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

**Date:** Thursday, 28 November 2019  
**Time:** 1:30pm  
**Meeting Room:** Room 1, Level 26  
**Venue:** 135 Albert St  
Auckland

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**Kōmiti Whakahaere ā-Ture/ Regulatory Committee**

**OPEN AGENDA**

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**MEMBERSHIP**

Chairperson  
Cr Linda Cooper, JP  
Cr Josephine Bartley  
Cr Dr Cathy Casey  
Cr Fa’anana Efeso Collins  
Cr Shane Henderson  
Cr Daniel Newman, JP  
Cr Sharon Stewart, QSM  
IMSB Chair David Taipari  
IMSB Member Glenn Wilcox  
Cr Paul Young

Deputy Chairperson  
Cr Maea Petherick  
Kaitohutohu Mana Whakahaere Matua / Senior Governance Advisor  
22 November 2019

Ex officio:  
Mayor Phil Goff  
Deputy Mayor Bill Cashmore

(Quorum 5 members)

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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
- appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Regulatory Committee
- 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)
- recommending bylaws to the Governing Body for consultation and adoption
- reviewing local board and Auckland water organisation proposed bylaws and making recommendations to the Governing Body
- appointing panels to hear and deliberate on public feedback related to regulatory policy and bylaw matters
- deciding regulatory policies that are not otherwise the responsibility of another committee
- deciding regulatory policies, standards and controls associated with bylaws including those delegated to the former Regulatory and Bylaws Committee, under resolution GB/2012/157 (dogs) and GB/2014/121 (alcohol)
- receiving local board feedback on bylaw and regulatory policy 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, certificates of compliance, regulatory policy and bylaws 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 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
- Health Act 1956
- Land Transport Act 1998
- Local Government Act 1974
- Local Government Act 2002
- Local Government (Auckland Council Act) 2009
- Maritime Transport Act 1994
- Psychoactive Substances Act 2013
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008

**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.
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<th>PAGE</th>
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<td>Objection to the Construction of a Public Stormwater line through 133 &amp; 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest</td>
<td>41</td>
</tr>
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<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
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</table>
1 Apologies

At the close of the agenda no apologies had been received.

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 Confirmation of Minutes

There will be no confirmation of minutes.

4 Petitions

There will be no petitions section.

5 Public Input

There will be no public input section.

6 Local Board Input

There will be no local board input section.

7 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."
Te take mō te pūrongo

Purpose of the report

1. To hear and determine an objection to proposed stormwater works at 30 and 32 Kohinoor Avenue, pursuant to section 181 of the Local Government Act 2002.

Whakarāpopototanga matua

Executive summary

2. This report recommends that the Regulatory Committee endorse the proposed public stormwater works at 30 and 32 Kohinoor Avenue, Māngere to manage the stormwater effects of the approved development at 28 Kohinoor Avenue.

3. A developer has obtained approval from the council to connect a new development at 28 Kohinoor Avenue, Māngere to the public stormwater manhole that is located on the neighbouring property at 32 Kohinoor Avenue.

4. The proposed works involve directionally drilling a 10-metre length pipe below the driveway shared by number 30 and 32 Kohinoor Avenue (see Attachments A and B). The work is estimated to take up to two days. Once constructed, this pipe will be vested in the council as a public stormwater asset.

5. The owners of 30 and 32 Kohinoor Avenue have refused the developer access to their property for this purpose. Council-led efforts to facilitate an agreement have been unsuccessful (see Attachment C).

6. After an assessment of the proposal and alternative options (see Attachment D), the council has determined that the works constitute necessary public stormwater works. It has issued a notice under section 181(2) of the Local Government Act 2002 informing the landowners of its intention to construct the works as a council project.

7. The landowners have lodged a written objection to the works, on the grounds that they have not provided their consent, and alternative connections are possible. They have also expressed concerns over various possible impacts on themselves and their children including safety, harassment and environmental wellbeing (see Attachment E).

8. A hearing is now necessary for the Regulatory Committee to hear the objections and determine whether to proceed with the works. This is in line with the process set out in Schedule 12 of the Local Government Act 2002.

9. If approved, staff will proceed with the works pursuant to section 181(2) of the Local Government Act 2002 on the basis that the work is necessary to manage stormwater, is designed in accordance with Auckland Council standards and is the most efficient option, with minimal impact on landowners.

10. If the Regulatory Committee determines that the works should proceed, the council will work with the landowners to ensure the works are managed to minimise disruption for the families. Works are expected to be undertaken in early 2020, and will take approximately two days.
Ngā tūtohunga
Recommendations
That the Regulatory Committee:

a) hear and determine the objections by the owners of 30 and 32 Kohinoor Avenue according to clause 1(e) of Schedule 12 of the Local Government Act 2002

b) resolve that the council will proceed with the extension of the public stormwater network from 32 Kohinoor Avenue, across the driveway of 30 Kohinoor Avenue to connect with 28 Kohinoor Avenue (as shown in Attachment A to the agenda report), according to clause 1(e) of Schedule 12 of the Local Government Act 2002.

Horopaki
Context
11. Auckland Council’s Healthy Waters Department is responsible for maintaining the public stormwater network in Auckland. The public stormwater network consists of over 6,000km of pipes and other assets (such as manholes and culverts), some of which are located on private land.

12. Section 181(2) of the Local Government Act 2002 empowers the council to ‘construct works on or under private land or under a building on private land that it considers necessary for sewage and stormwater drainage’. Such works require either the written consent of the property owners, or that the council follows the process set out in Schedule 12 of the Local Government Act 2002.

13. Schedule 12 requires that affected landowners are provided with a description of the proposed works, including plans, and are given the opportunity to object to the works within one month of notification. If an objection is made, a hearing must be arranged. After hearing objections, the council must then determine to either abandon the works proposed, or proceed with the works proposed, with or without any alterations that the council thinks fit.

Enabling stormwater management on Kohinoor Avenue, Māngere
14. A developer has been granted resource consent by Auckland Council’s regulatory department to subdivide a property at 28 Kohinoor Avenue Māngere. A condition of that resource consent is that the new development connects to the public stormwater system.

15. The developer has obtained engineering approval to connect the subdivision to the existing public stormwater manhole located within the driveway of 32 Kohinoor Avenue (see Attachment B). The connecting pipe will cross under the shared driveway of 30 and 32 Kohinoor Avenue.

16. Staff propose that a 10-metre length pipe is constructed using a trenchless method, which involves drilling a small hole from 28 Kohinoor Avenue, then pushing the pipe underground through to the manhole located on 32 Kohinoor Avenue. This method would not involve digging up the shared driveway.

17. Minor excavation works would be undertaken around the outside of the manhole which would be fully reinstated upon completion of the works. The expected duration to carry out the work is two days.

18. The new pipe will be vested in Auckland Council as a public stormwater asset to be owned and maintained Healthy Waters, once it is connected to the stormwater network.
Objections received from landowners at 30 and 32 Kohinoor Avenue

19. The owners of 30 and 32 Kohinoor Avenue have refused to allow the developer to connect to the stormwater network via their properties. The developer applied to the council to provide facilitation services to help reach an agreement with the landowners.

20. Facilitation sessions commenced in March 2019, however no agreement was reached. The council then analysed the developer’s works (as detailed below) and determined that the works are necessary public works, and that they would undertake the works itself as a council project under the powers of the Local Government Act 2002. This enables public works to be undertaken on private land without the owner’s consent, provided the requirements of the Act are met.

21. The council issued a notice of their intention to construct the works to the affected landowners under section 181 of the Local Government Act 2002 on 18 April 2019.

22. Following the issue of this notice, the council has continued to communicate with the landowners, however it has not been possible to reach an agreement.

23. Pursuant to schedule 12 of the Local Government Act 2002, the landowners had until 18 May 2019 to formally object to the section181 notice. No such objection was received.

24. In August 2019, the council notified the landowners of its intention to commence the works. A formal objection to the works from the landowners was then received on 26 August 2019 (see Attachment E).

25. Healthy Waters staff elected to receive the late objection rather than proceeding with the works and, in accordance with the terms of schedule 12 of the Local Government Act, set an objection hearing for 28 November 2019.

Tātaritanga me ngā tohutohu
Analysis and advice

26. The council is empowered to construct works on private land that are necessary for stormwater drainage. When determining the best option to connect developments to the public stormwater system, the council looks at the available network connections in the surrounding area. This analysis takes into account the direction of stormwater flow and the land topography.

27. The council analysed three alternative alignments for connecting the development at 28 Kohinoor Avenue to the public stormwater system (see Attachment D).

28. These options were:

- **option one:** extending the public network from the manhole at 32 Kohinoor Avenue under the driveway of 30 Kohinoor Ave (**recommended option**)
- **option two:** extending the public network from House Park (council-owned land to the east of 28 Kohinoor Avenue)
- **option three:** extending the public network from 42 Kohinoor Avenue to 28 Kohinoor Avenue
- **option four:** do nothing - do not provide a stormwater connection for 28 Kohinoor Avenue (not shown in Attachment D).
The four options were analysed against relevant criteria as shown below in Table 1.

### Table 1. Analysis of alignment options against various criteria

<table>
<thead>
<tr>
<th></th>
<th>Option one</th>
<th>Option two</th>
<th>Option three</th>
<th>Option four</th>
<th>Significance of criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Extend under driveway of 30 and 32 Kohinoor Avenue (recommended)</td>
<td>Extend from House Park</td>
<td>Extend from 42 Kohinoor Avenue</td>
<td>Do nothing</td>
<td></td>
</tr>
<tr>
<td>Number of affected properties</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>Low</td>
</tr>
<tr>
<td>Interference with existing infrastructure (water, wastewater and road networks)</td>
<td>None</td>
<td>High</td>
<td>High</td>
<td>None</td>
<td>Medium</td>
</tr>
<tr>
<td>Disruption to property owners</td>
<td>Minor</td>
<td>Medium</td>
<td>Major</td>
<td>Minor</td>
<td>High</td>
</tr>
<tr>
<td>Cost of works</td>
<td>$</td>
<td>$$$</td>
<td>$$$</td>
<td>$</td>
<td>Low</td>
</tr>
<tr>
<td>Route to existing stormwater network</td>
<td>Most direct 10m</td>
<td>Least direct 100m</td>
<td>Less direct 75m</td>
<td>N/A</td>
<td>Medium</td>
</tr>
<tr>
<td>Duplication of existing stormwater infrastructure</td>
<td>0%</td>
<td>20%</td>
<td>100%</td>
<td>0%</td>
<td>Medium</td>
</tr>
<tr>
<td>Compliance with Stormwater Code of Practice</td>
<td>Yes</td>
<td>Potential non-compliance</td>
<td>No</td>
<td>No</td>
<td>High</td>
</tr>
</tbody>
</table>

**Key**
- Most negative
- Moderately negative
- Moderately positive
- Most positive

### Analysing options for stormwater management on Kohinoor Avenue

29. Option two would require an extensive amount of pipe work which is inefficient when there is an alternative option in close proximity. As the land is very flat, the pipe proposed in option two is unlikely to achieve the required fall in order to connect into the existing manhole in the park without the assistance of a pump. The Stormwater Code of Practice does not support pumping in this manner as it increases the risk of flooding and requires on-going maintenance.
30. Option three would duplicate the existing network that already serves properties 32-40 Kohinoor Avenue. Although in the road corridor (and not on private property), it would be an inefficient route given there is an alternative option in close proximity. The implementation of option three would also cause disruption to the entire neighbourhood due to the traffic management needed during the construction phase.

31. Option four (do nothing) involves the council walking away from the situation and leaving the developer to continue to negotiate with the owners. This option is not supported, as it means the developer is likely to pursue either options two or three. As described above, these options would mean the council inherits surplus stormwater infrastructure which it has to maintain as part of the public network, and do not comply with the Stormwater Code of Practice. It also increases the likelihood of 28 Kohinoor Avenue discharging to the kerb in lieu of a better solution and in contravention of its resource consent.

32. As demonstrated by the weightings set out in Table 1 above, option one is the preferred option for the following reasons:
   - the route does not interfere with any existing services
   - the location of the works does not affect any existing structures on the landowners’ properties, resulting in minimal disturbance
   - the land proposed to be crossed is a driveway and not land that could be developed for housing or other structures
   - the pipe route is the most logical and direct to reach the connection point
   - the route does not duplicate existing stormwater infrastructure.

33. In addition to these factors, Healthy Waters engineers have determined that option one can be constructed using a trenchless method, which would have minimal impact on the driveway to 30 and 32 Kohinoor Avenue.

Negotiating with the landowners

34. Negotiations with the landowners have been ongoing since October 2018. Initially negotiations were held directly between the developer and the landowners, with the council becoming involved from March 2019 onwards.

35. The council has attempted to engage with the landowners to offer advice on the proposed works and broker an agreement. The council also attempted to arrange a mediation hearing between the parties before an independent commissioner to address the concerns raised in the landowner’s objection letter. However, the landowners did not respond to any correspondence sent by the council.

