I hereby give notice that an ordinary meeting of the Waiheke Local Board will be held on:

**Date:** Thursday, 28 February 2019  
**Time:** 5.15pm  
**Meeting Room:** Local Board Office  
**Venue:** 10 Belgium Street  
Ostend  
Waiheke

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**Waiheke Local Board**  
**OPEN ADDENDUM AGENDA**

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**MEMBERSHIP**  
Chairperson: Cath Handley  
Deputy Chairperson: Paul Walden  
Members: Shirin Brown, John Meeuwsen, Bob Upchurch  
(Quorum 3 members)

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Safia Cockerell  
Democracy Advisor - Waiheke  

27 February 2019

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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.
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Land owner approval for the temporary occupation of Tawaipareira Reserve and the associated construction of a stormwater channel and accompanying works

Te take mō te pūrongo
Purpose of the report
1. To obtain land owner approval for the temporary occupation of Tawaipareira Reserve and the construction of a stormwater channel within the same reserve.

Whakarāpopototanga matua
Executive summary
2. To help reduce flooding of Tahi and Ostend Roads and the adjacent properties, it is proposed to construct a stormwater channel and storage capacity along the eastern boundary of Tawaipareira Reserve. It is projected that the entire works will take up to 12 months to complete.
3. The request for landowner approval for flood mitigation works at Tawaipareira Reserve has some urgency due to the earthworks timing requirements. If this earthworks season is missed, then the project will be delayed approximately 5 months.
4. To conduct this work, Healthy Waters will need to temporarily occupy a portion of Tawaipareira Reserve that is held by the Crown by the Department of Conservation as unclassified recreation reserve. The Crown have appointed the council to control and manage this parcel of land on its behalf.
5. The Waiheke Local Board delegated its powers and functions under the Reserve Act 1977 over the Tawaipareira reserve to a co-management committee; the Rangihoua and Tawaipareira Management Committee. This committee has not yet been constituted due to a Ngāti Pāoa mandate issue currently being resolved by the Māori Land Court. Given the unique circumstances, to progress the Healthy Waters application the local board could resolve to withdraw its delegation to the Rangihoua and Tawaipareira Management Committee for this particular decision.
6. Ngāti Pāoa Iwi Trust and Ngāti Pāoa Trust Board have been consulted on the application and its effects, and the proposal to withdraw the delegation to the Rangihoua and Tawaipareira Management Committee for this decision. Both entities have expressed support and/or not objected to the decisions for this Healthy Waters project to progress.
7. Staff recommend that the local board withdraws the 23 November 2017 delegation and approves the land owner approval application for the works and associated occupation.
8. If approved, the works are expected to start in May 2019. These works are also subject to resource consent approval. The local board and Ngāti Pāoa will receive regular updates on the project.

Ngā tūtohunga
Recommendations
That the Waiheke Local Board:

a) withdraw the 23 November 2017 delegation (resolution number WHK/2017/1) to the Rangihoua and Tawaipareira Management Committee in respect of the decision on the application for Healthy Waters to temporarily occupy Tawaipareira Reserve for 12
Item 12

months during the construction of the stormwater channel and accompanying works; and

b) approve the land owner application for Healthy Waters to temporarily occupy Tawaipareira Reserve for 12 months and for the construction of the proposed stormwater channel and accompanying works.

Horopaki Context

9. The ANZAC catchment is a 110-hectare upstream catchment which drains to a wetland in the northern extent of Tawaipareira Reserve, as shown in figure one below.

![Figure 1: ANZAC catchment and existing stormwater infrastructure](image1.jpg)

10. The Tahi Road and Ostend Road areas are subject to flooding and have historically been victim to flooding damage in heavy rain events.

11. The discharge to the estuary was originally open channel flow, but is now an ageing 825 mm diameter pipe which is no longer fit for purpose. The flood hazard for the Tawaipareira Reserve and adjacent commercial land is caused by the inadequate capacity of this pipe. The two worst instances of recent flooding are the events of January 2011 and March 2017, with photos of the 2017 event shown in figure two below.

