Ventilation shaft outside the kitchen and living space. If we were to sell, these factors no doubt will affect the value of the
property. St Mary's Bay has been a very desirable suburb for all residents to enjoy for many years; I do not wish to see it turn into a suburb where people tried to avoid.

**Conclusion**

I am in favor of improving water quality in St Mary’s Bay.

I do not wish to see that the goal of improving water quality can only be achieved at the expenses of the health and well being of the residents of St Mary's Bay.

I like to see alternative solutions.

If constructing a Sewer Storage Tunnel is the only solution, can there be an alternative site?

Auckland Council Healthy Water mentioned that a straight-line construction is the most cost effective way for tunneling construction; therefore they have not look into any other alternative locations or sites. But if this location could affect individual's health, then, may be it is necessary for them to look into a slightly more expensive alternatives.

The Odor/Air Ventilation shaft has to be moved.

There is no way the 10-meter shafts should be allowed to be constructed on New Street/London Street – only 5-7 meters from St Mary’s Collage and residential properties.

May be the tunnel should be built along side the motorway on the reserve with the shaft pointing towards the motorway or to the harbor. May be a Sewer Storage Tank should be built on the seabed or on the shoreline where there is no properties above it or right next to it.
Further to your advice to us of 21 May 2017 re s.181 of LGA (2002), we object to the installation by the tunnelling of a sewer storage pipe under our property 19 London St. St Marys Bay. We have lived in London Street for over 26 years.

Our grounds for objection include:

1/ Diminution of Value of Property.

Potential purchases would be cognizant of the fact that a sewerage storage unit with all its potential negatives traverses the centre of the property from eastern to western boundaries. Any future development of the site, including building extensions or complete rebuild on the site would have significant limitations and additional engineering costs to satisfy the Councils requirements when building over a known service line.

2/ Noise and vibration levels during construction are not acceptable.

The indicative noise and vibration data during construction is stated as can comply with recognised levels. This is not a satisfactory assurance.

We have been advised by our own insurer that we do not have cover for any loss or damage caused by vibration.

3/ Stability of land form on the St Marys Bay cliff zone. (where our property is sighted) is known by the Council to be problematic. Such an engineering undertaking as proposed could cause substantial ground movement.

4/ Although not immediately on our property the negative visual effects of the 4 air exchange points which are seen when travelling to or from our house are contrary to the surroundings topography. Albeit filter units are installed, the Council must admit these eyesores have the potential to release significant odour. There is no olfactory pollution currently and we don’t want it to be introduced.

5/ Again not immediately on our property, however in a zone we utilise often the weir structure in St Marys Park destroys the eastern end.

We strenuously oppose the storage pipe in its current form.

Ann & Trevor Hackett
19 London St
St Marys Bay 1011
3 Julia Winterbottom, 21a London Street

From: Julia Winterbottom
Sent: 05 June 2018 13:03
To: Caroline Crosby
Cc: SMarysBay
Subject: RE: Local Government Act Notification Documents- 21a London Street

Hi Caroline,

Sorry for the delay in coming back to you.

Caroline, we are objecting to the LGA but this email did not cover the full basis of our objection, as you are aware as we have had several discussion with you around the effect this pipe will have on the development of this property! My initial email was only seeking clarification on some of the information that we have still not received.

In regards to the details being for our property I would have suggested that having our correct address on the information would have helped given that it does not state our property? Doesn’t help us gain a level of comfort that the project has full attention to detail when the information provided to us relates to a property in Ring Terrace.

We believe that we will be injuriously affected by the construction of the pipeline as discussed both at our site visit with yourself and your engineer and the joint meeting with other residents and yourself at the Hackett’s property. We intend to do major renovations to our property in the coming years and the pipeline that will be at a depth of between 8 to 14 meters across our property will significantly affect what we are able to do with the property and or significantly increase costs associated with trying to gain consent to build over the pipe (which crosses a significant amount of our land). The dept. of the pipe is also at its shallowest from what we can see of any other residential property and comes very close to our homes foundations (still to be confirmed as you have been unwilling to share this information to date).

The land has also had geotech reports conducted some time ago pending construction of the home, which detail that there had been slips from 29 London street in the past and that the land behind 29 London street (were the pipe crosses) could have stability issues.

We have severe concerns that a 2 meter diameter pipe constructed as low as 8 meters in this area will destabilise our land and to date there have been no specific tests by the project of this piece of land only land at the top of London street and on the flat in the reserve at the front of the property.

As we will be injuriously affected in regards to any future development potential of our property we expect that our legal and specialist costs will be paid by council please confirm by close of business today.

Caroline we will also be objecting the resource application for a range of reasons including environmental impacts, band aid nature of
this project, significant funds would be better used toward the water/sewage separation in this area. This was also the unanimous
decision of both the St Marys Bay and Herne Bay association meetings I would expect a number of objections to be forthcoming.

Julia Winterbottom

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From: Caroline Crosby  
Sent: Friday, 25 May 2018 9:39 a.m.  
To: Julia Winterbottom  
Cc: StMarysBay  
Subject: Re: Local Government Act Notification Documents- 21a London Street

Good Morning Julia

As the LGA process has now started please confirm that our legal/engineering/consultant costs will be covered by council as we wish to engage a solicitor and also engineering/geotechnical specialist.

The short answer is no, Council will not be covering any of these costs. Based the information we have, we do not currently believe that injurious affection will be caused by construction or operation of the new pipeline under your property or that any damage will be caused to your property. If you believe there is a case for injurious affection, please outline the reasons for this (the reasons you have given below relate to potential damage caused by construction of the project and we will provide you with more information in response to this). We are happy to enter less formal negotiations around this in the coming months or to work with your specialists and legal representative.

A longer response from the legal team by way of explanation is copied below. Please note - as per the information provided to you - Council via its Contractor is responsible for remediation of any damage caused during construction. This is why we wish to carry out the detailed ground survey, pre-condition survey and monitoring.

"If a person objected (under Schedule 12) and their objection was not sustained at a council hearing and they then appealed to the District Court and were successful then the Court would, in the normal course of things, make a costs award in favour of the winning party (that is against the council). An award after the fact is not the same as paying up front. In cases where there is injurious affection payable then there may be some justification for covering a claimants reasonable costs, but the information you have provided to date suggests that there is no injurious affection associated with the project."

Warm Regards,
Caroline

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From: Julia Winterbottom  
Sent: 24 May 2018 16:30  
To: StMarysBay
Cc: Caroline Crosby
Subject: RE: Local Government Act Notification Documents - 21a London Street

Hi Jets/Caroline

Thank you for this email.

We are very surprised that the name attached to this project "St Mary's Bay and Masefield Beach Water Quality Improvement Project" bears no relationship with the Public Notice for the Resource Consent which just refers to 94 Shelley Beach Road. In the interests of gaining appropriate public feedback on the Resource Consent then surely these should be aligned and the Public Notice amended. Many people will not put two and two together and realise that these are the same project.

Also the material refers to 1.8m pipe whereas we understand that this is the internal size and also doesn’t take into account the material that is required surrounding the pipe - why is this information not in this notice as from a lay persons views it appears that the notice is misleading as to size and effect.

Can you please confirm that the attachment 2 relates to our actual property at 21a London Street?

As the LGA process has now started please confirm that our legal / engineering / consultant costs will be covered by council as we wish to engage a solicitor and also engineering/technical specialist.

We have asked multiple times to know the depth of the pipe under our buildings, which you have stated will be detailed in the LGA which it is not. We have also asked if the pipe will impact on our water and sewer retention tanks this is also not detailed.

Our building platform is retained where the pipeline is proposed with our foundations (piles) then driven into the ground - Council unfortunately have provided no information as to how close your pipeline will be to our structures / piles. Please provide this information ASAP.

Julia Winterbottom
4 Candy Tauber, 25e Ring Terrace

From: Candy
To: Jess Brooks
Subject: Objection to St Marys Bay Masefield Beach Water Quality Improvement Project
Date: Thursday, 21 June 2018 11:05:59 AM

To Jess And Whomever Else It May Concern:

I object to the St Marys Bay and Masefield Beach Water Quality Improvement Project as the council has not satisfied my reasonable requests in respect to:

1. I live on top of a cliff which has already partially collapsed as a result of road works carried out at the base. Any further civil works could exacerbate this issue. I have asked Auckland Council for assurances in respect to this and have received none. This application should be rejected until Auckland Council has carried out a full geotechnical investigation into the risks their proposal threatens the cliff and my property.