36. Attachment C shows the council’s response to the objection letter and the correspondence log.

Summary of objections received

37. Both landowners at 30 and 32 Kohinoor Avenue have submitted a copy of the same letter (see Attachment E). Their objections focus largely on the topics outlined in Table 2 below:
**Table 2. Summary of objections**

<table>
<thead>
<tr>
<th>Objection points</th>
<th>Response from Healthy Waters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of written consent from landowners</td>
<td>The council has complied with the procedures as set out in Schedule 12 of the Local Government Act where landowners refuse consent to stormwater drainage works. Written notice has been provided to the landowners describing the proposed works, accompanied by a plan. Landowners were provided with an opportunity to object, and a date was set to hear the objection.</td>
</tr>
<tr>
<td>Liability for costs</td>
<td>The landowners were concerned that they would be liable for maintenance costs for the pipe. The pipe will be vested in Auckland Council as a public stormwater asset once it is constructed. The council will be responsible for maintenance of that pipe and ensuring it has the required capacity to cope with the stormwater requirements of the area it serves.</td>
</tr>
<tr>
<td>Other stormwater management options available</td>
<td>See options analysis above. Staff have assessed the preferred option as being the most efficient alignment in terms of stormwater management.</td>
</tr>
<tr>
<td>Lack of transparency on building plans</td>
<td>These concerns have been considered through the development's consenting process and are not grounds for objection in relation to the proposed stormwater works.</td>
</tr>
<tr>
<td>Impacts on the environment and future generations</td>
<td>Connecting new developments to the public stormwater system ensures that Auckland’s stormwater is managed in an efficient and effective way, improving public health and safety by reducing the risk of flooding and illegal discharges.</td>
</tr>
</tbody>
</table>
### Objection points

<table>
<thead>
<tr>
<th>Resident safety and wellbeing</th>
<th>The safety of children is identified as the primary concern of the landowners, with strangers on their private properties.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response from Healthy Waters</td>
<td>The works will be undertaken by warranted council contractors. The owners will be notified in advance of when the works will take place and will have an opportunity to raise any concerns they have regarding access, the presence of animals, children or vulnerable persons. Appropriate health and safety procedures will be put in place to ensure the works are undertaken in a safe manner. Works are expected to take up to two days to complete, and will be located on the driveway away from the houses, so disruption is expected to be minimal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Harassment of landowners</th>
<th>The landowners expressed a sense of being harassed and pressured into agreeing to the works.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response from Healthy Waters</td>
<td>The council had not been involved in discussions between the developer and the landowners prior to March 2019. All council contractors will follow established procedures when engaging with landowners, and will not enter the properties without prior notification. Landowners can raise any concerns regarding contractor interactions directly with Auckland Council’s call centre, and these will be investigated further.</td>
</tr>
</tbody>
</table>

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### Recommended stormwater management option

38. Staff recommend that construction of the proposed stormwater works proceed at 30 and 32 Kohinoor Avenue, as per option one in this report.

39. The works are necessary to enable development at 28 Kohinoor Avenue and to meet the council’s stormwater standards. Works are expected to take up to two days to complete, and staff will work with the landowners to ensure minimal disruption occurs. As described above, alternative alignments for the pipe were considered untenable due to non-compliance with the stormwater code of practice.

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### Tauākī whakaaweawe āhuarangi

#### Climate impact statement

40. One of the expected consequences of rising global temperatures is increased and more intense rainfall. Healthy Waters staff work with developers to ensure new developments are able to connect to the public stormwater network to ensure the efficient and effective management of stormwater in Auckland.

41. The proposed pipe has been designed to cater for the 10 per cent annual exceedance probability (the probability of a flood event occurring in any year), including allowance for climate change. This has the effect of making the network more resilient to storm events and reducing the likelihood of flooding of neighbouring properties.

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### Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

#### Council group impacts and views

42. Watercare and Auckland Transport assets will not be impacted by the proposed works if option one is undertaken. Other options will require consultation with Auckland Transport and Watercare to determine the impact to existing wastewater infrastructure and road networks.
43. The pipe once constructed will be vested in the council and will form part of the public stormwater network to be maintained by Healthy Waters.

44. If the landowners object to the committee’s decision to support the works, Legal Services will support Healthy Waters staff in any court proceedings.

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

45. The Māngere-Ōtāhuhu Local Board has not been consulted on the proposed stormwater works, as the pipe will be constructed on private land. The landowners have advised that they have written to the board to notify them of the works, however staff have not been able to locate any direct correspondence with the board.

Tauākī whakaaweawe Māori
Māori impact statement

46. The developer has not consulted local iwi on the proposed stormwater works outlined in this report.

47. Council staff notified iwi representatives of the proposed project through Healthy Water’s monthly email of all active Healthy Waters projects. Iwi representatives were asked to signal whether they would like to be engaged on this project, however, no feedback has been received from iwi to date.

48. Improved water quality for Tāmaki Makaurau is a priority for mana whenua. The recommended option will contribute to a better functioning stormwater management system, reducing the impact of the development on water quality.

Ngā ritenga ā-pūtea
Financial implications

49. The recommended option is the most cost effective for the council, as it involves the shortest and most direct pipe alignment. If approved, the pipe will be constructed by the council, with costs of the works to be paid for by the developer upfront.

50. The council will be responsible for any proven injurious affection to private land pursuant to section 181(6) of the Local Government Act 2002, and the Public Works Act 1981. As part of the works costs the developer will be required to supply to the council a bond to remain in place for two years following completion of the works. This will cover any potential claim by the landowners for injurious affection.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

51. Staff have undertaken a systematic risk assessment. Key risks and proposed mitigations relating to the endorsement of option one are shown in Table 3 below:

Table 3. Risks and mitigations arising from determination of the objection

<table>
<thead>
<tr>
<th>Risk</th>
<th>Likelihood and consequence</th>
<th>Mitigation</th>
</tr>
</thead>
</table>
| Legal risk – Objectors argue that this is in fact a private pipe and Auckland Council ought to use section 460 of the Local Government Act 1974 instead of section 181 Local Government Act 2002. | Likelihood: Low  
Consequence: Medium | The pipe will be vested in the council once constructed and will form part of the public stormwater system which the council is responsible for maintaining. It is being built to the council’s standards for public stormwater infrastructure and will serve a wider catchment as the area develops further. |
## Risk

<table>
<thead>
<tr>
<th>Risk</th>
<th>Likelihood and consequence</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial risk – If the landowners appeal the Regulatory Committee’s decision, the council may become liable for the cost of defending a District Court case. The landowners could also seek injurious affection (if evidenced) through the Land Valuation Tribunal, arguing that the public works have reduced the value of their property.</td>
<td>Likelihood: Low  Consequence: Medium</td>
<td>It seems unlikely an appeal would be brought. Even if so, the risk of the council losing on appeal is considered low, due to the works being considered necessary, and the section 181 process has been followed correctly. The potential for an injurious affection claim is considered low in this case for the following reasons: • the proposed pipe does not involve the taking of any land • the area affected by the works is a concrete driveway. The residential homes on 30 and 32 Kohinoor Avenue are sufficiently far enough from the works that it is extremely unlikely that they would be impacted • the proposed methodology will cause minimal damage to the driveway which will be reinstated upon completion of the works. Council engineers have determined that the risk of collapse or future damage from these works on this particular piece of land is low. If the landowners are unsuccessful, they will be liable to pay court costs.</td>
</tr>
<tr>
<td>Infrastructure risk - Low quality assets being vested to the council.</td>
<td>Likelihood: Low  Consequence: Medium</td>
<td>The works will be undertaken by an approved council contractor who will have in place sufficient insurances to cover the risk of failure.</td>
</tr>
</tbody>
</table>

### Ngā koringa ā-muri

#### Next steps

52. If the objection is upheld, and construction of the pipe does not proceed, the development at 28 Kohinoor Avenue will be unable to proceed until an alternative stormwater connection can be identified. As noted in the analysis above, none of the alternative options assessed are considered adequate.

53. If the objection is not upheld and construction of the pipe is endorsed, council staff will use their powers under the Local Government Act 2002 to deliver the stormwater works.

54. The objectors have up to 14 days to lodge a further appeal to the District Court. If this occurs, then the council’s legal team will support this process. If no appeal is lodged, the council would look to proceed with the works early 2020.
Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Site plan - Kohinoor Avenue</td>
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<tr>
<td>B</td>
<td>Engineering plans</td>
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<td>C</td>
<td>Correspondence log</td>
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<tr>
<td>D</td>
<td>Alternative options considered for stormwater management</td>
<td>29</td>
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<tr>
<td>E</td>
<td>Objection letters and hearing notifications</td>
<td>31</td>
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</tbody>
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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Leigh sTeckler</td>
<td>Senior Commercial Negotiator, Healthy Waters</td>
</tr>
<tr>
<td>Shaun McAuley</td>
<td>Commercial Partnerships Team Leader, Healthy Waters</td>
</tr>
<tr>
<td>Authorisers</td>
<td>Craig Mcilroy – General Manager Healthy Waters</td>
</tr>
<tr>
<td></td>
<td>Barry Potter - Director Infrastructure and Environmental Services</td>
</tr>
<tr>
<td></td>
<td>Craig Hobbs - Director Regulatory Services</td>
</tr>
</tbody>
</table>

Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere
Site plan showing proposed stormwater connection at Kohinoor Avenue

Location of launch pit within 28 Kohinoor Avenue (developer’s site)

Proposed launch pit and borehole at rear of #28 Kohinoor
Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere
Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere

LONG-SECTION OF NEW SW EXTENSION (LOT 1 CONNECTION)

SCALE 1:50 @ A3 (VERTICAL)
SCALE 1:200 @ A3 (HORIZONTAL)
Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere

LONG-SECTION OF NEW SW EXTENSION

SCALE 1:500 @ A3 (VERTICAL)
SCALE 1:200 @ A3 (HORIZONTAL)
### Correspondence Log

<table>
<thead>
<tr>
<th>DATE</th>
<th>SENT BY</th>
<th>DESCRIPTION</th>
<th>OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 June 2019</td>
<td>Auckland Council</td>
<td>Letter to 32 and 30 Kohinoor Avenue under Local Government Act 181(2) detailing the proposed works and requesting consent</td>
<td>Objection letter received 19 August 2019</td>
</tr>
<tr>
<td>20 June 2019</td>
<td>Auckland Council's consultants Fraser Thomas</td>
<td>Email from council's consultants Fraser Thomas to owners of 32 Kohinoor Avenue proposing terms for settling the issue of access with the owner of 28 Kohinoor Avenue</td>
<td>No response</td>
</tr>
<tr>
<td>26 July 2019</td>
<td>Auckland Council's consultants Fraser Thomas</td>
<td>Email from council's consultants Fraser Thomas to owners of 32 Kohinoor Avenue proposing terms for settling the issue of access with the owner of 28 Kohinoor Avenue</td>
<td>No response</td>
</tr>
<tr>
<td>18 August 2019</td>
<td>Owners of 32 Kohinoor Avenue</td>
<td>Objection letter</td>
<td>Owner refuses consent and lodges objection</td>
</tr>
<tr>
<td>18 August 2019</td>
<td>Owners of 30 Kohinoor Avenue</td>
<td>Objection letter</td>
<td>Owner refuses consent and lodges objection</td>
</tr>
<tr>
<td>24 September 2019</td>
<td>Auckland Council</td>
<td>Letter sent to 32 and 30 Kohinoor Avenue in response to their objection letter. Confirmed matter is to be referred to a hearing and requesting consent to participate in mediation first</td>
<td>No response to date</td>
</tr>
<tr>
<td>25 September 2019</td>
<td>Auckland Council</td>
<td>Email sent to partner of 32 Kohinoor Avenue requesting attendance at mediation</td>
<td>Owner's partner responds in name only. Does not address issue of consent</td>
</tr>
<tr>
<td>31 October 2019</td>
<td>Auckland Council</td>
<td>Email sent to owner of 32 Kohinoor requesting attendance at mediation and asking owner to contact the council</td>
<td>No response to date</td>
</tr>
<tr>
<td>13 November 2019</td>
<td>Auckland Council</td>
<td>Hearing notification letter sent to landowners</td>
<td>No response to date</td>
</tr>
</tbody>
</table>

### Meeting Log

<table>
<thead>
<tr>
<th>Date</th>
<th>Attended by</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 August 2019</td>
<td>Fraser Thomas for the council and the owners of from 32 Kohinoor Avenue</td>
<td>Proposed works explained to owners. Owners did not consent to works, still had concerns</td>
</tr>
<tr>
<td>17 August 2019</td>
<td>Fraser Thomas for the council and occupants of 30 Kohinoor Avenue</td>
<td>Proposed works explained to owners. Owners did not consent to works, still had concerns</td>
</tr>
<tr>
<td>24 August 2019</td>
<td>Fraser Thomas for the council and owners of 32 Kohinoor Avenue</td>
<td>Proposed works explained to owners. Owners did not consent to works, still had concerns</td>
</tr>
</tbody>
</table>
Regulatory Committee
28 November 2019

Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere

Site plan showing alternative alignments

Objecting properties (30 and 32 Kohinoor Avenue)

Developer’s site (28 Kohinoor Avenue)
30 Kohinoor Ave
Mangere Central
Auckland 2022

19 August 2019.

To whom it may concern,

RE: Stormwater Network Connection for Development at 28 Kohinoor Ave, Mangere

Further to the letters received and random visitation on both properties - our response as requested - We object to the proposed work due to the following:

1) LGA, Act 2002 - Section 181: The prior written consent of the owner of that land

Construction of works on private land

(1) A local authority may construct works on or under private land or under a building on private land that it considers necessary for—
   (a) the supply by territorial authorities of water by means of reticulated systems;
   (b) the supply of water through water races;
   (c) trade wastes disposal;
   (d) land drainage and rivers clearance.

(2) A territorial authority may construct works on or under private land or under a building on private land that it considers necessary for sewage and stormwater drainage.

(3) A local authority or a territorial authority, as the case may be, must not exercise the power in subsection (1) or subsection (2) unless it has—
   (a) the prior written consent of the owner of the land to the construction of the works; or
   (b) complied with the requirements of Schedule 12.

(4) A local authority may enter the land to inspect, alter, renew, repair, or clean any work constructed under this section or under the corresponding provision of a former Act.

(5) The power in subsection (4) must not be exercised without first giving reasonable notice of the intention to enter the land to the owner and occupier (if any).

(6) This section applies subject to the Public Works Act 1981 as to compensation for injurious affection to land.