![Figure 2: Recent flooding events](image2.jpg)
12. Modelling results show that in flood events about 20 properties are impacted; including the Auckland Council transfer station site, and that overland flow (flooding) will occur across an extended section of Ostend Road.

13. In a 1 in 100-year event and with a mean high water spring tide, several floors will be flooded as shown in figure three below. This is expected to worsen with climate change and sea level rise which is not part of this model.

![Figure 2: Tahi Road Flooding – March 2017](image)

14. To help reduce flooding of Tahi and Ostend Roads and the adjacent properties, it is proposed to construct a stormwater channel and storage capacity along the eastern boundary of Tawaipareira Reserve. As part of these works, it is proposed to use fill from the newly excavated channel to remediate existing depressions in the reserve and make it safer for park users. The existing cap on the landfill will be temporarily removed during the filling works and reinstated to current closed landfill standards, in accordance with best practice. The outcome will be an aesthetic and environmental improvement of the reserve.

15. If approved, the works are expected to start in May 2019. These works are also subject to resource consent approval. It is projected that the entire works will take up to 12 months to complete.

16. The work area and impacted parts of the reserve are shown in Attachment A of this report. This map shows the work area and notes that most of the park will remain open for the duration of the works. On occasion there may be periods of equipment movement across the reserve when access is restricted, but this will not be often, and the contractor will discuss it with land owners prior to this taking place.

17. The request from Healthy Waters is time sensitive due to their flood mitigation works requiring to be begun before winter and the closure of the earthworks season.

Land status

18. The portion of land Healthy Waters wish to occupy is Part Lot 125 DP 14355, contained in Record of Title NA1345/26 (Cancelled). The land is held by the Crown through the Department of Conservation as unclassified recreation reserve. The council has been appointed to control and manage this parcel on behalf of the Crown.
19. Part Lot 125 forms part of the former Waiheke Domain, and so until it has been classified in terms of Section 16 (1) of the Reserves Act, any permit, easement, licence or lease to be granted over any portion of Part Lot 125, will need to be in the form of a concession issued in terms of Part IIIB of the Conservation Act 1987. Permission granted to authorise Healthy Waters to occupy the Crown land will need to be in the form of a concession.

**Decision Making**

20. On Thursday, 23 November 2017, the Waiheke Local Board established the Rangihoua and Tawaipareira Management Committee consisting of three members of the Waiheke Local Board and three members elected by Ngāti Pāoa (Resolution number WHK/2017/1) to operate under approved terms of reference. The terms of reference included delegating the authority to this subcommittee to exercise Council’s Reserves Act 1977 powers and functions in respect of the Tawaipareira reserve.

21. The Rangihoua and Tawaipareira Management Committee has not yet been properly constituted due to a Ngāti Pāoa mandate issue currently being resolved by the Māori Land Court.

22. Given this situation, if the Waiheke Local Board wishes to progress the application for the Healthy Waters flood mitigation works it is able to resolve to withdraw its delegation for this particular decision and grant the land owner approval recommended in this report.

23. Ngāti Pāoa Iwi Trust and Ngāti Pāoa Trust Board have been consulted on the proposed withdrawal of the delegation for this decision and do not object to it.

**Tātaritanga me ngā tohutohu**

**Analysis and advice**

24. Following the significant flooding event on 8 March 2017, a Tahi Road Stormwater Project Steering Group was formed consisting of three local board members, three local business representatives and two senior managers from Auckland Council. The purpose of the Steering Group was:

“To reach consensus on the causes of flooding in the Tahi Road area and agree on the options to mitigate the flooding risks.”

25. In the second Steering Group meeting held on 2 August 2017, options were presented to provide flow conveyance through the transfer station to reduce the flood levels for the modelled 10% and 1% AEP (annual exceedance probability) rainfall events. The preferred option selected by the steering group was an open channel through the transfer station, along with a box culvert crossing under Ostend Road and discharging through a coastal outfall.