2. I am further concerned about the large trees on the cliff which are unusually stressed. An arborist needs to examine and report on those trees prior to the submission being approved.

Candy

25E Ring Terrace
Ponsonby 1011
5 Liza Jones & Sue Mihakis-Tierney, 25c, 25g & 25d Ring Terrace

12 June 2018

Infrastructure and Environmental Services
Auckland Council
135 Albert Street
Auckland 1010

For: Jess Brooks & Caroline Crosby

E-mail:

Dear Jess & Caroline

St Marys Bay and Masefield Beach Water Quality Improvement Project

1. I act for Liza Jones and Sue Mihakis-Tierney. Ms Jones is the owner and occupier of Units C and G at 25 Ring Terrace, St Marys Bay, Auckland. Ms Mihakis-Tierney through her family trust is the owner and occupier Unit D.

2. My clients have received Auckland Council’s notice under s 181 of the Local Government Act 2002 dated 21 May 2018.

3. My clients OBJECT TO THE PROPOSED WORK set out in the notice.

4. My clients’ object because they harbour fundamental and unresolved concerns in relation to the ground stability at the front of their homes near the cliff edge. These concerns have been heightened in recent times by a discovery that their homes were not constructed by the original developer in accordance with the geotechnical advice and the building consents issued at the time. I am instructed that all of this was approved by Auckland Council.

5. Of more concern is a discovery only recently that my clients neighbour at 25E and Auckland Council have been aware of these underlying issues since at least 2008 when that neighbour suffered a land slip to the south eastern side of the property. I am instructed that the defective construction work was discovered at that time. Neither the neighbour, nor Auckland Council saw fit to contact my clients about the discoveries made as to the construction at that time. Quite why this was the case, I am not presently sure.

6. Engineers’ reports obtained by the body corporate responsible for the overall property in mid-2017 are attached to this letter. Council should already be on notice of the underlying issues from its prior involvement with the other neighbour.

7. Council is asked to pay special and careful attention to the conclusions reached about the initial construction work in those reports. The concerns
harboured about the stability of the existing buildings ought to be considered in relation to the proposed works to be undertaken underneath my clients’ property as part of the Improvement Project. If it has not been then Council should immediately bring this information to the attention of its own experts. My clients do not want an already difficult and precarious situation made worse by the proposed works.

8. My clients are involving their insurers in these matters and are intending to convene a meeting of wider stakeholders to discuss and (hopefully) resolve a way forward. Can you please let me know who in Council is to be given oversight and responsibility of these matters? It seems to be important that there is co-ordination and communication between Auckland Council officers involved in the improvement project, as well as those who are or will be dealing with the issues faced by the body corporate and Units D and E relating to ground stability and the remediation work needed to ensure the building structures are made secure and safe. For instance, would I approach:

(a) James Hassall – heading up the legal department; and/or
(b) Ian McCormick – heading up building controls?

9. My clients would be happy to discuss the issues that underlie their objections with the Council to explore if there are ways in which the concerns they harbour can be overcome or resolved.

Yours faithfully

DOUG COWAN BARRISTERS & SOLICITORS

Doug Cowan
Partner

Cc: Julian Long, barrister, Shortland Chambers, by email:
Re 23 London St

I am strongly opposed to this project proceeding in current format.

It is clear full and due consideration, let alone consultation, has not taken place re other possibilities, especially in regards to a system more designed around proper separation of waters.

Also our property will be tunnelled under, and our strongest of opposition here, as require a lot more details about works that are proposed, in regards to stability both immediately close to pipeline and surrounding areas.

We would require firm guarantees from council (not only from its contractors) if such a scheme progressed that full liability would be taken care of by council on any land movement issues that, many years down the track, could be attributed in full or part to these works.

Darrin Johannink
L. T. van Veenendaal & B.Y. Devine  
111 Shelly Beach Road  
St Marys Bay  
Auckland.

Auckland Council  
Attention: Jess Brooks  
Email:  

Regarding:

Proposed St. Marys Bay Masefield Beach Water Quality Improvement Project.

Dear Jess,

As the executors and owners of the estate of María van Veenendaal, we wish to formally object under the 12th Schedule of the LGA, and the Resource Management Act application, to the combined waste and stormwater tunnel that proposed runs beneath our property at 111 Shelly Beach Rd.

Our objection is at two levels.

1.0 Concept of System as Designed.

1.1 The first level of objection is at a fundamental level. This is on the basis that we believe that design of the works are at odds with a long term sustainable solution by maintaining a combined system approach for holding and detaining storm and wastewater (versus separation), with overflows still to be discharged into the harbour.

While we accept that the number of overflow outfalls are likely to reduced by the proposed system into the harbour, it is not an acceptable solution, where separation of both wastewater and stormwater will achieve this.

We understand that stormwater and wastewater separation infrastructure has been started in the local area but has been stopped some years ago. We believe that the $45m costs for the proposed detention tank tunnel system is wasteful and be put toward the cost of separating the wastewater from stormwater, providing a clean harbour for current and future generations of Aucklanders, and those who visit our city.

1.2 That the proposed system may produce odours which would spoil the amenity of Point Erin Park and adjacent properties.

1.3 That the overflow outfall will still affect inner city beach water quality and safety.

2.0 Effects on 111 Shelly Beach Rd.

2.1 That the effects of the works may cause damage to the land and buildings on the property due to vibration.

2.2 That the position of the proposed pipe may affect future building works, requiring design and construction mitigation to avoid placing loads on the new pipe. This can be regarded as injurious affection.

Yours Faithfully,

Leo van Veenendaal.  
(for the estate of María van Veenendaal).
Hi Jess

I met with you and Caroline and my neighbours on 18 May to outline my concerns about this project and have made a submission to the council.

I’m guessing you have access to these but I am confused the submissions close tomorrow but your letter states any concerns to you by Friday 22 June.

You are well aware of my concerns so assume I don’t need to do anymore as I am certainly not in the camp if you don’t hear from me it constitutes approval.

Please advise.

Sheryl Glasse
85A Shelly Beach Road
St Marys Bay
9 Russ & Lynda Bowler, 2/17 Ring Terrace

IN THE MATTER of Schedule 12 and s181(3)(b) of the Local Government Act 2002

AND

IN THE MATTER of a proposal by Auckland Council for the St Mary's Bay and Masefield Beach Water Quality Improvement Project

OBJECTION BY LAKE LTD IN RELATION TO THE PROPOSED ST MARY’S BAY AND MASEFIELD BEACH WATER QUALITY IMPROVEMENT PROJECT

19 June 2018
1. INTRODUCTION AND BACKGROUND

1.1 This objection is made on behalf of Lake Ltd, who owns the property at 2/17 Ring Terrace, St Mary’s Bay (the “Property”). The storage pipeline associated with the St Mary’s Bay and Masefield Beach Water Quality Improvement Project (the “Project”) is proposed to traverse the Property and the neighbouring property at 19 Ring Terrace. As shown in Figure One below, the pipeline traverses part of the Property that directly abuts structures on the neighbouring property at 19 Ring Terrace.

Figure One: 1 plan showing Project route in relation to the Property and neighbours

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1 Figure One is reproduced from the plans attached to the Council’s “Local Government Act Notification” letter dated 21 May 2018.
1.2 Lake Ltd supports the overall aims of the Project. However, Lake Ltd has significant concerns with the Project as currently proposed, such that it objects to the Project pending satisfaction of its concerns by Auckland Council. Reasons for Lake Ltd’s objection are outlined below.

2. REASONS FOR OBJECTION

2.1 In April 2018, Lake Ltd met with Auckland Council representatives to discuss its concerns with the Project and how they may be addressed. To date, Auckland Council has taken no material steps to address Lake Ltd’s concerns. Lake Ltd remains willing to explore potential avenues to satisfy its concerns, outlined below:

Geotechnical: stability, settlement, ground movement etc, including potential damage to land and structures

2.2 As shown in Figure One and the application documents, tunnelling for the storage pipeline will take place under a steep cliff face at/near the Property, and will be close to structures on the Property and the neighbouring property at 19 Ring Terrace. Lake Ltd has concerns regarding the Project’s potential effects on the geotechnical integrity of the Property and neighbouring property, and potential damage to structures located on those properties, both during and after construction.2

2.3 While the Project application documents address the potential for such effects, and conditions of consent and management plans3 have been recommended by the applicant’s consultants in relation to such effects, considerable uncertainty remains regarding the level of effects, monitoring, and the Council’s mitigation/repair obligations with respect to land and structures.