2) Liability: Auckland council bylaws state private property owner is liable for damage on their property. As the stormwater drain is on 32 Kohinoor Ave property - how can a
system that is over 50 years handle extra pressure.

LIABLE for costs:

If you don’t comply

If you do not carry out your responsibilities as a watercourse owner, we could serve you notice under:

- section 511 of the Local Government Act
- sections 13 and 14 of the Litter Act 1979

3) **Other viable options available** as per Auckland Council Website

Auckland Council Website - Consider stormwater when building options

1. Connect your pipes to the stormwater network (on your property)

2. **Apply for a new stormwater connection**
   a. You would need to apply for a separate stormwater connection for any subsequent connections.

3. Design of the stormwater system
   a. Flood risk - minimisation of flood risk to life and property

4) **Lack of transparency on building plans**

Haven’t seen or offered plans for the new development property on 28 Kohinoor Ave, Mangere. How will this impact on 30 & 32 Kohinoor Ave, Mangere. Environment issue, sunlight and privacy.

5) **Environment and Future generations** - the following perceived are not taken into account


By achieving best value Council considers that it will meet legislative requirements and will be effective, efficient and appropriate for households and businesses, and will meet the need to be appropriate for current and future generations. There is further
legislative guidance for procurement in section 14 (1) (h) of the LGA 2002 which states that “In performing its role, a local authority must act in accordance with the following principles: in taking a sustainable development approach, a local authority should take into account— (i) the social, economic, and cultural interests of people and communities; and (ii) the need to maintain and enhance the quality of the environment; and (iii) the reasonably foreseeable needs of future generations” In the Local government (Auckland) Act 2009 there

6) **Wellbeing and protection** and safety of our children from strangers is primary concern, with strangers on our private property. Not just for our children but also our elderly mother. This has caused her stressed and anxiety and the works having even started!


7) **Harassment:**

**Constant harassment:** aggressive pressure or intimidation.

1. Real Estate agents offered us $4000 each - we said NO
2. Residents of 28 approached to ask and requested signatures - we said NO
3. Resident of 28 approach every Friday & Sunday evening for approximately 2 months.
4. Residents at 28 initially asked if their people who they stated are engineers could check the manhole on our private property – we said NO
5. They offered us money $1400 – we said NO
6. Real Estate agent visited flustered and trying to railroad us into agreeing and trivialised the reasoning - we said NO
7. Random people trespassing on our private property - ie trying to take the vehicle at 32 Kohinoor Ave, because they saw from number 28 Kohinoor Ave.
8. Random people trespassing on our private property - people looking for their goat around stormwater drain.
9. Random people trespassing on our private property - walked into 32 Kohinoor Ave, uninvited.
10. We have had numerous people enter our property with NO identification or notice to advise prior.
11. People (Men), entering and wondering around our private property and when questioned by our neighbourhood watch – stated they were looking for their pet goat!
12. 2x people (Male and Female) in fluorescent vests entered our private property, NO verification of Identification or notice to advise of their visit prior during work hours wanting to check concrete wall.

13. Letters stating we have a month to respond - underlying bullying and harassment.

14. Requests to speak to Landlords or ‘Man of the house’ - assumption that we don’t own the homes.

We have been residence in our properties for 45+years and we have never experienced this type of harassment. Having to deal with this has been very stressful - we are good neighbours however avoidance due to mental anxiety and intimidation; constant approach with food, offering to chat and feeling pressured which is why we need to include the local board and our local Minister of Parliament so there is transparency on what is happening in their area.

**Therefore we do not give written or verbal consent.**

Thank you

Leaogaupu Tomuli - represented by Fa’aulu Tomuli-Afoa (30 Kohinoa Ave, Mangere)
32 Kohinoor Ave
Mangere Central
Auckland 2022

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**Therefore we do not give written or verbal consent.**

Thank you

Frances Fuamatu (32 Kohinoor Ave, Mangere)
13 November 2019

Leaogaupu Tomuli
30 Kohinoor Ave
Mangere
Auckland

Dear Leaogaupu

Project: 28 Kohinoor stormwater pipe connection

Description: Extension of the Existing Stormwater Network

I refer to our recent correspondence of 19th September 2019 regarding the proposed stormwater works to connect 28 Kohinoor avenue to the public stormwater network.

To recap, the Council issued a s.181 Local Government Act 2002 notice on the 18th of April 2019 in respect of these works. You lodged a formal objection on 19 August 2019.

A hearing date for your objection has now been set: Thursday 28th of November 1:30pm, Auckland Council Offices, 135 Albert Street, Auckland 1010. Your objection will be heard along with other matters scheduled to be heard before the Regulatory Committee. The meeting is scheduled to run until 5pm.

If you still wanted to take up the offer of a pre-hearing before an independent mediator that can still be arranged.

Yours sincerely,

Leigh Steckler
Senior Commercial Negotiator Healthy Waters
Mobile 021583690 Email: leigh.steckler@aucklandcouncil.govt.nz
Auckland Council | Bledisloe House | Level 3, 24 Wellesley Street, Auckland
13 November 2019

Frances Fuamatu
32 Kohinoor Ave
Mangere
Auckland

Dear Frances

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Yours sincerely,

Leigh Steckler
Senior Commercial Negotiator Healthy Waters
Mobile 021583690 Email: leigh.steckler@aucklandcouncil.govt.nz
Auckland Council | Bledisloe House | Level 3, 24 Wellesley Street, Auckland
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

File No.: CP2019/19581

Te take mō te pūrongo
Purpose of the report
1. To consider the objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest to serve 129 & 131 Coronation Road Hillcrest.

Whakarāpopototanga matua
Executive summary
2. Stormwater from the existing single dwelling located on 129 & 131 Coronation Road discharges to ground and does not comply with Council’s Stormwater Code of Practice as it does not connect to public reticulation available within the immediate vicinity.

3. The owner of 129 – 131 Coronation Road Hillcrest, John McFetridge and Suzanne Sanders, propose to subdivide and develop the site located at 129 to 131 Coronation Road Hillcrest. The property does not currently have a discharge connection to the council public stormwater system. J McFetridge & S Sanders propose a connecting extension from an existing public Council manhole located within 7 Nicholson Place (Lot 16 DP51770) via a new line across 133 & 135 Coronation Road and 7 Nicholson Place to serve their property.

4. MSC Consulting Group Ltd., consultants for J McFetridge & S Sanders, have considered a number of options to service the site. The proposal to connect from the existing stormwater manhole within 7 Nicholson Place is considered to be the only practical route by both the owner’s and Council’s engineers.

5. J McFetridge & S Sanders have obtained approval from M & E Davies owners of 133 Coronation Road (Lot 4 DP50501) and ER & LLD Johnson owners of 135 Coronation Road (Lot 135 DP50501).

6. J McFetridge & S Sanders have not been able to obtain consents from Jingsong (Teresa) Tang and Chun Jin the owners of 7 Nicholson Place. John & Suzanne McFetridge have requested council to exercise its power under section 460 of the Local Government Act 1974 (“the Act”) to enable the work to be carried out. Council has since served Notice under the Act on these neighbours.

7. Craig Horwood of MSC Consulting has extensively consulted with Jingsong (Teresa) Tang and Chun Jin the owners of 7 Nicholson Place without gaining approval.

8. Council has met and consulted with Jingsong (Teresa) Tang and Chun Jin and explained the engineering benefits of the proposed reticulation without facilitating approval.

9. Dave Serjeant an independent Commissioner has also been engaged to mediate with Jingsong (Teresa) Tang and Chun Jin without gaining approval. The mediators report is included with this report. (Attachment D).

10. The regulatory committee of Council held a hearing on 11 July 2019 and the resolution approved these works.
11. The objector Jingsong (Teresa) Tang of 7 Nicholson Place notified Council that she did not receive the hearing notification. Section 460(2) of the Act requires Council to give an objecting owner an opportunity to be heard before a committee of the Council. Because Ms Tang had not been given that opportunity, Council’s legal counsel advised that the resolution of 11 July would not stand up to legal challenge, and if agreement could not be reached with Ms Tang then the matter would need to be referred for another hearing following proper compliance with notification requirements.

12. The objector has since reiterated two matters that have previously been addressed.
   a) The proposed public extension would provide discharge connections for the adjoining properties.
   b) The manhole would be located to avoid damage to the existing hedge and if any trees were damaged they would be replaced with similar trees.

13. Section 460 of the Act provides a right to be heard by a committee of Council. The Committee must hear the objection and decide whether or not to endorse the works.

Ngā tūtohunga

Recommendation/s

That the Regulatory Committee:

a) agree that resolution REG/2019/45 pertaining to Item 8: Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillscrest and 7 Nicholson Place, Hillcrest from the 11 July 2019 meeting, be rescinded:

Resolution number REG/2019/45

MOVED by Cr W Walker, seconded by Deputy Chairperson BC Cashmore:

That the Regulatory Committee:

a) hear and determine the objections by the owners of 7 Nicholson Place Hillcrest, pursuant to section 460 of the Local Government Act 1974

b) note that the owner of 7 Nicholson Place, Hillcrest has not provided consent for the drainage works and was given an opportunity to be heard by the Regulatory Committee but did not attend the hearing

c) determine that under section 460(1) of the Local Government Act 1974 that the proposed stormwater connection route across 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest to service 129 – 131 Coronation Road, Hillcrest is the only practical route as shown on MSC Consulting engineers drawings no. 38481 sheet C100 revision A for the following reasons:

i) the drain will rely on gravity and does not require a pump;

ii) all drainage work will comply with Auckland Council’s current code of practice;

iii) the drainage work will include replacing an existing manhole at 7 Nicholson place that does not meet the current code of practice and is in poor condition.

iv) the owners of 133 and 135 Coronation Road, Hillcrest have provided their consent for the drainage works.
v) the drain will provide capacity for other properties to connect into it in the future and connects to the existing drainage network which has sufficient capacity to take the additional stormwater flows of the applicant site and other properties.

vi) the applicant’s engineer and Council’s development engineer provided evidence that they considered alternative options and consider this is the only practical route for stormwater connection. No evidence was provided to the contrary.

b) hear and determine the objections by the owners of 7 Nicholson Place, Hillcrest, pursuant to section 460 of the Local Government Act 1974

c) resolve under section 460(1) of the Local Government Act 1974 that the proposed stormwater connection route across 133 & 135 Coronation Road and 7 Nicholson Place to service 129 – 131 Coronation Road, is the only practical route as shown on the MSC Consulting engineers drawings no.38481 sheet C100 revision, attachment C of the report.

Horopaki
Context

14. The owners of 129 – 131 Coronation Road Hillcrest are John McFetridge and Suzanne Sanders (“the Applicant”). The Applicant has applied under section 460 of the Act for the council to determine, that the proposed installation of a stormwater pipe from an existing Council manhole within 7 Nicholson Place across 133 and 135 Coronation Road is the only practical route and available connection to serve 129 – 131 Coronation Road Hillcrest.

15. A locational aerial of the relevant properties and plans of the precise route from the existing is shown in the MSC Consulting engineers drawings no. 38481 sheet C100 revision C, are contained in Attachment B.

16. The Applicant’s consultant MSC Consulting Group have undertaken a stormwater network analysis to confirm downstream capacity to receive the stormwater discharge from the proposed development as presented in Attachment C.

17. The Applicant lodged an Engineering Approval application (reference ENG60304410) on 18 July 2017 to undertake the work to install the wastewater line. This has since been approved on 14 August 2017 and provided as Attachment A. While approval was obtained from the property owners of 133 & 135 Coronation Road, no consent was obtained from the owners (Teresa) Jingsong Tang and Chun Jin the owners of 7 Nicholson Place.

18. The ‘Applicant’ and its consultants have consulted with the property’s owners (Teresa) Jingsong Tang and Chun Jin in writing and by phone over a period of 18 months to date in order to obtain their consent to undertake the work. A copy of relevant pertinent communication demonstrates that both (Teresa) Jingsong Tang and Chun Jin have been fully informed of the extent of works and this is provided as Attachment E. The written communication has been sent to the address listed for the respective owners as well as email communication. The ‘Applicant’ has not been able to obtain consent.

19. The Council’s senior development engineer has also consulted with these landowners on numerous occasions over the past eighteen months and has not been able to facilitate approval. Attachment D also confirms the attempts by Mr Dave Serjeant, council’s independent facilitator engaged to seek a resolution. However, these attempts were also unsuccessful. Under report of 27 November 2018 the facilitator proposes that the matter be set down for a hearing.
20. The Council is satisfied that the owners (‘Applicant’) of 129 - 131 Coronation Road, have met its expectations of seeking all endeavors to obtain an agreement to install the stormwater line. Under letter of 28 February 2019 Council formally notified Jingsong (Teresa) Tang (7 Nicholson Place) of the intention to construct the stormwater line under section 460 of the Act. Attachment F contains this notice to the addresses recorded for these owners.

21. The approved stormwater reticulation provides for stormwater connections for 133 and 135 Coronation Road which is a significant improvement on the current situation as these sites currently discharge onto 7 Nicholson Place the property of (Teresa) Jingsong Tang and Chun Jin. Attachment B provides an overview outline of the proposed upgrade works.

22. Craig Horwood (MSC Consultant chartered professional engineer) has continued to communicate with (Teresa) Jingsong Tang and Chun Jin following notification of 28 February 2019 without gaining consent for these works as provided in Attachment E. Irrespective of this the matter needs to be determined by council as the written approvals have not been obtained. Notice of the hearing, Thursday 28 November 2019, has been provided to (Teresa) Jingsong Tang and Chun Jin and they retain the right to be heard.

Tātaritanga me ngā tohutohu
Analysis and advice

23. Currently the sites at 129 to 131, 133 & 135 Coronation Road discharge to ground and 133 & 135 Coronation Road discharge onto 7 Nicholson Place via underground drain coils as per photos included with Attachment E.