26. The Healthy Waters project manager was allocated at this stage and undertook a series of high-level reviews to confirm the feasibility of the proposed design and identify potential design efficiencies. This resulted in identification of the following risks and opportunities:

- The disposal of excavated material and a new outfall structure discharging to the Coastal Management Area
- Consenting framework for the preferred option would be complex because of noncomplying activities associated with the placement of fill in the closed landfill
- Sizing of the channel needs to be optimized to accommodate opportunities to intercept overland flows from higher up the catchment
- Opportunities to improve the function of the existing wetland to increase the operational effectiveness of the existing asset and outfall.

27. At a subsequent steering group meeting held on 1 November 2017, Healthy Waters discussed these risks and opportunities with the preferred option. The steering group agreed that it was critical to develop an “optimised solution” and to therefore delay preliminary
The steering group requested another meeting in 27 February 2018, for Healthy Waters to present their “optimised solution”.

28. A detailed options analysis was undertaken to evaluate three options against the status quo. A summary of this analysis is presented below:

**Table 1: Tahi Road Flood Mitigation Project Options Analysis**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Do nothing</th>
<th>Reinstatement of the high-level overland flow path</th>
<th>Retained channel and box culvert (Recommended Option)</th>
<th>Wider banked channel with a bridge at Ostend Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale, scope and location In relation to the proposal, what levels of coverage are possible?</td>
<td>A low capacity, high level overland flow path and an aging 825mm stormwater pipe beneath the Waste Transfer Station that connects the Tawaipareira creek to an outfall in the CMA.</td>
<td>A shallow overland flow channel along the eastern and southern boundaries of the Transfer Station. Flows are uncontrolled beyond that point and discharge to ground or overflow across Ostend Road and into the CMA. This option has been considered at the request of stakeholders.</td>
<td>A deeper channel with retaining walls. The channel discharges to the CMA via twin box culverts under Ostend Road and an outlet structure in the CMA.</td>
<td>A significantly wider channel than Options 2 and 3 and requires Ostend Road to be bridged over the channel to discharge to the CMA.</td>
</tr>
<tr>
<td>Service solution How can services be provided?</td>
<td>35 % to 40 % of land area affected by significant flooding in the area surrounding Tawaipareira Reserve land. Flood risk to properties is unchanged, with flooding continuing to occur during relatively frequent storms. It does not reduce overland flows across Ostend Rd. It has no impact on the operation of the transfer station.</td>
<td>30 % to 35 % of land area affected by significant flooding in the area surrounding Tawaipareira Reserve land. The land requirements for the channel would likely require the Transfer Station layout to be reconfigured, including relocating the existing site access and weigh station. Overland flows across Ostend Rd unchanged.</td>
<td>20 % to 25 % of land area affected by significant flooding in the area surrounding Tawaipareira Reserve land. Reduced land requirements within the Transfer Station and minimises land requirements along the western boundary of adjacent properties on Tahi Road.</td>
<td>20 % to 25 % of land area affected by significant flooding in the area surrounding Tawaipareira Reserve land. Healthy Waters has advised that the land requirements for this option would make ongoing operation of the Transfer Station unviable, requiring redevelopment of the Transfer Station on a nearby property.</td>
</tr>
<tr>
<td>Delivery Approach How could the services be delivered?</td>
<td>N/A</td>
<td>Traditional construction contract</td>
<td>Traditional construction contract</td>
<td>Traditional construction contract</td>
</tr>
<tr>
<td>Implementation When can the services be delivered?</td>
<td>N/A</td>
<td>Project duration - approximately 13 months</td>
<td>Project duration - approximately 17 months</td>
<td>Project duration - approximately 27 months</td>
</tr>
<tr>
<td>Funding How will it be funded?</td>
<td>No funding required.</td>
<td>Council capital funding.</td>
<td>Council capital funding.</td>
<td>Council capital funding.</td>
</tr>
<tr>
<td>Construction Cost (incl disposal of soil)</td>
<td>$0</td>
<td>$1.5 m</td>
<td>$3.8 m</td>
<td>$6.2 m</td>
</tr>
</tbody>
</table>
29. Staff recommend that the option which delivers a deeper channel with retaining walls discharging to the coastal marine area via twin box culverts under Ostend Road and an outlet structure in the coastal marine area. It offers the most reduction in flooding risk reducing 20% to 25% of land area affected by significant flooding in the area surrounding Tawaipareira Reserve land. It also reduces land requirements within the transfer station and minimises land requirements along the western boundary of adjacent properties on Tahi Road. This option is the one which is being progressed and for which landowner approval in this report is sought.