2.4 Lake Ltd has not identified in the application documents a suite of consent conditions proposed by the Council, which prevents an understanding of the Project’s adverse effects, and of how such effects will be managed. Of particular relevance to the Property, while one diagram included with the original AEE showed ground and building monitoring stations at and around the Property,4 other diagrams submitted with the application did not.5 In addition, the Council’s obligations/undertakings with respect to

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2 The properties at 1/17, 2/17 and 19 Ring Terrace are separated by party walls, so damage to one structure could risk damage to other adjoining structures.
3 See in particular the proposed Groundwater and Settlement Monitoring and Contingency Plan.
4 See page 25 of the AEE Appendix R: Groundwater and Settlement Monitoring and Contingency Plan – Aurecon and PDP (Drawing No. 1011; Rev. B).
5 See page 45 of the AEE Appendix Q: Assessment of Effects on Ground Settlement – Aurecon (Drawing No. 1029; Rev. B), and the final concept design drawing (Drawing No. 1011; Rev. A).
repair/remediation of any damage remain entirely unclear (including, for example, how long after construction the Council is proposing monitoring and repair obligations extend). The application states that pre-condition property/land surveys are not proposed, meaning that identifying damage from the Project and determining causation will be very difficult. (Lake Ltd considers that pre and post construction surveys for both buildings and ground/property are essential). Lake Ltd has also not identified any assessment in the application documents of the potential for planting on or near the cliff for stability, as a mitigation measure.

2.5 In the above context, Lake Ltd remains concerned with geotechnical effects from tunnelling associated with the Project. Proposed monitoring and response mechanisms are inadequate, uncertain, and are subject to change through the resource consent process.

**Ground-borne noise and vibration from tunnelling, including potential damage to land and structures**

2.6 Tunnelling is proposed to be undertaken on a 24/7 basis, and the application documents state that proposed ground-borne noise and vibration levels at the Property and neighbouring property will both exceed relevant limits. The Property appears to be potentially the only residential property subject to the 1mm/s contour, with the other land subject to the contour being Council/NZ Transport Agency land near Point Erin Park and St Mary’s Road Park. With respect to vibration, Lake Ltd’s key concern is the potential for damage to land and structures on the Property and the neighbouring property.

2.8 In terms of ground-borne noise, part of the Property (and neighbouring property) is within the highest 55 dBAeq noise contour for ground-borne noise; and the house on the

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Drawing No. 1011; Rev. C, provided as part of a s92 response dated 23 May 2018, indicates that both ground and building monitoring stations are proposed at/near the Property.

6 AEE page 83.

7 See the AEE, section 8; and the Noise and Vibration Assessment – Aurecon, for example the Executive Summary (Section 1, pages 6 and 7).

8 See Appendix D of the Noise and Vibration Assessment – Aurecon. The house on the Property is not shown as being subject to the 1mm/s tunnelling vibration level, but is well within the 0.3mm/s tunnelling vibration level.
Property is primarily within the 45 dB LAeq noise contour. Lake Ltd considers that the Council’s proposal to apply a night-time noise limit of 36 dB LAeq(15min) (which the Council’s noise expert considers is appropriate) only in response to complaints by landowners is not best practice and is inappropriate. The onus should be on the applicant to comply with the appropriate standards, and to monitor for such compliance.

2.9 In the above context, Lake Ltd remains concerned with ground-borne noise and vibration effects from tunnelling associated with the Project. Proposed monitoring and response mechanisms are inadequate, uncertain, and are subject to change through the resource consent process.

Conclusion

2.10 In the absence of side-agreements between property owners and the Council, the Council’s obligations with respect to the above potential effects (proposed by the Council through as-yet-unknown resource consent conditions only, including management plans which are in draft form) remain entirely uncertain and subject to change through the resource consent process. This creates unnecessary and inappropriate uncertainty for landowners whose properties the Project will be located within, and requires their continued involvement in the Resource Management Act 1991 and Local Government Act 2002 processes.

3. RELIEF SOUGHT

3.1 Lake Limited seeks:

(a) that the Project be abandoned; OR

(b) other relief satisfying Lake Ltd’s concerns outlined above, including (without limitation):

(i) Auckland Council providing certain and detailed undertakings by way of resource consent conditions (and/or private agreement) with respect to potential damage to the Property (and neighbouring property) and structures on the Property (and neighbouring property), including regarding: ground monitoring and building monitoring station(s) at or near the Property (and neighbouring property) and an appropriate monitoring regime; pre and post-condition land/property and building surveys; appropriate remediation/repair

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9 See Appendix C of the Noise and Vibration Assessment – Aurecon.
10 See recommended condition 5 at section 9.1 of the Noise and Vibration Assessment – Aurecon.
undertakings from the Council; formal indemnification for any damage to the Property (and neighbouring property) caused by the Project; and formal indemnification against any third-party claims against Lake Ltd for damage to other properties caused by the Project; and/or

(ii) realignment of the storage pipeline to avoid the Property and neighbouring properties, or other Project design and/or management changes; and/or

(iii) Auckland Council acquiring the northern “finger” portion of the Property through which the Project traverses; and/or

(c) such consequential and/or related relief as may be necessary or appropriate to give effect to Lake Ltd’s concerns.

4. GENERAL

4.1 Lake Ltd wishes to be heard in support of its objection.

4.2 Lake Ltd requests that – to the extent practicable – the Local Government Act 2002 and Resource Management Act 1991 processes associated with the Project, including any hearings, be coordinated for efficiency.

4.3 If others make a similar objection, Lake Ltd may consider presenting a joint case with them at any hearing.

Lake Ltd

by its solicitors and duly authorised agent ChanceryGreen:

[Signature]

Jason Welsh and Steve Mutch
19 June 2018
10 Christine Heather, 3/99 Shelly Beach Road

From: Christine Heather
To: StMarysBay
Subject: RE: St Marys Bay and Masefield Beach Water Quality Improvement Project
Date: Tuesday, 19 June 2018 2:04:25 PM

Thanks Jess.

I would like to also make a submission under the LGA.

I have real concerns in regards to the stability of the cliff at the front of my driveway and damage to my property and properties on either side that are joined as an apartment block.

Christine Heather
3/99 Shelly Beach Road
St Marys Bay
Auckland 1011

From: Jess Brooks

Sent: Tuesday, June 19, 2018 1:38:27 PM
To: Christine Heather
Subject: RE: St Marys Bay and Masefield Beach Water Quality Improvement Project

Hi Christine,

Thank you for your email. Just to confirm you are opposing the project under the Resource Consent Application?

The submission you have made below comes under the Resource Consent (Resource Management Act Process) which is about the over all project, specifically:

- The purpose of this process is to seek consents to construct the project.
- This process is concerned with the overall environmental impacts of the project (some of these impacts, for example stability of the cliff, will also relate to your property)

**We have received your Resource Consent Submission - thank you**

The other submission you are able to make is the Local Government Act (LGA) submission. This submission

- Is to seek your approval to construct the new pipeline under your property
- This process is only concerned with the specific impacts of the project on your individual property (it is not about wider effects such as the ventilation poles we discussed)
- The submission needs to be restricted to impacts from the project on your property

**If you want to make a submission under the LGA I will just need to you note what your concerns are regarding the project in relation to your property and send them through to me - you can do this as a brief reply to this email.**

Apologies if there has been any confusion about this, there are many processes running in parallel. If anything is not clear don’t hesitate to call me.
Hope this clarifies things

Kind regards
Jess

Jess Brooks

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From: Christine Heather.
Sent: Tuesday, 19 June 2018 1:09 PM
To: StMarysBay
Subject: St Marys Bay and Masefield Beach Water Quality Improvement Project

Attention Jess Brooks

Good Afternoon

Please see below my submission to me opposing the construction of the pipeline under my property.