24. The proposed stormwater discharge connection will provide for discharge connections from 133 & 135 Coronation Road and provide a significant improvement of stormwater management in the immediate vicinity of the surrounding sites.

25. The existing stormwater manhole within 7 Nicholson Place and the associated downstream reticulation has the capacity to receive discharge from the proposed development.

26. The existing manhole is to be upgraded to current standards thereby further improving the current conditions.

27. The Craig Horwood (Chartered Professional Engineer) of MSC Consultants “Stormwater Networks Capacity Analysis” report dated 27 September 2018 reference 38481C sets out the design consideration for the required stormwater reticulation Attachment C.

28. The only other possible option was to connect to public reticulation via a manhole within 137 Coronation Road. This was not considered given the existing manhole with 7 Nicholson Place was not to current engineering standards and the location of two manhole within close proximity is not sound practice.

29. MSC Consulting and council’s engineer therefore consider that the connection to the manhole within 7 Nicholson Place to be the only practical route. A methodology has been presented as the least intrusive for the stormwater connection.

Tauākī whakaaweawe āhuarangi
Climate impact statement

30. The extent of the works are of a localised minor nature that does not require climate change consideration.
Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

31. Within the framework of the Regulatory Committee’s Terms of Reference from the Governing Body, the Regulatory Committee has the responsibility for “hearing and determining applications for private drainage works on private land under the Local Government Act 1974. This delegation cannot be sub-delegated”. Copy of Section 460 of the 1974 Act is provided as Attachment F.

32. At the hearing, both the applicant and the objectors can present their evidence in support of their positions. After hearing all the evidence and the relevant information, the Regulatory Committee then has to make a decision. There is no right of appeal of the decision of the Regulatory Committee.

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

33. The Local Board is not advised of service connection requests under the Act. Further, the determination of this objection requires no consultation beyond the owners Chun Jin and (Teresa) Jingsong Tang of 7 Nicholson Place.

Tauākī whakaaweawe Māori
Māori impact statement

34. Under section 460 of the Act, Iwi are not considered a relevant affected party unless they are land owners through which a proposed drain is to be aligned. Council staff are not aware of any matters pertinent to the site that may be of interest to Māori. There are no sites or places of significance to Mana Whenua recorded in the Unitary plan for the site.

Ngā ritenga ā-pūtea
Financial implications

35. All costs for this process and hearing are to be met by the owners of 129-131 Coronation Road, Hillcrest

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

36. The proposed reticulation will significantly improve the upstream stormwater management and impact on downstream properties as reported by the objecting party

Ngā koringa ā-muri
Next steps

37. If the proposed works are approved by the committee, installation of the public stormwater reticulation will be undertaken by Council.
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

Ngā tāpirihanga
Attachments

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Signatories

<table>
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<tr>
<th>Author</th>
<th>Cedric Daniel – Senior Development Engineer, Regulatory Engineering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Craig Hobbs - Director Regulatory Services</td>
</tr>
</tbody>
</table>
14th August 2017

S Saunders & J McFetridge Partnership
MSC Consulting Group Ltd
P O Box 33426
Takapuna
AUCKLAND 0740

Attention: Craig Horwood

Dear Craig

ENGINEERING APPROVAL – ENG60304410 for public stormwater extension and connection at 129 – 131 Coronation Road Hillcrest

This Engineering Approval is limited to the public stormwater extension works. The application for Engineering Approval has been reviewed and appears to generally meet the engineering standards of Council. On that basis (refer also 1.2.2) engineering works may proceed in accordance with the approved annotated MSC drawings no: 38481 sheets no. C100 revision A inclusive and the following conditions:


1.1 Prior to commencing work you must obtain any other consents required to be issued under the Resource Management Act 1991 or Building Act 2004, which relate to the works approved by this Engineering Approval. The issue of this Engineering Approval shall not of itself relieve the principal and/or holder of this Engineering Approval of any duty or responsibility under any other Act relating to or affecting the proposed works.

Works also requiring a Building Consent will include retaining walls, private drainage, and buildings exceeding 10m² in area.

1.2 Standards, Certificates & Site Inspections

1.2.1 Comply with:

- Infrastructure Design Standards Issue 10 (“IDS”) January 2009
- Development Engineering As-built requirements Version 1.2 (DEAR) September 2012
- Land Development and Subdivision Infrastructure NZS 4404:2010
- Auckland Council Code of Practice for Land Development and Subdivision (CoP):
  - Section 2 Earthworks and Geotechnical Requirements September 2013
  - Section 3 Auckland Transport Code of Practice 2013 (ATCOP) September 2013
  - Chapter 4 – Stormwater Version 2 November 2016
  - Sections 5 & 6 Water and Wastewater Code of Practice for Land Development and Subdivision Version 1.5 May 2015

And noting also the principles of IDS 1.6.1

Refer 3.2 in respect of ATCOP. IDS Section 4 still has application for kerb discharge & Op & Mtoe manuals.

The CoP has precedence over IDS sections 2 – 6 unless advised in writing to the contrary. IDS Section 1 still applies.

1.2.2 If requested in writing, provide a design certificate in the form of Schedule 1A of NZS 4404 for all or any part of the works.

On completion of engineering works, provide a “Statement of Certification: Engineering Approval” and a “Schedule of Vested Assets” and, where applicable, a Schedule of Abandoned Assets. It is important that the works in all their details meet or exceed the standards of Council and Council rely on the Statement of Certification in that respect. Where there has been correspondence allowing an agreed variation to the standards for any particular item of work, the Statement of Certification...
should be tagged accordingly. Council reserve the right not to rely on a Statement of Certification and require further audit and/or remediation and on satisfactory completion a replacement Statement of Certification.

1.2.3 Attend site to ensure that all works are constructed in accordance with the approved drawings and amendments thereto; QAM guidelines, the Construction Quality Plan and the IPENZ construction monitoring service level nominated therein, and sound engineering practice. To ensure that outcomes implicit in QAM protocols are achieved, you must, as the certifying consultant, hold authority to direct and control the contractor constructing the approved works. Council may therefore require evidence that you have authority to act as Engineer to the contract as defined in NZS3910, or that equivalent authority is held or will be held.

1.2.4 In regard to records of Works in Progress, digital images shall be made and included in the completion documentation as required by 9.1 in the Quality Assurance Manual. Please note image requirements associated with stormwater ponds. Images shall be dated and the JPEG file name shall indicate the chainage or lot or other suitable asset identification.

1.3 No lime rock or cement stripping may be incorporated in any of the approved engineering works.

1.4 All earthworks activity on the subject site shall comply with the New Zealand Standard 6803:1990 for Acoustics – Construction Noise at all times.

1.5 Any damage to existing roadways that is caused by the importing of materials or machinery or any other mechanism due to the action of the owner's representatives onto or off the site shall be repaired at all costs to the owner.

1.6 ADVICE NOTE: In regard to compliance with The Health and Safety in Employment Act 1992, the Construction Act and other appropriate legislation, hazard elimination and isolation procedures shall be in place for the construction period. Particular care shall be taken to ensure that all silt ponds, or other hazardous areas or works are adequately fenced and signposted, warning the public of the potential hazard.

1.7 Any works or access requirements which will affect adjacent neigbouring properties, including Council owned properties i.e. parks, reserves and accessways, shall have the owners written consent, before works commence. The landowner approval of J Tang & C Jhn of 7 Nicholson Place (Lot 16 DP 51770) remains outstanding.

1.8 Bonding Arrangements. The General Lot Performance Bond is non-specific and may be used by Council to complete any outstanding or maintenance works. Council Officers in conjunction with the Consultant will re-inspect the Subdivision at the end of the Maintenance Period, to identify any outstanding items.

1.9 Submit as-built plans in accordance with the Auckland Council DEAR for stormwater reticulation. One set of A3 size prints is required as part of the QAM documentation. These plans are also to be exported as DWG or DXF format and emailed to the responsible Development Engineer. A pdf file is also required.

Note that As Built for every new or altered lot connection ("Point of Supply" in Watercare terminology) shall be shown. Provide a preliminary status print of the As Built drawings at the time of the As Built inspection. The plan must include lot numbers and manhole nomenclature. Confirmation is to be provided by the Land Surveyor that the reticulation suits any related drainage easements.

As Built information for stormwater quality ponds, pump stations and pressure reducing valves shall include an Operation and Maintenance Manual. If part of a subdivisional work, that manual shall include a copy of the approved survey plan which shows the lot on which the device is sited. The draft manual shall be sent to the attention of the Subdivision Engineer.

This office will be responsible for forwarding As Built information and manuals concerning wastewater or water supply services to Watercare Services Ltd.

1.10 Notwithstanding that variations from the approved drawings may be necessary as site requirements become clearer, variations will not be permitted without prior liaison with and approval by, the Council.
1.11 Inspections
1.11.1 Please contact a Subdivision Engineer (SE) or Development Engineer (DE), Takapuna Service Centre so that suitable arrangements can be made for inspections required by the QAM documentation.

You would be advised in writing of any reviewed protocols that may apply in respect of the Watercare (WSL) assets or assets which are the responsibility of Auckland Transport. All WSL forms are available at their website [www.watercare.co.nz](http://www.watercare.co.nz)

In respect of the pre-construction meeting check list, please also note that WSL forms Pre-construction meeting wastewater system and Pre-construction meeting water system forms must be emailed to inspections@water.co.nz before the pre-construction meeting.

1.11.2 At the pre-construction meeting, and throughout the construction period, the Developer’s Representative and/or the Contractor shall have, on site, copies of the following documents:
- The approved Engineering Plans, Specifications and this Approval Letter, together with any approved Amended Plans and the relevant Approval Letter(s);
- The site specific Health and Safety Plan;
- The Signed Consent(s) to Enter;
- The relevant Resource or Subdivision Consent (and all conditions attached thereto);
- Copies of all Auckland Council Consents necessary for the works;

1.11.3 Unless you advise of different arrangements, which are not objected to by the DE, your office must make the risk assessment and authorise any entry into manholes by council staff. OSH and Council recognise AS/NZS 2865:2001 “Safe working in a confined space” as the recommended document for establishing good systems and practices.

ADVICE NOTE: It is recommended the contractor and/or Consultant Engineer acting for the Consent Holder, to have received NZQA recognised training for safe working in confined spaces. Any reference to Development Engineer (DE) also means Subdivision Engineer Council may periodically raise invoices to recover costs.

Complete and submit QAM documentation prior to the application for “Engineering Approval Completion Certificate”. If further data and/or field test results are deemed necessary, so that the Council is able to ascertain that all subdivision works have been completed to the appropriate standards and specification, and in accordance with sound engineering practice, these requirements will be advised in writing.

Advice Note: In the case of staged project works which require an asset to be commissioned well ahead of the balance of the project, a Statement of Certification: Engineering Approval and DEAR compliant As Built records must be provided at the time of commissioning.

2. Geotechnical
2.1 Erosion and Sediment Control, Dust, Mulching
Maintain erosion and sediment control structures regularly during the course of the works.

Any proposals for additional works or new works for areas not already addressed by any approved Erosion and Sediment Control Plan, should be submitted to the Development Engineer for consideration and written approval.

Appropriate measures to control any potential dust nuisance shall be initiated and maintained throughout the course of the construction works. Council reserves the right to stop works in periods of high winds. No burning of any vegetation shall be permitted. Close neighbours shall be informed when mulching is to be undertaken and mulching applicators must take account of wind in determining methodologies and whether mulching activity should be halted until more suitable weather conditions are available.

3. Stormwater Management
3.1 Stormwater Management devices are not included under this Engineering Approval and design shall be presented to Council for review and approval at the Building Consent application stage.
3.2 Connections to live stormwater reticulations shall only be by a Registered Drainlayer/Contractor acquainted and experienced with the current standards of Auckland Council for public stormwater systems. The Drainlayer must contact the DE to inspect the proposed connection at least two days of the expected date of connection to any existing reticulation.

3.3 Manhole throats shall be painted blue. Covers shall not be painted.

3.4 CCTV Inspections
Prior to testing of the completed services, lines shall be flushed out. Debris shall not be flushed into any existing downstream reticulation. CCTV inspection shall be arranged for all newstormwater pipes, any leads outside the served lot, whether public or private. The work will be at the consent holder's cost. Any remedial works that may arise will be the responsibility of the Consent Holder.

The Consultant acting for the consent holder is to sign the final CCTV logs, confirming that the CCTV video has been viewed and the pipeline meets the standards of Council, and forward the DVD and logs to the Development Engineer.

3.5 Any concrete pipelines should be constructed and supervised by personnel who have attended a "Concrete Pipelaying Programme of The Concrete Pipe Assoc. of Australasia". Stormwater connections from outside the lots shall be appropriately sized X class concrete or uPVC (AS/NZS 1260 1999) (SN18 minimum) classification, taken a minimum 1000mm inside the boundary of the lots. Note that Wyes, not Londen Junctions are used for connections to the local public stormwater line. The minimum diameter of a lot connection is 100mm. Endcopas shall be painted blue.

3.6 Provide safety fences at outfall and similar structures with vertical drops exceeding 1m. Provide safety chains where manhole outlets are 600mm or greater. Where supported by a risk assessment, safety grills shall be installed under covers.

3.7 Any stormwater reticulation which are approved on the annotated plans as "private drain" or "common private drain" will require as easement for the construction and maintenance and replacement of the drains by the landowners jointly or severally responsible.

4. Engineering Approval Lapse Date
This engineering approval lapses two years after the date of this letter, unless works are substantially complete at that time. Council reserves the right to then require design reappraisal in respect of all outstanding works and submission of revised proposals for approval of Council, in terms of the then current Auckland Council Engineering Standards.