30. The overall design will also include an improvement to the cap of the closed landfill. Recontouring at surface level and planting will improve the reserve once complete.

Other advice

31. There is another land owner approval application on a different parcel of land within the same reserve for the operation of a “bike box”. Healthy Waters have advised that the occupation of the reserve will not impact this proposal (if it is approved) and that if access is required through the front of the reserve then they will seek land owner approval for this when needed.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

32. Various teams within council have been consulted on the proposal including the Parks and Places Specialist team, Operational Management and Maintenance and the Closed Landfill team. None have raised any issues and are comfortable with the work.

33. The views of council-controlled organisations were not required for the preparation of this report’s advice. With the exception of Panuku Development, the proposed project has no identified impacts on other parts of the council group.

34. For the properties along Tahi Road there is limited requirement to use or enter the properties but in the interests of getting agreement with the owners, Panuku has been tasked with developing agreements with each owner, which at this date is well advanced.

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

Local Impacts

35. The Tawaipareira Reserve land will be impacted by vegetation clearance immediately north of the transfer station boundary and the use of the reserve as a fill area for material cut to form the proposed channel. The area is a closed landfill site with excavated material expected to be contaminated fill. This has been a consideration within the resource consent process and it has been agreed that the landfill in this area will be capped as part of the project to meet current standards.

36. Included in the landowner agreements is the lease for Waste Management Limited who is the tenant of the Auckland Council owned land at 108-110 Ostend Rd. A several meter-wide strip of land within the Waste Transfer Station along the eastern boundary is required for the channel to be cut for this project. This will result in a significant change to the land area and have some impact on operations Waste Management Ltd have a lease for. Council is working with Waste Management on mitigating this impact and are working to find alternative land for parking and other operations for Waste Management while this work is undertaken.

37. All affected private property owners have been consulted with and served notice under the Local Government Act of these proposed works. Private property owners have indicated that they will give their consent for the works on the condition that the design is modified to extend the proposed retaining wall to offer flood protection to a private property on Tahi Road. The owners have offered to pay for additional design, consenting, and construction
work while Healthy Waters has advised that the project works will proceed as consented with additional works carried out by means of variations.

**Local Board Views**

38. In addition to involvement in the project steering group, as detailed above, the local board have workshopped this project and has received several briefings on this topic.

39. The proposal supports outcome 6 of the Waiheke Local Board Plan 2017 regarding transport and infrastructure which lists the objective ‘stormwater is well managed’ and further lists the following key initiatives of:

   - Develop watershed / catchment management plans in consultation with residents / businesses and promoting implementation of their recommendations, prioritising areas of repeated flood events
   - Monitor the drainage network and advocate to the council’s Governing Body for the development of drainage infrastructure where necessary.

40. The Tahi Road stormwater project aims to reduce flooding risk in an area subject to repeated flooding events, without significantly impacting on the environment.

41. The local board have been generally in agreement with the need to undertake flood mitigation works.

**Tauākī whakaaaweawe Māori**

**Māori impact statement**

42. Tawaipareira reserve is of high cultural significance for Ngāti Pāoa. The co-management arrangement detailed above reflects this.

43. Both the Ngāti Pāoa Iwi Trust and the Ngāti Pāoa Trust Board were formally engaged during this process.

   The Ngāti Pāoa Iwi trust has provided the following response: ‘The formal position of the Ngāti Pāoa Iwi Trust as the mandated PSGE for Ngāti Pāoa is `neutral` with the proposed storm water channel and retaining along the eastern boundary of the Tawaipareira Reserve, so long as it complies with the proposed conditions and in addition ongoing continued engagement with the Ngāti Pāoa Iwi Trust throughout the lifespan of the proposed works including any post-remedial work required."