Christine Heather
3/99 Shelly Beach Road
St Marys Bay
Auckland 1011

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From: notifiedresourceconsentssubmissiononlineform@donotreply.aucklandcouncil.govt.nz
Sent: 5:18PM, Monday, 18 June
Subject: Thank you for your submission
To:

Thank you for providing your opinion on the notified resource consent for 94 Shelly Beach Road, St Marys Road Park and Pt Erin Park - St Marys Bay and Masefield Beach Improvement Project.
We have received your submission and will be in contact in due course.
If you have any queries about this request, send an email to CentralRCSUBmissions@aucklandcouncil.govt.nz.

Details of your submission
Notified resource consent application details
Property address: 94 Shelly Beach Road, St Marys Road Park and Pt Erin Park - St Marys Bay and Masefield Beach Improvement Project
Application number: BUN60319388
Applicant name: Auckland Council - Health巍 Waters
Applicant email:
Application description: To install and operate a new underground stormwater and sewage conveyance and storage pipeline, via three shafts, replace and extend a marine pipeline outfall in the Waitemata Harbour, establish a weir and pump station structure and odour control in Pt Erin Park; and smaller weir structure and odour control in St Marys Road Park and install a new rising main in the road reserve along Sarsfield Street, Herne Bay
Your contact details
Full name: Christine Heather
Organisation name: 
Contact phone number: 
Email address: 
Postal address: 
3/99 Sheil Beach Road
St Marys Bay
Auckland 1011
Your submission
This submission: opposes the application in whole or in part
Specify the aspects of the application you are submitting on: 
The cost involved when it mightn't be solving the problem and the impact on my property
What are the reasons for your submission?
As above
What decisions and amendments would you like the council to make?
Peer review and alternative route under roads not houses.
Are you a trade competitor of the applicant? I am not a trade competitor of the applicant.
Do you want to attend a hearing and speak in support of your submission? No
If other people make a similar submission I will consider making a joint case with them at the hearing: Yes
Supporting information:
CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.
11 Jeanette Henry, 19 Ring Terrace

Jess Brooks

From: Jeanette Henry
Sent: Tuesday, 19 June 2018 3:07 PM
To: StMarysBay
Cc: Jeanette Henry: Frank Henry
Subject: St. Marys Bay and Masefield Beach Improvement Project - Objection under the Local Government Act.

I am the owner of 19 Ring Terrace, St. Marys Bay and as per your letter to me of 11th June last and my conversation with Jess Brooks today, I am writing to register my objection to the above pipeline going under my property etc. and to the scheme generally. I am informed by you that I do not have to do anything further at this stage i.e. provide written reasons, and I therefore preserve my rights to instruct my legal adviser when the time demands.

Jeanette Henry
Objections to St Marys Bay and Masefield Beach Water Quality Improvement Project on property at 19/17a Ring Terrace

I, Jeanette Henry of 36 Saltburn Road, Milford, Auckland 0620 confirm my objections to the impact of the above project on my property at 19 Ring Terrace, St Marys Bay and also object to effects on my land, structures and retaining wall from any effects of the project on 17a Ring Terrace which affect my land, structures retaining wall, foundations etc.

1. I object to the effects that the proposed alignment of the pipeline and its construction will have, short term and ongoing, on the stability of the steep cliff-face, my property, structures, retaining wall and adjacent property.

2. I have the same objections to the pipeline passing close to my property and possibly my foundations, by virtue of it passing through the neighbouring 17a Ring Terrace. Numbers 19, 17 and 17a are part of a cliffside complex built in the 1980s that for some obscure conveyancing reason at subdivision, apportioned land to 17a Ring Terrace that ran in front of No. 19 and straddled the cliff.

3. I object to the fact that although I received LGA notification dated 21 May 2018 containing attachment plans showing proposed work at 19 Ring Terrace, there was no notification of how the effects of the proposal on the cliff and land at 17a Ring Terrace affect my whole property.

4. The above has just occurred to me and I will need to take legal advice on this. I am aware that the owners of 17a Ring Terrace reside overseas. I have been unable to discuss this project and its affects on the cliff and land at 17a Ring Terrace with them. Nor have I seen any notification under LGA to them which would clearly show the pipeline passing close to the whole of my property on the cliff side and not just close to the section shown on the map for 19 Ring Terrace. I do not know if they are aware of the project or even put in submissions or objections.

5. I object to the fact that I am prejudiced by the above and particularly when the attachment sent to me shows the pipeline going across close to the whole of my property.

6. I believe that foundations of 19, 17a and 17 Ring Terrace are very deep and I object to the construction of the pipeline close to the deep foundations. The depth of our foundations and the closeness of the pipeline may be incompatible.
7. In relation to objection 6 I also object that the notification process dated 21 May 2018 attachment did not disclose the depth and horizontal measurements in relation to the depth of the foundations across the cliff face of 19 Ring Terrace (and as referred to above, 17a Ring Terrace where the pipeline runs almost as close to my property).

8. I object to the effects of vibration during tunnelling and also object to the effects of any ongoing vibration from the operation of the pipeline from 19, 17a and 17 Ring Terrace and adjacent properties. I have personal experience of such vibrations through a pipeline going under previously owned property and know it causes much stress. Such an occurrence her would arguably have similar effects, also resulting in possible reduction in value and future saleability of the property.

9. I object to the effects of possible sinkage caused by tunnelling on the cliff-face, on my property and on adjacent properties.

10. I object to any impact of the project construction and tunnelling on the pohutukawa trees that have roots growing into the cliff and any instability caused to the cliff and structures close by.

11. I reserve rights to obtain independent geotechnical, engineering, legal advice etc. on all aspects of the effects on the whole of my property and any effect on that adjacent part of 17a affecting me. I also reserve rights to introduce any further concerns relating to the project.

Jeanette Henry
22 June 2018
12 Margaretha & Allan Cooper, 6/79 Shelly Beach Road

From: Allan and Margaretha Cooper
To: StMarysBay
Subject: LGA submission
Date: Wednesday, 20 June 2018 8:37:48 PM

Hi Jess

Hereewith our submission relating to 6/79 Shelly Beach Road, St. Mary’s Bay, 1011.

Full name: Allan and Margaretha Cooper
Contact phone number:
Email:
Postal address: as above

This submission opposes the application in whole or in part.

Specify the aspects of the application you are submitting on:
Storage pipeline passing directly under our property.

What are the reasons for your submission?
Noise and vibration concerns. Your letter states noise levels are expected to be similar in nature to other construction activities around Auckland. What does that mean? Do these noise levels equate to living next door to a full construction site, hard rock breaking and earth shattering noises, much more specific detail is required please.

Whilst tunnelling under your property levels are predicted to be relatively low. Again what exactly does this mean, how long is a piece of string! Equate this to something in our day to day lives we can relate to.

Not expected to have adverse impacts on your property or buildings, again this is a very broad general statement and isn’t specific.

How do you know any potential effects will be short term. There are a lot of very general statements in your letter, where are the specifics backed up with evidence.

Concern that the cliff face will become more unstable with the proposed tunnelling.

Concern over the stability of very old trees from our neighbour.

Concern that down track we might have issues that Council will try and get out of reinstating at their cost any damage caused. Damage may not rear its head until years later.

Our property is partly built over our neighbours garage (7/79 Shelly), so this might mean that the depth of the pipeline is closer than the predicted level of 16.6m.

Concern over the hundreds of rats that will be disturbed with the tunnelling, we will suffer a rat infestation.

What decisions and amendments would you like the council to make?
Much more specific detail is required re noise and vibration levels.

Full written assessment of external and internal areas of our property by an independent surveyor, both pre and post.

Require monitoring during construction. What action will be taken if noise levels are unsatisfactory?

Letter from Council addressed to us specifically confirming they will reinstate at their cost any damage, this letter needs to cover us for the future as damage may not be evident initially.

Independent report regarding the impact on the already unstable cliff face and what danger this may present to our property.

A number of older trees may need to be removed as potentially their root structure will be
disturbed. How will this be dealt with, as the trees are in neighbouring properties, what if the owners object to removal?

Stability issues re garage of 7/79 Shelly Beach over which we partly are built.

We don’t want any vermin, what solution will you provide?