Yours sincerely

Cedric Daniel
SENIOR DEVELOPMENT SUBDIVISION ENGINEER

Attachments:
1. Approved Drawings
3. Neighbour approvals
   • 133 Coronation Road – M & E Davies
   • 135 Coronation Road – ER & LLD Johnson
SCHEDULE 1A

DESIGN CERTIFICATE – LAND DEVELOPMENT/SUBDIVISION

ISSUED BY: Craig Horwood
(Approved certifier firm/suitably qualified design professional)

TO: S Saunders & J McFetridge
(Developer/owner)

TO BE SUPPLIED TO: Auckland Council
(Territorial authority)

FOR: Public Stormwater Reticulation
(Description of land development/subdivision)

AT: 129 Coronation Road, Hillcrest, Auckland

Address

MSC Consulting Group Ltd has been engaged by S Saunders & J McFetridge
(Consultant/designer) (Developer/owner)
to provide Engineering Design services for the land development and/or subdivision described above.

Craig Horwood have the qualifications and experience relevant to the project as set out herein and have designed the land development/subdivision and confirm that the design is to current engineering practice, and that I believe on reasonable grounds that it satisfies all relevant resource consent conditions, all relevant..............................(insert name of authority) requirements and applicable codes and standards.

I / My practice holds professional indemnity insurance to the amount of $250,000.00 and includes run-off cover.

C. S. Horwood Date 11/08/2017
(Signature of approved certifier on behalf of the approved certifier firm)

Craig Horwood, Civil Engineer, GTR, MPENZ
(Name, title, and professional qualifications)

NOTE – This statement shall only be relied upon by the territorial authority named above. Liability under this statement accrues to the approved certifier firm only. The total maximum amount of damages payable arising from this statement and all other statements provided to the territorial authority on this land development/subdivision, whether in contract, tort, or otherwise (including negligence), is limited to the sum of $150,000. (insert)

Copyright waived
PART A (to be completed by applicant)

PART A - APPLICATION

Applicant(s) Name (please write all names as full)

John M'Caffrey + Suzanne Saunders

Address of proposed activity:

129 - 131 Coronation Rd, Hillcrest
Postcode: 0627

Full description of proposed activity:

Lay new stormwater line from rear of 131 Coronation Rd through 133 Coronation Rd and into a new manhole at 135 Coronation Rd, then connect to existing manhole at rear of 7 Nicholson Place

Plan references (including Title, Author and date):

See attached Proposed Drainage Layout Plan prepared by MSC Consulting Group Ltd 384-81 C100 A

Resource Consent(s) being sought (Describe type(s) of non-compliance)

Engineering Approval for new stormwater line + connection as per attached MSC plan

PART B (to be completed by Persons and/or Organizations Providing Written Approval)

Full name (in print)

Hilary Davies

Full name (in print)

Elaine Davies

Full name (in print)


Address of affected property

133 Coronation Rd, Hillcrest
Postcode: 0627

Phone

09 444 35804

Hand
Regulatory Committee
28 November 2019

Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

Page 2 of 2
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
### Written approval of affected persons

#### Part A (to be completed by applicant)

**Applicant(s) Name:** John McIntyre & Suzanne Saunders  
**Address of proposed activity:** 129-131 Coronation Rd, Hillcrest  
**Brief description of proposed activity:** Lay new stormwater line from rear of 131 Coronation Rd through 133 Coronation Rd and into a new manhole at 135 Coronation Rd and then connect to existing manhole at rear of 7 Nicholson Place  
**Plan reference (including Title, author and date):** See attached Proposed Drainage Layout Plan prepared by MSC Consulting Group Ltd 88481 1100 A  
**Reasons Consent(s) being sought (describe area(s) of non-compliance):** Engineering Approval for new stormwater line & connection as per attached MSC plan

#### Part B (to be completed by Persons and/or Organisations Providing Written Approval)

**Full name (in print):** Earl Ralph Johnson  
**Full name (in print):** Linda Lilian Dobbs Johnson  
**Address of affected property:** 135 Coronation Rd, Hillcrest  
**Phone:** 09 4343 6367
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

Attachment A
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
Drainage Notes:
1. All public works to be in accordance with Auckland Council standards.
2. All private drainage works to be in accordance with the New Zealand Building Code.
3. All pipes 25mm and over are to be corrugated class 2 unless noted otherwise.
4. All pipes 20mm and under are to be PVC-U unless noted otherwise.
5. All manholes to be 900mm with heavy duty lid, frame & cover unless noted otherwise.
6. All pipe gradients noted are minimum required gradients.
7. All pipe diameters noted are internal diameters.

Site Plan
Scale: 1:2000 (A3)
27 September 2018

John McFetridge
John.elly.mcfetridge@xtra.co.nz

Dear John,

129-131 Coronation Rd, Hillcrest
Stormwater Network Capacity Analysis

MSC Consulting Group Ltd (MSC) has been engaged to undertake a network capacity analysis for the public stormwater network downstream of the proposed development at 129-131 Coronation Road, Hillcrest to determine the effects of the proposed development with respect to 1) the capacity of the existing SW reticulation and 2) the future development of 7 Nicholson Place.

Introduction

There is an intention to develop 129-131 Coronation Road. The property does not have a connection to the existing public SW system. The intention is to construct a new SW system from the property along the back of 133, 135 and then connect into the existing public SWMH located on the boundary of 7 Nicholson Place.

Engineering Plan Approval (EPA) has been granted by Auckland council for the proposed works. The EPA ENG60304410 is attached under Appendix A.

Contributing Catchment Analysis

Note: The SW analysis is based on the maximum allowable impervious limit of 60% for each individual lot / individual property address allowed under the relevant Auckland Unitary Plan Operative in part zoning rules.

The Auckland Council GIS ("Geomaps") shows a 225mm diameter stormwater located in 137 Coronation Road. This pipe captures stormwater runoff from the road reserve (area approximately 970m²). The 225mm diameter pipe then continues to run along the northern boundary of 7 Nicholson Place, with connections from 137 Coronation Road (Lot Area: 675m²), 7 Nicholson Place (Lot Area: 774m²) and 5 Nicholson Place (Lot Area: 673m²), before travelling under Nicholson Place.

The total catchment area from the above individual areas is 3,090 m². The catchment flow analysis, by the Rational Method, for the above contributing catchment area of 3,090m² has a flow rate of 56 litres per second (l/s) for the 10yr ARI storm event.

The additional contributing catchment area (under the EPA approval) to the 225mm diameter pipe entering at the SWMH on the boundary of 7 Nicholson Place is 135 Coronation Road (Lot Area 675m²), 133 Coronation Road (Lot Area 675m²), 129-131 Coronation Road (Lot Area 1350m²) is 2,700 m². The flow rate is 50 litres per second (l/s) for the 10yr ARI storm event.

Refer to the Contributing Catchment details attached under Appendix B.
Stormwater Calculations

The 225mm diameter pipe that runs under Nicholson Place has been assessed to have a pipe gradient of 15% (or approximately 1 in 6). Using the Colebrook-White equation this pipe at 15% has a capacity of 177 l/s.

The 225mm diameter pipe that runs along the northern boundary of 7 Nicholson Place has a pipe gradient greater than that of the pipe that runs under Nicholson Place so its capacity will be in excess of 177 l/s.

Our calculations show that the existing 225mm diameter pipe has sufficient capacity to accommodate the existing and proposed connections to the reticulation i.e. calculated capacity pipe 177 l/sec, total calculated flow for existing and proposed contributing catchments 105 l/sec.

Refer to the Stormwater Calculations attached under Appendix C.

Conclusions

- The total catchment area from the above individual areas is 3,090 m² which has a flow rate of 55 l/s for the 10yr ARI storm event.

- The additional contributing catchment area is 2,700 m² which has a flow rate of 50 l/s for the 10yr ARI storm event.

- greater than that of the pipe that runs under Nicholson Place so its capacity will be in excess of 177 l/s.

- The existing 225mm diameter pipe has sufficient capacity to accommodate the existing and proposed connections to the reticulation i.e. pipe capacity 177 l/sec, total calculated flow 105 l/sec.

Please contact us should you require any further information

Yours faithfully

MSC CONSULTING GROUP LTD

Craig Horwood

Director / Civil Manager

Attachments:

Appendix A – Engineering Plan Approval - ENG60304410
Appendix B - Stormwater Catchment Areas / Extents
Appendix C - Stormwater Calculations
Appendix A – Engineering Plan Approval - ENG60304410
14th August 2017

S Saunders & J McFetridge Partnership
MSC Consulting Group Ltd
P O Box 33426
Takapuna
AUCKLAND 0740

Attention : Craig Horwood

Dear Craig

ENGINEERING APPROVAL - ENG60304410 for public stormwater extension and connection at 129 - 131 Coronation Road Hillcrest

This Engineering Approval is limited to the public stormwater extension works.
The application for Engineering Approval has been reviewed and appears to generally meet the engineering standards of Council. On that basis (refer also 1.2.2) engineering works may proceed in accordance with the approved annotated MSC drawings no: 38481 sheets no. C100 revision A Inclusive and the following conditions:


1.1 Prior to commencing work you must obtain any other consents required to be issued under the Resource Management Act 1991 or Building Act 2004, which relate to the works approved by this Engineering Approval. The issue of this Engineering Approval shall not of itself relieve the principal and/or holder of this Engineering Approval of any duty or responsibility under any other Act relating to or affecting the proposed works.
Works also requiring a Building Consent will include retaining walls, private drainage, and buildings exceeding 10m² in area.

1.2 Standards, Certificates & Site Inspections

1.2.1 Comply with:

Infrastructure Design Standards Issue 10 ("IDS")
Planning and Lawn Works Specification issued by Parks, Sports and Recreation (North) Auckland Council Version 8
Development Engineering As-built requirements Version 1.2 (DEAR)
Quality Assurance Manual ("QAM") Version 1.0
Land Development and Subdivision Infrastructure
Auckland Council Code of Practice for Land Development and Subdivision (CoP):
Section 2 Earthworks and Geotechnical Requirements
Section 3 Auckland Transport Code of Practice 2013 (ATCOP)
Chapter 4 – Stormwater Version 2
Sections 5 & 6 Water and Wastewater Code of Practice for Land Development and Subdivision Version 1.5
And noting also the principles of IDS 1.6.1
Refer 3.2 in respect of ATCOP. IDS Section 4 still has application for kerb discharges & Op & Mtc manuals.
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Private Bag 92900, Auckland 1142 | aucklandcouncil.govt.nz | Ph 09 301 6101
should be tagged accordingly. Council reserve the right not to rely on a Statement of Certification and require further audit and/or remediation and on satisfactory completion a replacement Statement of Certification.

1.2.3 Attend site to ensure that all works are constructed in accordance with the approved drawings and amendments thereto; QAM guidelines, the Construction Quality Plan and the IPENZ construction monitoring service level nominated therein, and sound engineering practice.

To ensure that outcomes implicit in QAM protocols are achieved, you must, as the certifying consultant, hold authority to direct and control the contractor constructing the approved works. Council may therefore require evidence that you have authority to act as Engineer to the contract as defined in NZS3910, or that equivalent authority is held or will be held.

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1.7 Any works or access requirements which will affect adjacent neighbouring properties, including Council owned properties i.e. parks, reserves and accessways, shall have the owners written consent, before works commence. The landowner approval of J Tang & C Jin of 7 Nicholson Place (Lot 16 DP 51770) remains outstanding.

1.8 Bonding Arrangements. The General Lot Performance Bond is non-specific and may be used by Council to complete any outstanding or maintenance works. Council Officers in conjunction with the Consultant will re-inspect the Subdivision at the end of the Maintenance Period, to identify any outstanding items.

1.9 Submit as-built plans in accordance with the Auckland Council DEAR for stormwater reticulation. One set of A3 size prints is required as part of the QAM documentation. These plans are also to be exported as DWG or DXF format and emailed to the responsible Development Engineer. A pdf file is also required.

Note that As Builts for every new or altered lot connection ("Point of Supply" in Watercare terminology) shall be shown.

Provide a preliminary status print of the As Built drawings at the time of the As Built Inspection. The plan must include lot numbers and manhole nomenclature. Confirmation is to be provided by the Land Surveyor that the reticulation suits any related drainage easements.

As Built information for stormwater quality ponds, pump stations and pressure reducing valves shall include an Operation & Maintenance Manual. If part of a subdivisonal work, that manual shall include a copy of the approved survey plan which shows the lot on which the device is sited. The draft manual shall be sent to the attention of the Subdivision Engineer.

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1.11 Inspections
1.11.1 Please contact a Subdivision Engineer (SE) or Development Engineer (DE), Takapuna Service Centre so that suitable arrangements can be made for inspections required by the QAM documentation.

You would be advised in writing of any reviewed protocols that may apply in respect of the Watercare (WSL) assets or assets which are the responsibility of Auckland Transport. All WSL forms are available at their website www.watercare.co.nz

In respect of the pre-construction meeting check list, please also note that WSL forms Pre-construction meeting wastewater system and Pre-construction meeting water system forms must be emailed to inspections@water.co.nz ahead of the preconstruction meeting.

1.11.2 At the pre-construction meeting, and throughout the construction period, the Developer’s Representative and/or the Contractor shall have, on site, copies of the following documents:

- The approved Engineering Plans, Specifications and this Approval Letter, together with any approved Amended Plans and the relevant Approval Letter(s);
- The site specific Health and Safety Plan;
- The Signed Consent(s) to Enter;
- The relevant Resource or Subdivision Consent (and all conditions attached thereto);
- Copies of all Auckland Council Consents necessary for the works;

1.11.3 Unless you advise of different arrangements, which are not objected to by the DE, your office must make the risk assessment and authorise any entry into manholes by council staff. OSH and Council recognise AS/NZS 2865:2001 “Safe working in a confined space” as the recommended document for establishing good systems and practices.