   In addition, the Ngāti Pāoa Trust Board have advised that they ‘do not foresee any reason why this important Flood Mitigation Works on Waiheke island at Tawaipareira Reserve should not be approved/allowed to progress.’

44. In March 2018 Healthy Waters sent letters to iwi including Ngāi Tai Ki Tamaki, Ngāti Maru, Ngāti Pāoa and Patukirikiri seeking feedback on the project. Site visits were held in April 2018 and October 2018 with two iwi representatives present at the latter site meeting. Both were satisfied with the planned development and expressed no concerns.

45. Ngāti Pāoa Iwi Trust and the Ngāti Pāoa Trust Board have been consulted on the proposal for the Waiheke Local Board to withdraw its delegation to the Rangihoua and Tawaipareira Management Committee for this particular decision. Both entities were supportive and approved of this as a practical solution to progress the Healthy Waters works.

**Ngā ritenga ā-pūtea**

**Financial implications**

46. The forecast budget for the upcoming physical works is close to $5.5 million and is planned for and agreed within Council’s Healthy Waters Capital Works Budget for 2018/19 and 2019/20. The forecast includes physical works and professional services for construction supervision and management. The forecast is based on an Engineer’s Estimate at the end of the design phase.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

47. There are key three risks for this project which are:

- failure to get landowner approval for the project;
- failure to resolve private landowner and business approval to manage the impacts; and
- consenting and construction delays.

48. If the Waiheke Local Board does not approve the landowner approval sought in this report the project will not be able to commence before the closure of the 2019 earthworks season. This would delay the project, increase costs and most importantly mean that the flooding risk to both private and business properties will remain. This has been mitigated through workshops and discussions with the local board to understand and incorporate any feedback.

49. The risk in regards private landowners is being managed by the property team from Engineering & Technical Services and Panuku who have been working with affected landowners to document agreements and appropriate conditions. Furthermore, the Local Government Act process is nearly complete and will legally allow for public works on private land subject to any conditions imposed.

50. Consultation around the transfer station land is on-going between Healthy Waters, Waste Solutions, Waste Management, and AIMS.

51. The resource consent application was submitted in June 2018 and the decision is still pending to resolve numerous Section 92 planning and technical matters. Planning advice suggests that the end of the consenting process is near following the receipt of draft consent conditions on 22 February 2019, which is currently under review. To expedite progress on the project, the physical works contract was procured without a granted resource consent. The preferred contractor has been identified and the contract can be formally awarded on receipt of the consent decision.

52. Risk specific to construction shall be managed through the physical works NSZ3910. The contractor will be required to adhere to approved health and safety, environmental and quality management plans in accordance with best practice and council protocols. The design consultant’s services are being secured in order to maintain daily supervision of construction to ensure compliance.

Ngā koringa ā-muri
Next steps

53. If land owner approval is granted, then Land Advisory Services will provide Healthy Waters with a licence to occupy the reserve so that work can progress as soon as possible.

54. Healthy Waters will work with the preferred tenderer for the physical works contract and will be able to award the contract when resource consent is granted.

55. Healthy Waters is continuing to consult with landowners to secure final agreement to carry out the works. It is expected that these consents will be in place when the contractor is ready to mobilise.

56. Construction is expected to take 12 months. The contractor shall work with Healthy Waters and its stakeholders to stage the works to meet the needs of affected parties with respect to the programme.

57. Assess the requirement for permanent concession for any structures on the land, such as an easement.
58. The local board and Ngāti Pāoa will regularly be kept up to date on progress on this flood mitigation project as it progresses.

Ngā tāpirihanga

Attachments

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Ngā kaihaina

Signatories

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<thead>
<tr>
<th>Author</th>
<th>Devin Grant-Miles - Land Use Advisor</th>
</tr>
</thead>
</table>
| Authorisers | Rod Sheridan - General Manager Community Facilities  
|           | Helgard Wagener - Relshp Mgr - Great Barrier and Waiheke |
Land owner approval for the temporary occupation of Tawaipareira Reserve and the associated construction of a stormwater channel and accompanying works.
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