Regards Margareth and Allan

Sent from my iPad
Hi Caroline and Jess and to whom this may concern,

Re: 25A Ring Terrace and LGA Notification dated 21st May 2018

We acknowledge receipt of the notification and the opportunity to meet at our residence for an overview of the project.

As with any project of this type the foreseeable complexities require intense prior investigation with a view to mitigating possible construction variations and damage to environment or property. The issues concerning us at 25 Ring Terrace are significant due to the potential unstable nature of the cliff.

The following are key areas of concern:

- The trees have continued to grow over many years and sub terrain vibration could cause them to become unstable
- The pipeline is to be created within an excavated tunnel and whilst precautions would be taken there is possibility of the terrain “shrinking” around the pipeline resulting in ground movement
- The pipeline does not appear to be at a depth in parts of St Marys Bay Reserve that would satisfactorily permit tunnelling.

Earlier correspondence between our neighbour, Candy, and yourselves indicates that a “survey” of the trees will be co-ordinated and that a geotech engineer would also be available. This is a minimum procedure prior and post construction that should be granted to all implicated property owners. The documenting of these inspections, tests and findings should also be mandatory so that highest possible safety assurances, including appropriate preventative actions, are provided for the property owners in the area.

Although the foregoing concerns and requests do not constitute an objection to the scheme, please note that these, in conjunction with prior discussion and correspondence, illustrate significant concern in respect of our property at 25 Ring Terrace. We seek your assistance with these matters.

Kind regards,

Kevin Pollock
Hi Jess Brooks and Caroline Crosby,

Please take notice that Brian William Putt and Suzanne Linda Ashmore object to the Local Government Act 2002 notification that the subsurface of our property at 27 Ring Terrace St Marys Bay is the subject of proposed works for water quality improvement in our area.

The proposed works include tunnelling and pipeline thrusting under out property.

We oppose these works until such time as the council provides an appropriate indemnification against damage or any form of loss or inconvenience to our property. We would be satisfied if before work commences:

a) A structural report covering our land and buildings in relation to the proposed tunnelling works is provided. Such a report shall identify any risks or potential damage to our property likely to arise from the proposed works.

b) A full damage and risk indemnification covered by Auckland Council as the party responsible for the works.

This objection is provided to you under the provisions of Schedule 12, Local Government Act 2002. Notification of these works failed to provide any link to a formal objection notice to be used. Accordingly this email will serve as our objection.

Our address for service is set out below:

Regards,

Brian Putt
15 Allan Tyler 21 Ring Terrace

From: Allan Tyler
To: Caroline Crosby; Jess Brooks; StMarysBay
Subject: Objection
Date: Thursday, 21 June 2018 1:56:37 PM

To Caroline Crosby Jess Brooks and others
Re Schedule 12 of the LGA

We wish to advise of our objection to the proposed work under our property at 21 Ring Terrace St Marys Bay for the St Marys Bay and Masefield Beach Water Quality Improvement Project

Although we approve the general intent of the project our objection covers, in part, the following aspects:

1/ The effects, both short term and long term, that prolonged vibration for up to two weeks while tunnelling under our very steep cliff face will have on the stability of our property the associated trees and the other properties nearby
2/ The uncertain effects that the inevitable sinkage caused by the tunnelling will have on the whole cliff face and all the properties nearby
3/ The choice of this option and the alignment of the tunnel that may seriously affect our property when other solutions are clearly superior
4/ We are in the process of obtaining an Independent Geotechnical Engineers report on all aspects of the effect on our property and reserve the right to add to these concerns should they be relevant

Allan Tyler
<table>
<thead>
<tr>
<th>Action/Communication</th>
<th>Name/ Customer/stakeholder</th>
<th>Address</th>
<th>Type of Contact</th>
<th>Date Received</th>
<th>Date Responded</th>
<th>Communication Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>LGA appointment query</td>
<td>Andy Hadin</td>
<td>67 Shelly Beach Road</td>
<td>Email</td>
<td>10.03.2018</td>
<td>10.03.2018</td>
<td>Requested further information about previous request to AC regarding creeper vines before making an appointment to discuss project</td>
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<tr>
<td>LGA Objection</td>
<td>Alan Tyler</td>
<td>21 Ring Terrace</td>
<td>Email</td>
<td>21.06.2018</td>
<td>21.06.2018</td>
<td>Objection - receipt acknowledged by staff</td>
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<tr>
<td>LGA appointment query</td>
<td>Andy Hadin</td>
<td>67 Shelly Beach Road</td>
<td>Email</td>
<td>10.03.2018</td>
<td>14.03.2018</td>
<td>RFQ raised to manage the issue of concern to the property owner. Will get in touch after Easter to arrange a meeting regarding St Marys Bay project</td>
</tr>
<tr>
<td>CH17 Top Survey Appointment</td>
<td>Andy Hadin</td>
<td>67 Shelly Beach Road</td>
<td>Email</td>
<td>17.07.2018</td>
<td>17.07.2018</td>
<td>Providing information about availability for survey</td>
</tr>
<tr>
<td>Further communication - air exchange piles</td>
<td>Andy Hadin</td>
<td>67 Shelly Beach Road</td>
<td>Email</td>
<td>15.08.2018</td>
<td></td>
<td>Requesting an update regarding vines at the base of their property</td>
</tr>
<tr>
<td>Query regarding project progress and impact on 19 London Street</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Email</td>
<td>14.02.2018</td>
<td>14.02.2018</td>
<td>Caroline Crosby: Detailing upcoming property owner engagement process. Apologies for later engagement than initially expected</td>
</tr>
<tr>
<td>Post meeting concerns</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Phone Call (direct to Caroline)</td>
<td>30.04.2018</td>
<td>30.04.2018</td>
<td>Expressed a bit of concern - will reposed to major issues in email</td>
</tr>
<tr>
<td>Post meeting concerns</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Email</td>
<td>30.04.2018</td>
<td>30.04.2018</td>
<td>Large concern about the project especially as they are away May-October. Wants detailed information about their property</td>
</tr>
</tbody>
</table>
## Item 7