ADVICE NOTE: It is recommended the contractor and/or Consultant Engineer acting for the Consent Holder, to have received NZQA recognised training for safe working in confined spaces.

Any reference to Development Engineer (DE) also means Subdivision Engineer Council may periodically raise invoices to recover costs.

Complete and submit QAM documentation prior to the application for “Engineering Approval Completion Certificate” If further data and/or field test results are deemed necessary, so that the Council is able to ascertain that all subdivision works have been completed to the appropriate standards and specification, and in accordance with sound engineering practice, these requirements will be advised in writing.

Advice Note: In the case of staged project works which require an asset to be commissioned well ahead of the balance of the project, a Statement of Certification: Engineering Approval and DEAR compliant As Built records must be provided at the time of commissioning.

2. Geotechnical

2.1 Erosion and Sediment Control. Dust, Mulching

Maintain erosion and sediment control structures regularly during the course of the works.

Any proposal for additional works or new works for areas not already addressed by any approved Erosion and Sediment Control Plan, should be submitted to the Development Engineer for consideration and written approval.

Appropriate measures to control any potential dust nuisance shall be initiated and maintained throughout the course of the construction works. Council reserves the right to stop works in periods of high winds. No burning of any vegetation shall be permitted. Close neighbours shall be informed when mulching is to be undertaken and mulching applications must take account of wind in determining methodologies and whether mulching activity should be halted until more suitable weather conditions are available.

3. Stormwater Management

3.1 Stormwater Management devices are not included under this Engineering Approval and design shall be presented to Council for review and approval at the Building Consent application stage.
3.2 Connections to live stormwater reticulations shall only be by a Registered Drainlayer/Contractor acquainted and experienced with the current standards of Auckland Council for public stormwater systems. The Drainlayer must contact the DE to inspect the proposed connection at least two days of the expected date of connection to any existing reticulation.

3.3 Manhole throats shall be painted blue. Covers shall not be painted.

3.4 CCTV Inspections
Prior to testing of the completed services, lines shall be flushed out. Debris shall not be flushed into any existing downstream reticulation. CCTV inspection shall then be arranged for all new stormwater pipes, any leads outside the served lot, whether public or private. The work will be at the consent holder’s cost. Any remedial works that may arise will be the responsibility of the Consent Holder.

The Consultant acting for the consent holder is to sign the final CCTV logs, confirming that the CCTV video has been viewed and the pipeline meets the standards of Council; and forward the DVD and logs to the Development Engineer.

3.5 Any concrete pipelines should be constructed and supervised by personnel who have attended a “Concrete Pipelaying Programme of The Concrete Pipe Assoc. of Australasia”.
Stormwater connections from outside the lots shall be appropriately sized X class concrete or uPVC (AS/NZS 1260 1996) (SN18 minimum) classification, taken a minimum 1000mm inside the boundary of the lots. Note that Wyse, not London Junctions are used for connections to the local public stormwater line. The minimum diameter of a lot connection is 100mm. Endcaps shall be painted blue.

3.6 Provide safety fences at outfall and similar structures with vertical drops exceeding 1m. Provide safety chains where manhole outlets are 800mm or greater. Where supported by a risk assessment, safety grills shall be installed under covers.

3.7 Any stormwater reticulation which are approved on the annotated plans as “private drain” or “common private drain” will require as easement for the construction and maintenance and replacement of the drains by the landowners jointly or severally responsible.

4. Engineering Approval Lapse Date
This engineering approval lapses two years after the date of this letter, unless works are substantially complete at that time. Council reserves the right to then require design reappraisal in respect of all outstanding works and submission of revised proposals for approval of Council, in terms of the then current Auckland Council Engineering Standards.

Yours sincerely

Cedric Daniel
SENIOR DEVELOPMENT SUBDIVISION ENGINEER

Attachments:
1. Approved Drawings
3. Neighbour approvals
   * 133 Coronation Road – M & E Davies
   * 135 Coronation Road – ER & LL Johnson
SCHEDULE 1A

DESIGN CERTIFICATE – LAND DEVELOPMENT/SUBDIVISION

ISSUED BY: Craig Horwood

(Registered certifier/financially qualified design professional)

TO: S Saunders & J McFetridge

(Development owner)

TO BE SUPPLIED TO: Auckland Council

(Territorial authority)

FOR: Public Stormwater Reticulation

(Description of land development/subdivision)

AT: 125 Coronation Road, Hillcrest, Auckland

(Address)

MSC Consulting Group Ltd has been engaged by S Saunders & J McFetridge

(Consultant/designer)

(Development owner)

to provide Engineering Design services for the land development and/or subdivision described above.

I, Craig Horwood, have the qualifications and experience relevant to this project as set out herein and
have designed the land development/subdivision and confirm that the design is to current engineering
practice, and that I believe on reasonable grounds that it satisfies all relevant resource consent conditions, all
relevant Auckland Council... (insert name of authority) requirements and applicable codes and standards.

I, My practice holds professional indemnity insurance to the amount of $250,000.00, and includes run-off cover.

C. S. Horwood

(Date) 11/08/2017

(Signature of approved certifier on behalf of the approved certifier firm)

CRAIG HORDRO W, CIVIL ENGINEER, GPEng, MCPE

(Name, title, and professional qualifications)

NOTE – This statement shall only be relied upon by the territorial authority named above. Liability under this statement accrues to the approved certifier firm only. The total maximum amount of damages payable arising from this statement and all other statements provided to the territorial authority on this land development/subdivision, whether in contract, tort, or otherwise (including negligence), is limited to the sum of $250,000.00... (insert)

Copyright waived
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

PART A (to be completed by applicant)

Applicant(s) Name:
John McFetridge, Suzanne Saunders

RMA number:

Address of proposed activity:
129-131 Coronation Rd, Hillcrest

Postcode: 0627

PART B (to be completed by Persons and/or Organizations Providing Written Approval)

Full Name (imprint):

Full Name (as read):

Date of affected property:
133 Coronation Rd, Hillcrest

Postcode: 0627

Phone:
09 411 35804
I am one of the OWNER(S)/OCCUPIER(S) (select one) of the property
I have authority to sign on behalf of all the other OWNER(S)/OCCUPIER(S) (select one) of the property
Please note: the approval of all the legal owners and the occupiers of the affected property will be necessary
1 I/We have been given details of the proposal and prior to which I/We am giving written approval
2 I/We have signed and page of the plans on behalf of the proposal. There is no to accompany this form
3 I/We understand that by giving my/our written approval, the Council when considering the application cannot take account of any
4 I/We understand that at any time before the commencement of the application, the may renew is written to the Council
5 I/We understand that at any time before the commencement of the application, the may renew the application.

Name: You should only sign below if you fully understand the proposal. If your address on the proposal, you can contact the Customer Service Team at the Council.

Signature(s): __________
Date: 16 May 2017

Signature(s): __________
Date: 17 May 2017

Signature(s): __________
Date: __________

Privacy Information
The information you have provided on this form is needed to allow your application to be processed under the EMA, so that the details can be
collected by the Council. The information will be stored on a public register and held by the Council. The details may also be made available
to the public on the Council’s website. These details are collected to inform the general public and community groups about all matters
which have been issued through the Council. If you would like to request access to, or correction of your details, please contact the Council.
Written approval of affected persons

PART A (to be completed by applicant)

Applicant(s) Name(s)
John McFarlane + Suzanne Saunders

Address of proposed activity
139-131 Coronation Rd, Hillcrest

Brief description of proposed activity
Lay new stormwater line from rear of 131 Coronation Rd through 133 Coronation Rd and into a main manhole at 135 Coronation Rd and then connect to existing manhole at rear of 7 Nicholson Place

PART B (to be completed by persons and/or organisations providing written approval)

Earl Ralph Johnson

Address of affected property
135 Coronation Rd, Hillcrest

Page 1 of 2
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
Regulatory Committee
28 November 2019

Attachment C

Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
Appendix B – Stormwater Catchment Areas / Extents
Appendix C – Stormwater Calculations
## STORMWATER PIPE FLOW CALCULATION

**Project:** 129-131 Coronation Road, Hillcrest

**Assumptions:**
- Design rainfall: 110L/m for 100-year return period
- AUP City Zone: Residential - Mixed Housing Suburban Zone

### SW Catchment - Existing

<table>
<thead>
<tr>
<th>Area (ha)</th>
<th>C No.</th>
<th>Int (mm/hr)</th>
<th>Q = 2.78C/A</th>
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<tbody>
<tr>
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<tr>
<td>0.0465</td>
<td>0.85</td>
<td>100.8</td>
<td>11.08</td>
</tr>
</tbody>
</table>

(Assumed 60% impervious coverage for residential area)

**Max. Flow (Pre-Dev) (L/sec)**: 54.55

### SW Catchment - Future - Based on the Auckland Unitary Plan Operative in Part maximum impervious limit of 60%

<table>
<thead>
<tr>
<th>Area (ha)</th>
<th>C No.</th>
<th>Int (mm/hr)</th>
<th>Q = 2.78C/A</th>
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<tr>
<td>0.1080</td>
<td>0.30</td>
<td>100.8</td>
<td>9.08</td>
</tr>
</tbody>
</table>

**Max. Flow (Post-Dev) (L/sec)**: 49.94

### Existing 225mm dia. SW Pipe

<table>
<thead>
<tr>
<th>Roughness Factor</th>
<th>Pipe Size (mm)</th>
<th>Grade (1 in)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5</td>
<td>225</td>
<td>6.67</td>
<td>16.0</td>
</tr>
</tbody>
</table>

**Velocity (m/sec)**: 4.46

**Capacity (Q = VA)**: 177.31

i.e. Pipe capacity is ok.
IN THE MATTER of the Local Government Act 1974

IN THE MATTER of the proposal to construct a private drain within 7 Nicholson Place, Glenfield

STATEMENT BY DAVID FREDERICK SERJEANT

27 November 2018
1. INTRODUCTION

1.1 My name is David Serjeant. I am a Town Planner and Director of Merestone Limited, an independent planning and resource management consultancy. I hold the qualifications of Bachelor of Town Planning from Auckland University (1979) and Master in Business Studies (Economics) from Massey University (1985). I am a full member of the New Zealand Planning Institute. I am also an MFE accredited Independent Hearings Commissioner.

1.2 In early August 2018 I was appointed by Auckland Council (Council) to facilitate negotiations relating to the construction of a private drain within 7 Nicholson Place, Glenfield to provide for the upgrading of the stormwater network serving other properties in the catchment. These negotiations have not resulted in an agreement between the parties and consequently the matter requires determination by Council pursuant to section 460 of the Local Government Act 1974 (LGA).

2. PROPOSAL AND BACKGROUND

2.1 At the time of my appointment I was provided with details of the proposal. This included the following:


(ii) A Supplementary Engineering Approval ENG60304410 granted by Auckland Council on 29 March 2018.

(iii) Documents detailing the record of communications with the land owners of 7 Nicholson Place and 137 Coronation Road.

(iv) Plans of the existing local stormwater network.

2.2 From the plans at (iv) it is evident that the existing local network has a catchment consisting of approximately 970m$^2$ of Coronation Road road reserve, 137 Coronation Road, and 5 and 7 Nicholson Place. This is a catchment with a total area of approximately 3090m$^2$. The proposal would add stormwater from 129-131, 133 and 135 Coronation Road, an additional catchment of 2700m$^2$.

2.3 The applicant's are the S Saunders & J McFetridge Partnership, owners of 129-131 Coronation Road. In order to facilitate further development of that property the stormwater network requires upgrading. The proposal is for a new 200mm pipe to
be laid across the rear boundaries of 133 and 135 Coronation Road and then to connect into the existing local stormwater network. This connection could either take place within 7 Nicholson Place or 137 Coronation Road. The Engineering Approvals referred to at (i) and (ii) above provide respectively for these connections.

2.4 The connection to 7 Nicholson Place (as per (i) above) requires a new manhole within 135 Coronation Road from which a short length of pipe would be laid to an existing manhole situated approximately 1m inside the rear boundary of 7 Nicholson Place. The connection to 137 Coronation Road (as per (ii) above) requires the new pipe to extend approximately 1m into the side boundary of 137 Coronation Road at which point it would connect to a new manhole on the existing line coming down from Coronation Road.

2.5 As the engineering approvals demonstrate that Council have determined that the stormwater design is the best practicable option for the proposal, I accept that they are equally acceptable in terms of section 480(1) of the LGA.

2.6 The owners of 133 and 135 Coronation Road have provided written approval to the proposal.

2.7 On the basis of the first approval, the applicant and the Council attempted unsuccessfully to obtain approval from the owners of 7 Nicholson Place (J Tang and C Jin as represented by Theresa Tang). Ms Tang expressed concerns about the capacity of the existing system and the effects of stormwater flows on the future development of their property (email 22 September 2017).

2.8 The focus then shifted to a connection at 137 Coronation Road. On the basis of verbal approval, the Supplementary Engineering Approval was prepared and processed Council (as per (ii) above). Unfortunately, some time in late May 2018 a written note was delivered to the applicants from the owners of 137 Coronation Road withdrawing that approval on the basis of the significant disturbance to his vegetable garden (evident from aerial photos) with the installation of a new manhole. The owner pointed out that an existing connection point was located just over the boundary within 7 Nicholson Place.

2.9 Since that time efforts to gain written approval have focussed on 7 Nicholson Place.

3. **COMMUNICATIONS SINCE AUGUST 2018**

3.1 Since my engagement in August 2018 I have had the following communications with Ms Tang:
(i) On 27 August I spoke to Ms Tang by phone and introduced myself and my facilitator role in the process. I sought to have an on-site meeting with her to gain a greater understanding of how the stormwater connection might affect her property and what her concerns were. Her response was that she did not want a meeting. She explained to me the concerns she had expressed the previous year about system capacity and effects on her ability to develop her property.

(ii) This phone call was followed up by email, which resulted in a response from Ms Tang detailing her concerns about capacity. In summary, Ms Tang could not accept that a new 200mm pipe with associated stormwater flows could be added into the existing 225mm system without overflows being generated at the manhole on her property.

(iii) In response to her query, the Council (Mr Daniel) provided Ms Tang with a letter confirming that the existing and future development was required to be consistent with Auckland Council Code of Practice for Land Development and Subdivision Chapter 4 – Stormwater November 2015 and the Auckland Council Stormwater Bylaw 2015 (September 7 2018).

(iv) A stormwater capacity analysis prepared by the applicant was also provided demonstrating that the system has the capacity to cope with the existing and proposed flows for the design 10year ARI storm event. In particular, the 225mm pipe flowing out of the subject manhole on 7 Nicholson Place would still be at approximately 60% capacity during that event (105 litres/sec compared with 177 litres/sec) (4 October 2018).

(v) On 15 October 2018 I again offered to meet with Ms Tang to discuss the report and her concerns (email). Ms Tang replied that she had not read the report and declined a meeting. I understand that Mr Daniel had also sought a meeting with Ms Tang more than once during this period.

(vi) On 25 October Ms Tang responded by email. She raised concerns about two matters. Firstly, she sought a guarantee of no overflows during storm events greater than the 10year ARI design storm event. Secondly, and related to potential overflows in such events, the poor condition of the existing manhole on her property. Ms Tang included photos of the manhole.

(vii) The Council agreed by email of 1 November 2018 that it would upgrade the manhole on her property as part of the works. Further by email of 5 November
2018 the Council advised that the matter would be proceeding to a hearing pursuant to section 460 of the LGA.

(viii) By email of 5 November 2018 Ms Tang also raised the issue of overland flows being intercepted and by email of 7 November 2018 whether Council would be paying for all such improvements and whether the applicants would “pay a reasonable and sufficient compensation for our risk”.

4. ASSESSMENT AND CONCLUSION

4.1 This matter has been very protracted, first commencing in mid 2017, and running over most of the intervening period. I have successfully conducted several of these matters in the role of an independent facilitator/negotiator. An important first step has always been to have a site meeting with the party from whom agreement is being sought. In my view, this process has been frustrated by the unwillingness of Ms Tang to meet on site, or elsewhere. Site meetings are very useful to be familiar with the physical situation as aerial photography is always limited. A case in point here is the condition of the existing manhole. A site meeting would have identified the condition of the manhole and this matter could have been resolved at an early stage.

4.2 The actual extent of the works within the subject property is important matter in considering best practicable option. In this case, a very small length (~2m) of new pipe is necessary, involving minimal works and disruption to the subject property. These works would be conducted from across the boundary at 135 Coronation Road and not involve entry via the 7 Nicholson Place frontage.

4.3 What could potentially involve works entering from the 7 Nicholson Place frontage is the replacement of the manhole, although this has yet to be confirmed. I note that the new manhole within 135 Coronation Road will need to be brought along the route of the new line and it is possible that the replacement manhole could travel the same route.

4.4 In any event, construction must be managed to minimise adverse effects and all such works are subject to restoration conditions for affected properties.

4.5 In relation to the standard of the upgrade proposed I consider that the applicant and Council are not required to design for a storm event in excess of the specified 10 year ARI design storm event. Further, the level of disruption related to the new pipe within the subject property is very much at the lower end of effects and in my view these
effects are mitigated through the replacement of the existing manhole and overland flow management.

4.6 In conclusion, I consider that the upgrading of the new network as proposed, together with the replacement of the existing manhole on 7 Nicholson Place and improved interception of overland flow of the catchment immediately above 7 Nicholson Place will both provide appropriately for further development and result in an overall improvement to stormwater management within the local catchment.

4.7 Consequently, I support a resolution of the Council pursuant to section 460(1) of the LGA to enable this project.

David Serjeant
27 November 2018
ATTACHMENT E

Pertinent Communication
From: Cedric Daniel  
Sent: Thursday, 28 September 2017 8:33 AM  
To: teresatangnz@gmail.com  
Subject: Stormwater Works at 129-131 Coronation Road

Hello Teresa

Stormwater Works at 129-131 Coronation Road

Craig Horwood has requested that I communicate with you regarding proposed stormwater works at the above referenced property.

I confirm that I verify that information provided by Craig Horwood of MSC Consulting is correct and can be relied upon as the works are required to comply with Council standards and confirmation of capacity has been assessed to comply with Councils Stormwater Code of Practice.

Please feel free to contact me in this regard as per contact details below.

Regards

Cedric Daniel | Senior Development Engineer  
Natural Resources and Specialist Input  
Resource Consents  
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039  
Auckland Council, Level 1, 1 The Strand, Takapuna
From: Cedric Daniel  
Sent: Monday, 2 October 2017 7:55 AM  
To: "TERESA TANG" <teresatangnz@gmail.com>  
Cc: craig.h@msc.co.nz  
Subject: Stormwater Works at 129-131 Coronation Road

Hello Teresa

**Stormwater Works at 129-131 Coronation Road**

Without any details of your proposed development I cannot provide definitive statement of compliance or approval other than the following.

The system proposed will be public reticulation and any proposed development of your site will be permitted to connect to this reticulation subject to the same criteria set for the proposed works at 129 – 131 Coronation Road.

The Auckland Council Stormwater Code of Practice provides the guidelines and criteria for any proposed works and I attach the latest version for your referral.

This email is a formal stamen but I am prepared to provide a statement of this nature on a formal letterhead if that is what you require.

Regards

Cedric Daniel | Senior Development Engineer  
Natural Resources and Specialist Input  
Resource Consents  
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039  
Auckland Council, Level 1, 1 The Strand, Takapuna
Hello Teresa

Stormwater Works at 129-131 Coronation Road

I would like to meet with you to discuss these proposed works and will send a meeting invitation via separate email and request that you either confirm attendance or propose alternate time options that suit you.

I am proposing meeting at Council offices at 1 The Strand Takapuna so that I can extract any documentation information you may request that is available.

Could you please respond to me meeting request in this regard.

Please advise a suitable telephone number that I can call you on.

My contact details as per details below.

Kind regards

Cedric Daniel | Senior Development Engineer
Natural Resources and Specialist Input
Resource Consents
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna

---

Hello Teresa

129 - 131 Coronation Road Hillcrest - Stormwater Connection

Attached please find a copy of a letter posted to you this morning regarding the proposed stormwater connection.
I have copied this letter to Dave Sergeant who has been engaged as an independent mediator.
Please confirm receipt of this letter?
Your faithfully

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
7 September 2018

Teresa Tang
7 Nicholson Place
Hillcrest
AUCKLAND 0727

Attention: Teresa Tang

Dear Teresa

129-131 Coronation Road, Hillcrest: Stormwater Connection

I am writing to you in relation to the proposal to connect a pipe taking stormwater from 129-131 Coronation Road through 133 and 135 Coronation Road connecting to the stormwater manhole within your property at 7 Nicholson Place.

I understand that you continue to have concerns about the potential for adverse stormwater effects, and more generally the connection of this pipe within your property, on the future enjoyment and development of your property.

Mr David Serjeant, the planning consultant and independent mediator, that Council has engaged to work with the applicant and you on this matter has requested that I formally set out the rules and regulations that control stormwater discharges in Auckland.

Stormwater is controlled by the Auckland Unitary Plan, the Auckland Council Code of Practice for Land Development and Subdivision Chapter 4 – Stormwater November 2015 (Code of Practice), and the Auckland Council Stormwater Bylaw 2015.

For existing and future development of land at Coronation Road, the principle control is found within the Code of Practice. The Code of Practice addresses the piping of stormwater from impermeable areas within development to the public network. This would apply to all existing and future development at 129 – 131, 133, 135 and 137 Coronation Road.

Increased stormwater from these properties would be anticipated to flow to the public system within the cul-de-sac in Nicholson Place. Your concern about how this might affect your property at 7 Nicholson Place is relevant in this respect.

The Code of Practice has specific requirements about the development standards for pipework and the capacity of the stormwater infrastructure taking into account future requirements. In relation to increased impermeable areas (roof areas or driveways) within the above properties, the Auckland Unitary Plan has maximum permeable area standards (in this case 40% of the site area). A resource consent is required to exceed this limit. In circumstances where the additional stormwater flows are in excess of the system capacity, the developer is required to attenuate (i.e. store and slow down) the flow of water during high rainfall events by way of on-site storage.

Notwithstanding the Auckland Unitary Plan rules, the Code of Practice also has requirements in relation to on-site mitigation of stormwater. In circumstances where the existing system capacity was insufficient, the Code of Practice requires an on-site mitigation device to be installed. All such devices are subject to specific design and approval by the Council.

The development of the above property does not have any limiting effect on the development of your property in relation to stormwater drainage. Should you wish to develop your own property in...
the future, the same rules will apply in relation to maximum permeable area and the requirement to mitigate stormwater flows.

As has been advised before, the works connecting the proposed stormwater line into the manhole situated close to the northern boundary of your property will largely be undertaken from 135 Coronation Road. Any disruption to your property would be minor and remediated immediately at the end of the works.

Whilst we confirm our appreciation for your concerns you are assured that the works will be undertaken to public standards and vested in Council with Council being responsible for future ongoing maintenance of the line.

I have copied this letter to Mr Serjeant by email. Could you please contact him at your earliest convenience as to your position on the request for the pipeline connection or any ongoing concerns.

Should you wish to contact me directly my details are as follows:
Mobile: 021 658 039,
or email: cedric.daniel@aucklandcouncil.govt.nz.

Yours sincerely

Cedric Daniel
SENIOR DEVELOPMENT ENGINEER
REGULATORY ENGINEERING

cc DAVE SERJEANT
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Tuesday, 11 September 2018 8:43 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Cc: dave@merestone.co.nz; teresatangnz@gmail.com
Subject: Re: 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Dear Cedric,

Thanks for your email and your posted letter. But you have not answered my query.

As I have mentioned in my previous emails with Craig, and Dave and you, the stormwater flow Ex. pipe of the manhole on my northern boundary is 225mm, it has already been connected in an identical size-225mm pipe from 137 Coronation Road, which is carrying the stormwater from the impermeable areas from Coronation road and goes to the manhole directly without any mitigation.

If add an additional 200mm size pipe from 129-131 Coronation road, the designed inflow is 1.79 times greater than the outflow, and the stormwater will overflow from the manhole to my property during high rainfall events. That will be a disaster, and I would not want to see it happened.

Since none of you have answered the above query, I assume you have no answer. Under this circumstance, I will not waste any more of my time discussing this, as I cannot agree to it.

Thanks & Regards

Teresa
Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Further to your email of Tuesday, 11 September 2018 8:43 PM and to address your concerns and query regarding the capacity of the system to receive additional discharge connection from the proposed development at 129 – 131 Coronation Road Council has requested that the applicant provide a stormwater capacity report by a chartered professional engineer.


The report confirms that the Public Stormwater Reticulation System has more than adequate capacity to receive the additional discharge from the proposed development.

This report therefore confirms that your concerns have been addressed and I request that you meet with Dave Serjeant the mediator that has been appointed to facilitate obtaining your approval for this necessary connection for the proposed development.

Please feel free to contact me to clarify any matters and I am available to meet with you to discuss the process going forward.

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
Hello Teresa

129 Coronation Road Hillcrest - Stormwater Capacity Concerns

Meeting to discuss your concerns regarding the proposed stormwater connection across your property.

Please confirm or propose alternate time options.

I wish to discuss your concerns and explain the process going forward.

I would like to encourage you to meet to explain the proposed works and the process option going forward.

I understand that Dave Serjeant has been finding it difficult to contact you in this regard

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
Hello Teresa

129 Coronation Road Hillcrest - Stormwater Capacity Concerns

I have sent a Meeting Invitation via separate email to discuss your concerns regarding the proposed stormwater connection across your property.

Attached is a copy of that invitation to meet on Thursday 1 November 2018 at 10:00am at Council offices in Room 4 at 1 The Strand Takapuna

Please confirm your attendance or propose alternate time options.

I wish to discuss your concerns and explain the process going forward.

I would like to encourage you to meet to explain the proposed works and the process option going forward.

I understand that Dave Serjeant has been finding it difficult to contact you in this regard.

Please acknowledge receipt of this email?

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
Dear Cedric,

Sorry, please find attached photos for the manhole.

Thanks & Regards

Teresa

On Thu, Oct 25, 2018 at 10:04 PM TERESA TANG <teresatangnz@gmail.com> wrote:

Dear Cedric,

Thanks for your email and attachment. Sorry for the late reply.

Currently, the pipes connected in and out of the manhole are the same size(225mm), if you add in the additional 200mm size pipe which will contribute stormwater for 2700m² catchment area based on your calculation, what would happen if it is in extreme weather for 20, 50 or even 100 years? You may not know, but this manhole is not a standard one, it is uncovered (please see photos attached). Can you guarantee that the stormwater will not overflow from this manhole, even in extreme weather for 20, 50 or even 100 years? Based on the current manhole’s status, I cannot agree to add it.

Thanks & Regards

Teresa
Hello Teresa

129 Coronation Road Hillcrest - Stormwater Capacity Concerns

Meeting to discuss your concerns regarding the proposed stormwater connection across your property.

Please confirm or propose alternate time options.

I wish to discuss your concerns and explain the process going forward.

I would like to encourage you to meet to explain the proposed works and the process option going forward.