<table>
<thead>
<tr>
<th>Action/Communication</th>
<th>Name Customer/ Stakeholder</th>
<th>Address</th>
<th>Type of Contact</th>
<th>Date Received</th>
<th>Date Responded</th>
<th>Communication Topic</th>
</tr>
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<tbody>
<tr>
<td>Meeting Notes</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Email</td>
<td>03.05.2018</td>
<td></td>
<td>Concerns about accuracy of meeting notes- will resend edited version next week</td>
</tr>
<tr>
<td>Submission Information</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 and 17 London Street</td>
<td>Email</td>
<td>14.05.2018</td>
<td>14.05.2018</td>
<td>Outline LGA process as property owners re overseas</td>
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<tr>
<td>LGA Submission</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Email</td>
<td>23.05.2018</td>
<td>26.05.2018</td>
<td>LGA submission opposing project</td>
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<td>LGA Objection</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Email</td>
<td>21.05.2018</td>
<td>23.05.2018</td>
<td>Injecting to the project</td>
</tr>
<tr>
<td>Cliff top survey appointment</td>
<td>Ann &amp; Trevor Hackett</td>
<td>19 London Street</td>
<td>Email</td>
<td>17.07.2018</td>
<td></td>
<td>Informing the team they are away until mid September</td>
</tr>
<tr>
<td>LGA Objection</td>
<td>Brian Patt</td>
<td>27 Ring Terrace</td>
<td>Email</td>
<td>22.06.2018</td>
<td>22.06.2018</td>
<td>Objecting to the project</td>
</tr>
<tr>
<td>Cliff Top Survey Appointment</td>
<td>Brian Patt</td>
<td>27 Ring Terrace</td>
<td>Email</td>
<td>09.08.2018</td>
<td>09.08.2018</td>
<td>Arranging a cliff top survey</td>
</tr>
<tr>
<td>Post meeting email</td>
<td>Candy</td>
<td>26a Ring Terrace</td>
<td>Email</td>
<td>27.03.2018</td>
<td></td>
<td>Sending email through after discussion about trees on property, structure of property and potential lack of tie-backs for the property. Structural assessment and geotechnical report of the property attached</td>
</tr>
<tr>
<td>Post meeting update email</td>
<td>Candy</td>
<td>26a Ring Terrace</td>
<td>Email</td>
<td>19.04.2018</td>
<td>19.04.2018</td>
<td>Update email regarding the concerns noted in the first meeting, trees and property tie-backs</td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name/Contact/Address</td>
<td>Type of Contact</td>
<td>Date/Time</td>
<td>Date/Time</td>
<td>Communication Topic</td>
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<tr>
<td>Post meeting update</td>
<td>Candy</td>
<td>Email</td>
<td>19.04.2018</td>
<td>19.04.2018</td>
<td>Update email regarding the concerns noted in the first meeting, trees and property tie backs.</td>
<td></td>
</tr>
<tr>
<td>Post meeting concerns</td>
<td>Candy</td>
<td>Email (direct to Jess Brooks)</td>
<td>24.04.2018</td>
<td>26.04.2018</td>
<td>Confirming receipt of previous email</td>
<td></td>
</tr>
<tr>
<td>Post meeting concerns</td>
<td>Candy</td>
<td>Email</td>
<td>27.04.2018</td>
<td></td>
<td>Public Works Act 16 concerns</td>
<td></td>
</tr>
<tr>
<td>Submission Response</td>
<td>Candy</td>
<td>Email</td>
<td>30.05.2018</td>
<td>30.05.2018</td>
<td>Further answering questions raised in their formal submission (note that in submission Candy is not objecting to the project, just has concerns that need to be addressed)</td>
<td></td>
</tr>
<tr>
<td>Cliff Top Survey Appointment</td>
<td>Candy</td>
<td>Email</td>
<td></td>
<td></td>
<td>Providing information about availability for survey</td>
<td></td>
</tr>
<tr>
<td>LGA Objection</td>
<td>Christine Heath</td>
<td>Email</td>
<td>19.06.2018</td>
<td>19.06.2018</td>
<td>Objecting to the project</td>
<td></td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Catherine Collinson</td>
<td>Email</td>
<td>24.03.2018</td>
<td>24.03.2018</td>
<td>Arranging time for an initial meeting about the project</td>
<td></td>
</tr>
<tr>
<td>Cliff Top Survey Appointment</td>
<td>Dallas Pendergrass</td>
<td>Email</td>
<td>09.08.2018</td>
<td>09.08.2018</td>
<td>Providing a time for a survey</td>
<td></td>
</tr>
<tr>
<td>LGA Objection</td>
<td>Damir Johannik</td>
<td>Email</td>
<td>13.06.2018</td>
<td>13.06.2018</td>
<td>Opposing to the project</td>
<td></td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name Customer/ stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
<td>Communication Topic</td>
</tr>
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</tr>
<tr>
<td>Cliff Top Survey Appointment</td>
<td>Darren Johannink</td>
<td>23 London Street</td>
<td>Email</td>
<td>16.07.2018</td>
<td></td>
<td>Providing information about availability for survey</td>
</tr>
<tr>
<td>False LGA Objection</td>
<td>Frank Henry</td>
<td>na</td>
<td>Email</td>
<td>22.06.2018</td>
<td>22.06.2018</td>
<td>False opposing submission - impersonating his neighbour</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Geoff Jones-Prichard</td>
<td>109 Shelly Beach Road</td>
<td>Email</td>
<td>21.03.2018</td>
<td>22.03.2018</td>
<td>To confirm a mutual meeting time with Body Corp Committee after 18th April</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Geoff Jones-Prichard</td>
<td>109 Shelly Beach Road</td>
<td>Email</td>
<td>18.04.2018</td>
<td>18.04.2018</td>
<td>Time arranged to meet with the Body Corporate Committee at 109 Shelly Beach Road</td>
</tr>
<tr>
<td>LGA Submission Process</td>
<td>Jeanette Henry</td>
<td>19 Ring Terrace</td>
<td>Phone call</td>
<td>19.06.2018</td>
<td>19.06.2018</td>
<td>Clarifying RMA and LGA Process</td>
</tr>
<tr>
<td>LGA Objection</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Email</td>
<td>05.06.2018</td>
<td>05.06.2018</td>
<td>Objecting to the project</td>
</tr>
<tr>
<td>Query about impact on 21a London Street</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Email</td>
<td>15.02.2018</td>
<td>15.02.2018</td>
<td>Caroline Crosby - Details upcoming property owner engagement process. Initial letter to be sent out within next fortnight</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Email</td>
<td>18.04.2018</td>
<td>18.04.2018</td>
<td>Time arranged to meet 21 London street and neighbours</td>
</tr>
<tr>
<td>Post meeting concerns</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Email</td>
<td>26.04.2018</td>
<td></td>
<td>Post meeting email regarding meeting note request and clarification around on site ground testing</td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name Customer/ Stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
<td>Communication Topic</td>
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<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Submission Response</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Email</td>
<td>05.06.2018</td>
<td>06.06.2018</td>
<td>Further answering questions raised in their formal submission</td>
</tr>
<tr>
<td>Submission Response</td>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Email</td>
<td>05.06.2018</td>
<td>06.06.2018</td>
<td>Error in map sent out to land owner - Jess Brooks sending corrected map</td>
</tr>
<tr>
<td>LGA Submission Process</td>
<td>Karl Henry</td>
<td>19 Ring Terrace</td>
<td>Phone call</td>
<td>19.06.2018</td>
<td>19.06.2018</td>
<td>Clarifying RMA and LGA Process on behalf of his family member Jenette Henry</td>
</tr>
<tr>
<td>Official Notification Letter Query</td>
<td>Kathleen Gaskin</td>
<td>4/79 Shelly Beach Road</td>
<td>Called AC call centre, HW Dev inbox</td>
<td>31.05.2018</td>
<td>01.06.2018</td>
<td>Requested another copy of LGA notification letter</td>
</tr>
<tr>
<td>Cliff Top Survey Appointment</td>
<td>Kevin Pollock</td>
<td>25a Ring Terrace</td>
<td>Email</td>
<td>17.07.2018</td>
<td>17.08.2018</td>
<td>Survey arranged for 22.08.2018</td>
</tr>
<tr>
<td>LGA Objection</td>
<td>Kevin Pollock</td>
<td>25a Ring Terrace</td>
<td>Email</td>
<td>22.06.2018</td>
<td>22.06.2018</td>
<td>Opposing the project</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Kevin Pollock</td>
<td>25a Ring Terrace</td>
<td>Email</td>
<td>14.03.2018</td>
<td>14.03.2018</td>
<td>Requested a meeting with his neighbours at 21, 25c, 25d &amp; 25e</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appointment scheduled for 27.03.2018 10:30am @ 25a Ring Terrace</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Leo van Vanendael</td>
<td>111 Shelly Beach Road</td>
<td>Email followed up by phone call</td>
<td>15.04.2018</td>
<td>16.04.2018</td>
<td>Has taken over property from his late mother - requested more information before setting up a meeting time</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Kahlloos and Roger Silva</td>
<td></td>
<td>Email after contacted AC via call centre</td>
<td>01.06.2018</td>
<td>01.06.2018</td>
<td>Requesting time to have meeting about the project</td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name/Customer/stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
<td>Communication Topic</td>
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</tr>
<tr>
<td>Official Notification Letter Query</td>
<td>Leo van Veenendaal</td>
<td>111 Shelly Beach Road</td>
<td>Phone call</td>
<td>31.05.2018</td>
<td>31.05.2018</td>
<td>Project question regarding depth of the pipe and development limitations. Offered to arrange a time to meet - will confirm at a later date</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Margareta</td>
<td>6/9 Shelly Beach Road</td>
<td>Phone call</td>
<td>22.03.2018</td>
<td></td>
<td>Find an appropriate time for the first meeting. Them to email their availability to us (after 16th)</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Margaretha and Allan Cooper</td>
<td>6/9 Shelly Beach Road</td>
<td>Email</td>
<td>30.04.2018</td>
<td>23.05.2018</td>
<td>Arranging LGA meeting and few project questions about the ventilation piles</td>
</tr>
<tr>
<td>LGA Objection</td>
<td>Margaretha and Allan Cooper</td>
<td>6/9 Shelly Beach Road</td>
<td>Email</td>
<td>15.06.2018</td>
<td>20.06.2018</td>
<td>Objecting to the project</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Russ Bowler</td>
<td>2/17 Ring Terrace</td>
<td>Email</td>
<td>17.03.2018</td>
<td>22.03.2018</td>
<td>Appointment made for 10.04.2018, 10am @ Bedale House</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Russ Bowler</td>
<td>2/17 Ring Terrace</td>
<td>Email</td>
<td>17.04.2018</td>
<td>17.04.2018</td>
<td>Email highlighting the concerns of the project</td>
</tr>
<tr>
<td>Cliff Top Survey Appointment</td>
<td>Russ Bowler</td>
<td>2/17 Ring Terrace</td>
<td>Email</td>
<td></td>
<td></td>
<td>Providing information about availability for survey</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Sheryl Glass</td>
<td>85a Shelly Beach Road</td>
<td>Email</td>
<td>09.05.2018</td>
<td>09.05.2017</td>
<td>Meeting arranged for 18.05.2018 @ 10:30am</td>
</tr>
<tr>
<td>Property reports post meeting</td>
<td>Sue Mihalis-Tiemey Doug Cowan - legal rep</td>
<td>25d Ring Terrace</td>
<td>Email</td>
<td>12.06.2018</td>
<td>13.06.2018</td>
<td>Sending through report relevant to the properties structure</td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name/Customer/stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
<td>Communication Topic</td>
</tr>
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</tr>
<tr>
<td>Post meeting email</td>
<td>Sue Mihakis-Tierney</td>
<td>25d Ring Terrace</td>
<td>Email</td>
<td>27.03.2018</td>
<td></td>
<td>Sending email through after discussion about structure of property and potential fact if feedback for the property. Structural assessment and geotechnical report of the property attached</td>
</tr>
<tr>
<td>Post meeting update email</td>
<td>Sue Mihakis-Tierney</td>
<td>25d Ring Terrace</td>
<td>Email</td>
<td>19.04.2018</td>
<td>26.04.2018</td>
<td>Update email regarding the concerns noted in the first meeting—trees and property tie backs</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Susan Young</td>
<td>17 London Street</td>
<td>Phone call</td>
<td>12.03.2018</td>
<td>12.03.2018</td>
<td>Appointment made for 28.03.2018, 2:00pm @ 4D Edwin Stree, Mt Eden</td>
</tr>
<tr>
<td>LGA appointment query</td>
<td>Susan Young</td>
<td>17 London Street</td>
<td>Phone call</td>
<td>13.03.2018</td>
<td></td>
<td>Rescheduled the above appointment New time: meet at offices 4D Edwin Street, 28/03/2018 2:00pm</td>
</tr>
<tr>
<td>LGA Submission</td>
<td>Susan Young</td>
<td>18 London Street</td>
<td>Email</td>
<td>22.05.2018</td>
<td>22.05.2018</td>
<td>LGA submission opposing project</td>
</tr>
<tr>
<td>Project Information</td>
<td>Vanessa Sands</td>
<td>499 Shelly Beach Road</td>
<td>Email</td>
<td>21.05.2018</td>
<td>22.05.2018</td>
<td>Send all project inform and submission letter</td>
</tr>
</tbody>
</table>

**Mass communications**

<table>
<thead>
<tr>
<th>Action/Communication</th>
<th>Name/Customer/stakeholder</th>
<th>Address</th>
<th>Type of Contact</th>
<th>Date</th>
<th>Communication Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>LGA Letter 1 delivery—region wide addresses/PO boxes</td>
<td></td>
<td>PO Boxes Addresses out of SMB/Personity</td>
<td>Email</td>
<td>06.03.2018</td>
<td>All LGA Letter 1 delivered to Councils Mailroom for all properties with PO Boxes and out of area addresses.</td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name Customer/stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
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<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>LGA Letter 1 delivery- local addresses</td>
<td></td>
<td>Shelly Beach Road, Anuia Street, Ring Terrace, London Street, Ponsonby Road</td>
<td></td>
<td>06.03.2018</td>
<td></td>
</tr>
<tr>
<td>Formal LGA notification letters delivery- region wide addresses/PO boxes</td>
<td></td>
<td>PO Boxes Addresses out of SMB/Ponsonby</td>
<td></td>
<td>22.05.2018</td>
<td></td>
</tr>
<tr>
<td>Formal LGA notification letters delivery- local addresses</td>
<td></td>
<td>Shelly Beach Road, Anuia Street, Ring Terrace, London Street, Ponsonby Road</td>
<td></td>
<td>22.05.2018</td>
<td></td>
</tr>
<tr>
<td>Formal LGA notification letters emailed to all on file</td>
<td></td>
<td></td>
<td></td>
<td>22.05.2018</td>
<td></td>
</tr>
<tr>
<td>LGA submission closure reminder letters delivery- region wide addresses/PO boxes</td>
<td></td>
<td>PO Boxes Addresses out of SMB/Ponsonby</td>
<td></td>
<td>12.06.2018</td>
<td></td>
</tr>
<tr>
<td>LGA submission closure reminder letters delivery- local addresses</td>
<td></td>
<td>Shelly Beach Road, Anuia Street, Ring Terrace, London Street, Ponsonby Road</td>
<td></td>
<td>13.06.2018</td>
<td></td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name Customer/ stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
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</tr>
<tr>
<td>LGA submission closure reminder letters emailed to all on file</td>
<td></td>
<td></td>
<td>Email</td>
<td>12.08.2018</td>
<td></td>
</tr>
<tr>
<td>Cliff Top Survey Newsletter</td>
<td></td>
<td></td>
<td>Email</td>
<td>16.07.2018</td>
<td></td>
</tr>
<tr>
<td>Cliff Top Survey Newsletter</td>
<td></td>
<td></td>
<td>Email</td>
<td>17.07.2018</td>
<td></td>
</tr>
<tr>
<td>Cliff Top Survey Newsletter</td>
<td></td>
<td></td>
<td>Email</td>
<td>17.07.2018</td>
<td></td>
</tr>
<tr>
<td>Cliff Top Survey Newsletter</td>
<td></td>
<td></td>
<td>Email</td>
<td>16.07.2018</td>
<td></td>
</tr>
<tr>
<td>LGA Hearing date</td>
<td>All objectors (15)</td>
<td></td>
<td>Email</td>
<td>11.09.2018</td>
<td></td>
</tr>
<tr>
<td>LGA Hearing Update</td>
<td>All objectors (15)</td>
<td></td>
<td>Email</td>
<td>15.10.2018</td>
<td></td>
</tr>
<tr>
<td>Action/Communication</td>
<td>Name Customer/ Stakeholder</td>
<td>Address</td>
<td>Type of Contact</td>
<td>Date Received</td>
<td>Date Responded</td>
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</tr>
<tr>
<td>A1 objects (15)</td>
<td></td>
<td></td>
<td>Email</td>
<td>02.11.2018</td>
<td></td>
</tr>
</tbody>
</table>
### Attachment F - Summary of Engineering Assessment by property

<table>
<thead>
<tr>
<th>Objector</th>
<th>Property Address</th>
<th>Summary Engineering Assessment</th>
<th>Specific Monitoring Proposed (noting that monitoring will be offered to all property owners along the alignment if requested)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susan Young</td>
<td>17 London Street</td>
<td>Reference Drawing 255303-0000-ORG-CC-1322-C. The pipeline underlies an existing residential building toward the London St end of an elongated section. The pipeline is deep in this location (19-20m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>This is a suitable location for a dwelling-based vibration monitor (baseline and relevant construction period). Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Trevor and Ann Hackett</td>
<td>19 London Street</td>
<td>Reference Drawing 255303-0000-ORG-CC-1321-C. The pipeline underlies an existing residential building in the middle of an elongated section. The pipeline is relatively deep in this location (16-19m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>This is a suitable location for a dwelling-based vibration monitor (baseline and relevant construction period). Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Julia Winterbottom</td>
<td>21a London Street</td>
<td>Reference Drawing 255303-0000-ORG-CC-1320-D. The pipeline crosses a land parcel on the diagonal, underlying an accessway, an existing residential building and a garden area. Existing foundations for this structure are relatively shallow timber piles (to unweathered rock, EU). The pipeline is relatively deep on the SE boundary (16m) but shallows toward the NW boundary (&lt;12m bgl). There is a reasonable cover of unweathered rock above the proposed pipeline. Any future redevelopment of the site would plausibly have piled foundations to pipeline depths (or deeper). Therefore any such foundations would need to be designed around the pipeline. We do not foresee any difficulty in designing a suitable pile arrangement.</td>
<td>This is a desirable candidate site for vibration and noise monitoring, as it is a dwelling with the least separation from the proposed pipeline. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Candy Taunton</td>
<td>25e Ring Terrace</td>
<td>Reference Drawing 255303-0000-ORG-CC-1315-C. The pipeline underlies an existing residential apartment immediately behind the cliff top. Existing piled foundations are relatively deep. The pipeline is deep in this location (19m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>Vibration monitoring in the common access area for Apartments C, D &amp; E is recommended. The boundary retaining wall (25 Ring Toe) retaining the shared parking area for 25 Ring Toe is cracked, and should undergo further assessment and monitoring. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Liza Jones &amp; Doug Cowan (lawyer)</td>
<td>25C, 25G and 25D Ring Terrace</td>
<td>Reference Drawing 255303-0000-ORG-CC-1315-C. The pipeline underlies the rear of existing residential apartments C &amp; D which are situated immediately behind the cliff top. Apartment G is behind the pipe alignment (away from the cliff). Existing piled foundations are relatively deep. The pipeline is deep in this location (10m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>Vibration monitoring in the common access area for Apartments C, D &amp; E is recommended. The boundary retaining wall (25 Ring Toe) supporting the shared parking area for 25 Ring Toe should undergo further assessment and monitoring ahead of construction. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Darin Johannink and Anjala Natali</td>
<td>23 London Street</td>
<td>Reference Drawing 255303-0000-ORG-CC-1320-2D. 23 London St is an existing residential building toward the London St end of a cross-leased section (building towards the cliff is 21A London St). The pipe alignment lies to the north of this building and the pipe is reasonably deep (at least 11m). The proposed pipe is unlikely to pose any impediment to future development of 23 London St.</td>
<td>None suggested (but available if landowner requests monitoring). Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Objector</td>
<td>Property Address</td>
<td>Summary Engineering Assessment</td>
<td>Specific Monitoring Proposed (noting that monitoring will be offered to all property owners along the alignment if impractical)</td>
</tr>
<tr>
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<td>--------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>7 Leo van Veenendaal</td>
<td>111 Shelly Beach Road</td>
<td>Reference Drawing 255303-0000-ORG-CC-1301-C. The pipeline crosses this section at approximately the cliff crest, at the motorway end of an elongate section. A pronounced natural ridge parallels the long axis of the section, so the depth to the pipeline varies (14m to 18m bgl). This part of the section is undeveloped, but the motorway end of the section is a cut slope supported by retaining structures (made when the motorway was cut into this part of the Shelly Beach cliff line). The depth and orientation of the pipeline does not limit any future development. If deep piled foundations are required near the pipeline, it is expected that they can be placed to accommodate the pipe.</td>
<td>Potential to attach vibration instrumentation to retaining wall structure on cut slope. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>8 Sheryl Glasse</td>
<td>85a Shelly Beach Road</td>
<td>Reference Drawing 255303-0000-ORG-CC-1308-C. The pipeline crosses the property just back from the cliff crest, which is under the front of the residential building. The pipeline is deep in this location (20-22m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>This is a suitable location for a dwelling-based vibration monitor (baseline and relevant construction period). Ground and building monitoring in accordance with Resource Consent conditions.</td>
</tr>
<tr>
<td>9 Steve Mutch (Lake Ltd)</td>
<td>2/17 Ring Terrace</td>
<td>Reference Drawing 255303-0000-ORG-CC-1318-1-C &amp; 1318-2-C. The pipeline underlies a protruding part of the land parcel that extends around the cliff face in front of the neighbouring parcel (19 Ring Terrace). The existing residential house is located on the main part of the lot between the cliff top and Ring Toe, well away from the pipe alignment. The pipeline underlies steep terrain, and comes out from under the cliff in front of this property (about 4m below reclaimed land of St Marys reserve). Any future redevelopment of the land over the pipeline will have significant geotechnical challenges both due to terrain issues and due to the pipeline. The awkward footprint of this area is likely to make any development over the pipeline impractical.</td>
<td>None suggested (but available if landowner requests monitoring). Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>10 Christine Heathert</td>
<td>3/99 Shelly Beach Road</td>
<td>Reference Drawing 255303-0000-ORG-CC-1305-C. The pipeline crosses the property at approximately the cliff crest, which is coincident with the front of the northermost residential building. The pipeline is deep in this location (21-23m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>This is a suitable location for a dwelling-based vibration monitor (baseline and relevant construction period). Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>11 Jeanette Henry</td>
<td>19 Ring Terrace</td>
<td>Reference Drawing 255303-0000-ORG-CC-1317-C. The pipeline underlies a protruding part of the land parcel that extends over the cliff face while the existing residential house is located on the main part of the lot between the cliff top and Ring Toe. The house is founded on deep piles. The pipeline underlies steep terrain, and comes out from under the cliff in front of this property (about 4m below reclaimed land of St Marys Reserve). Any future redevelopment of the land over the pipeline will have significant geotechnical challenges both due to terrain issues and due to the pipeline. The awkward footprint of this area is likely to make any development over the pipeline impractical.</td>
<td>None suggested (but available if landowner requests monitoring). Ground and building monitoring in accordance with Resource Consent conditions.</td>
</tr>
<tr>
<td>12 Margaret and Allan Cooper</td>
<td>6/79 Shelly Beach Road</td>
<td>Reference Drawing 255303-0000-ORG-CC-1310-2-C. The pipeline crosses the property beneath an existing building. The basement is a garage and access for 7/79 (non-dwelling), while upper level is residential apartments. The pipeline is deep in this location (16-20m bgl), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>Useful vibration monitoring locations - in the basement garage and in one of the residential spaces above. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>Objector</td>
<td>Property Address</td>
<td>Summary Engineering Assessment</td>
<td>Specific Monitoring Proposed (noting that monitoring will be offered to all property owners along the alignment if required)</td>
</tr>
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</tr>
<tr>
<td>13 Kevin Pollock</td>
<td>25a Ring Terrace</td>
<td>Reference Drawing 255303-0000-DRG-CC-1315-C. Apartment A is west of the pipe alignment (away from the cliff). The pipeline is deep in this location (19m bgd), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the event of deeper foundations, it is unlikely that the geometry of the pipe (slightly oblique to the section) would prevent design of a suitable piling arrangement.</td>
<td>The boundary retaining wall (25/27 Ring Tce) supporting the shared parking area for 25 Ring Tce should undergo further assessment and monitoring. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>14 Brian William Pult and Suzanne Linda Ashmore</td>
<td>27 Ring Terrace</td>
<td>Reference Drawing 255303-0000-DRG-CC-1314-C. The pipeline underlies an existing residential building toward the Ring Terrace end of an elongated section. The pipeline is deep in this location (18-19m bgd), with considerable cover of unweathered rock. Any future redevelopment of the site would likely have foundations shallower than the pipe. In the unlikely event that deeper foundations are required, the geometry of the pipe (slightly oblique to the section) would not prevent design of a suitable piling arrangement.</td>
<td>The boundary retaining wall (25/27 Ring Tce) supporting the shared parking area for 25 Ring Tce should undergo further assessment and monitoring. Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
<tr>
<td>15 Allan Tyler</td>
<td>21 Ring Terrace</td>
<td>Reference Drawing 255303-0000-DRG-CC-1316-C. The pipeline underlies the cliff crest immediately north of the existing residential building. At the west edge of the property the pipeline is almost 19m deep (underlying a retaining wall). Towards the southeast, the pipe underlies steep terrain of the cliff face, but remains relatively deep (13.4m minimum cover). Any future redevelopment of the land over the pipeline will have significant geotechnical challenges both due to terrain issues and due to the pipeline. The awkward footprint of this area is likely to make any development over the pipeline impractical.</td>
<td>This is a suitable location for a dwelling-based vibration monitor (baseline and relevant construction period). Ground and building monitoring in accordance with Resource Consent conditions. Pre and post condition surveys offered.</td>
</tr>
</tbody>
</table>
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Regulatory Committee

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Deliberations on objections to St Mary's Bay and Masefield Beach Improvement Project

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
<td>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular section 48(i)(d) and section 48(2)(a)(i) apply as the decision is appealable.</td>
<td>s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
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</tbody>
</table>