I understand that Dave Serjeant has been finding it difficult to contact you in this regard

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
From: Cedric Daniel  
Sent: Thursday, 1 November 2018 8:33 AM  
To: TERESA TANG <teresatangnz@gmail.com>; ‘teresatang@gmail.com’ <teresatang@gmail.com>  
Cc: Craig Horwood <craig.h@msc.co.nz>; John McFetridge (john.elly.mcFetridge@xtra.co.nz)  
<john.elly.mcFetridge@xtra.co.nz>; Dave Serjeant <dave@merestone.co.nz>  
Subject: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Thank you for your email and we confirm that we fully understand your concerns.

Confirming that I have invited you to meet at Council offices this morning at 10:00am [Thursday 1 November 2018] but after repeated emails have not yet received a response from you.

There is some clarification that needs to be given in order to dispel any misunderstandings as follows:

1. Councils pipe network is only designed for a 1 in 10 year event. Any larger stormwater event will result in an overflow and properties downstream will experience flow, if any, resulting from this overflow regardless. The MSC stormwater report confirms the public system has the required capacity to receive the discharge from this proposed development. Furthermore this site is not subject to SMAF 1 or 2 controls under the Unitary Plan and RMA requirements.

2. The proposed drainage system would be an improvement to the existing situation because it provides some measure of storage.

3. Regarding your concerns about the open manhole, Council will ensure that the proposal to connect will include an upgrade of the manhole (including lid), which would mean the manhole will no longer be open, which is another safety improvement from your perspective.

I will be sending another meeting invitation to provide you the opportunity to come and discuss the matter should you require further clarification.

Regards

Cedric Daniel  
Senior Development Engineer  
Regulatory Engineering  
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039  
Auckland Council, Level 1, 1 The Strand, Takapuna
Dear Cedric,

Thanks for your email, at this stage, I prefer contact by emails instead of meeting.

1. You have mentioned that “Any larger stormwater event will result in an overflow and properties downstream will experience flow, if any, resulting from this overflow regardless”, I cannot agree with it, because currently, the pipes connected in and out of the manhole are the same size (225mm), and the manhole is a storage that would buffer the stormwater, so there would hardly be an overflow. However if an additional pipe is added it would break the balance and would cause an overflow.

2. You have also mentioned that the “Council will ensure that the proposal to connect will include an upgrade of the manhole (including lid)”. Could you please provide more details, like the standard of the upgraded manhole or some photos, etc.?

3. Could you please also provide more details about the drainage system improvement?

Appreciate your understanding!

Thanks & Regards

Teresa
Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Thank you for your memo but regret that you do not wish to meet with Council to clarify all your matters of concern.

We respond to your to your memo in bold blue below:

Thanks for your email. at this stage, I prefer contact by emails instead of meeting.

1. You have mentioned that “Any larger stormwater event will result in an overflow and properties downstream will experience flow, if any, resulting from this overflow regardless”, I cannot agree with it, because currently, the pipes connected in and out of the manhole are the same size (225mm), and the manhole is a storage that would buffer the stormwater, so there would hardly be an overflow. However if an additional pipe is added it would break the balance and would cause an overflow. This is not the case as the MSC engineering report (by a chartered professional engineer who is an expert in his field) confirms that the public SW network we are proposing to connect to has capacity for the existing and design SW flows.

2. You have also mentioned that the “Council will ensure that the proposal to connect will include an upgrade of the manhole (including lid)”, could you please provide more details, like the standard of the upgraded manhole or some photos, etc.? Attached are typical ACC details of Manholes

3. Could you please also provide more details about the drainage system improvement? The upstream properties currently do not discharge to the public networks and therefore downstream properties would be subject to overflow from these upstream properties. With the construction of the proposed SW reticulation this will eliminate the surface runoff currently being experienced on the downslope properties in rain events up to the design storm event of 1 in 10 years. (Refer attached).
The email declaration from MSC consultants Friday, 2 November 2018 7:41 AM (copied below) confirms the improvement.

Trust this provides the necessary information to dispel your concerns.
Could you please attend the meeting I have proposed for Tuesday 6 November 2018 at 12.00 pm so that I can explain the process going forward.

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Ext 43 (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Thursday, 1 November 2018 10:14 PM
To: RES NTH The Strand Ground Meeting Room 4 (Seats 10) <hogrndmeeting4@aklc.govt.nz>
Cc: teresatang@gmail.com; Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>; Hock Lee <Hock.Lee@aucklandcouncil.govt.nz>
Subject: Re: 129 Coronation Road Hillcrest - Stormwater Capacity Concerns

Thanks for that. I will not attend any meeting at this stage.

Thanks & Regards

Teresa

On Thu, Nov 1, 2018 at 10:36 AM RES NTH The Strand Ground Meeting Room 4 (Seats 10) <hogrndmeeting4@aklc.govt.nz> wrote:

Hello Teresa

129 Coronation Road Hillcrest - Stormwater Capacity Concerns

Meeting to discuss your concerns regarding the proposed stormwater connection across your property.

I would like to encourage you to meet to clarify your concerns and explain the process forward

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Sunday, 4 November 2018 9:00 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Dear Cedric,

Thanks for your email. Please find my reply below:

1. The MSC engineering report is based on a 1 in 10 years event. But as the global weather changes, 1 in 10 years (or even rarer, like 20, 50, or even 100 years) events are more likely to happen. If the additional pipe is added, that will put our property at a risk of SW overflow. If the stormwater overflows in extreme weather, does the Auckland Council, MSC or anyone have any pre-plan to solve this?

2. There are two types of manholes, one is for less than 1.0m depth, another is for up to 4.0m depth. Can you please tell me which one will this manhole be upgraded to?

And I will not attend any meeting at this stage.

Thanks again for your understanding!

Thanks & Regards

Teresa
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

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From: Cedric Daniel  
Sent: Monday, 5 November 2018 7:59 AM  
To: TERESA TANG <teresatangnz@gmail.com>  
Cc: Hock Lee <Hock.Lee@aucklandcouncil.govt.nz>; John McFetridge <john.elly.mc fetridge@xtra.co.nz>  
<john.elly.mc f etridge@xtra.co.nz>; Craig Horwood <craig.h@msc.co.nz>; Dave Serjeant  
<dave@merestone.co.nz>  
Subject: ENG60304410 at 129 - 131 Coronation Road H licrest - Stormwater Connection

Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Thank you for your memo and we respond as follows;

MSC Consultants confirm as follows:

The MSC engineering report is based on a 1 in 10 years event. But as the global weather changes, 1 in 10 years (or even rarer, like 20, 50, or even 100 years) events are more likely to happen. If the additional pipe is added, that will put our property at a risk of SW overflow. If the stormwater overflows in extreme weather, does the Auckland Council, MSC or anyone have any pre-plan to solve this?

Response:

1. The calculations within the report allow for global warming for a 1 in 10 year event
2. Overflows are an anticipated event for any rain event in excess of a 1 in 10 year storm.

There are two types of manholes, one is for less than 1.0m depth, another is for up to 4.0m depth. Can you please tell me which one will this manhole be upgraded to?

Response:

The construction is essentially the same for a 1m up to a 4 meter depth manhole and the manhole size proposed is 1050mm in diameter

We consider that we have appropriately and adequately answered your queries and regret that you have persisted in declining to meet with Council to discuss and clarify matters.

We accordingly notify you that Council propose to proceed to a hearing under section 460 of the LGA 2002 and you will be formally advised when proceedings have been confirmed.

Please feel free to contact me to arrange a meeting should you reconsider your approach in this regard.

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna

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Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Monday, 5 November 2018 11:02 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Dear Cedric,

Thanks for your email.

We have another query, there is a drainage flowing to this manhole which carries the stormwater from upstream properties including 129, 131 Coronation Road, 9 Nicholson Place and part of the stormwater from the roof of my house. Please find attached photos. If this manhole is upgraded, will the drainage mentioned above still be flowing to this manhole?

Currently, I am still in the stage of asking question and if all of my questions have clear answers, I will consider a meeting.

Thanks & Regards
From: Cedric Daniel
Sent: Tuesday, 6 November 2018 8:26 AM
To: TERESA TANG <teresatangnz@gmail.com>
Cc: Hock Lee <Hock.Lee@aucklandcouncil.govt.nz>; Craig Horwood <craig.h@msc.co.nz>; John McFetridge <john.elly.mcfetridge@xtra.co.nz>; Dave Serjeant <dave@merestone.co.nz>
Subject: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Thank you for your memo and we respond as follows:

The stormwater reticulation proposed will markedly reduce the overland flow from the upstream properties from Coronation Road (129 to 135) to the drain as the reticulation will capture the runoff from the roofs.

A catchpit could be installed to collect the flows from the drain. The catchpit can be connected to the proposed manhole. This would be quite an improvement over what exists now.

Confirming that Council intends to proceed to a hearing under section 460 of the LGA 2002 and you will be formally advised when proceedings have been confirmed.

We record that you have declined to meet as scheduled for 11:00am this morning

Please feel free to contact me to arrange a meeting should you reconsider your approach in this regard.

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
Dear Cedric,

Just want to ask, will the Auckland Council pay for all of these improvements, the new catchpit collecting the flows from the drain, and the manhole upgrading?

As the Council’s pipe network and the MSC engineering report are only designed for a 1 in 10 year event. Our property is therefore at risk in the long term.

So, if the owner of 129-131 Coronation Road would pay a reasonable and sufficient compensation for our risk and some other effects to my yard, I will agree to sign.

Thanks & Regards

Teresa
From: Cedric Daniel  
Sent: Thursday, 8 November 2018 7:23 AM  
To: TERESA TANG <teresatangnz@gmail.com>  
Cc: Craig Horwood <craig.h@msc.co.nz>; John McFetridge <john.elly.mc fetridge@xtra.co.nz>; Alex Cumming <alex.cumming@aucklandcouncil.govt.nz>; Dave Serjeant <dave@merestone.co.nz>  
Subject: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Council's response to your memo as follows

You will not incur costs for these works.

To facilitate your approval we will be requesting that the applicant include the installation of the additional cesspit with these works.

These works improve the current stormwater management in the area and in fact consequently reduces the long term risk to your site.

The matter of compensation is a private matter between property owners that excludes Council. These works is expected to improve the impact on your property and will not negatively impact on your current ongoing risk.

Trust this answers your queries.

Regards

Cedric Daniel  
Senior Development Engineer  
Regulatory Engineering  
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039  
Auckland Council, Level 1, 1 The Strand, Takapuna
Hi Teresa,

MSC are the Consulting Engineers assisting with the proposed SW design for the proposed works upslope of your property.

Further to the email communications below we can confirm on, behalf of our client, that:

1) The existing SWMH on the boundary of your property will be removed, due to its condition,

2) A new SWMH, in accordance with Auckland Council standards, will be constructed,

3) All connections will made to and from the manhole, including the proposed new SW connection to service the proposed works,

4) Levelling of any disturbed surfaces with topsoil and sowing of grass seed,

at no cost to yourself.

It is proposed that the solid cast iron lid of the manhole will be replaced with a slotted cast iron lid, again as per Auckland Council standards, so that the flows from the drain, etc can enter the manhole.

If this is not possible, due to site levels, a field catchpit will be installed and connected to the new SWMH to facilitate drainage of the drain. This work will be at no cost to yourself.

As per the comment in the email below ex. Council the proposed works improve the current stormwater management in the area and in fact consequently reduces the long term risk to your site.

On this basis we believe the costs that are being incurred by our client in undertaking the above works are fair and reasonable and no further compensation or any additional works other than those described above is warranted.

On the basis or your email of 7 November and the above commitment by our client we have attached an affected parties form for you to complete and a plan for you to sign and return to us.

We request that these be completed and returned to us by 5.00pm Monday 12 November 2018.

As always we are prepared to answer any questions either by phone or by way of a meeting onsite.

Regards

Craig Horwood
Director
Civil Manager
M: 021 510 673 DDi: 09 486 5884
craig.h@msc.co.nz
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Sunday, 11 November 2018 10:27 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Dear Cedric,

Thanks for your reply. Hope you had a lovely weekend.

If I attend a meeting, will you provide a statement on a formal Auckland Council’s letterhead which I had requested that the stormwater works will not affect our future development?

Will the owner of 129-131 Coronation Road also attend the meeting? Then we can discuss with him at the same time?

Thanks & Regards

Teresa
From: Cedric Daniel
Sent: Monday, 12 November 2018 7:42 AM
To: TERESA TANG <teresatangnz@gmail.com>
Cc: Craig Horwood <craig.h@msc.co.nz>; John McFetridge (john.elly.mcfetridge@xtra.co.nz)
<john.elly.mcfetridge@xtra.co.nz>; Hock Lee <hock.lee@aucklandcouncil.govt.nz>; Dave Serjeant
<dave@merestone.co.nz>
Subject: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Council’s role is independent of the parties and we serve to facilitate understanding and agreement between the parties.
We have explained the engineering matters you have raised and do not provide the statements you have requested as a guarantee for a matter between private parties.
We note that the applicant’s consultant has once again submitted a request for your approval including details of how your concerns raised have been addressed. (copy of communication attached)
We request that you consider this request and respond directly to Craig Horwood of MSC Consulting in this regard.
We are willing to hold a joint meeting with all parties at Council offices to assist with this matter should wish to meet.
Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna

From: TERESA TANG <teresatangnz@gmail.com>
Sent: Monday, 12 November 2018 9:40 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>; john.elly.mcfetridge@xtra.co.nz; Alex Cumming
alex.cumming@aucklandcouncil.govt.nz; dave@merestone.co.nz
Subject: Fwd: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection - Owners Approval

Dear Cedric,

Please find my email below I replied to Craig last night.

Thanks & Regards

Teresa
From: TERESA TANG <teresatangnz@gmail.com>
Date: Sun, Nov 11, 2018 at 10:25 PM
Subject: Re: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection - Owners Approval
To: <craig.h@msc.co.nz>

Dear Craig,

Thanks for your email and I responded to you as follows:

Firstly, I do not understand why you are requesting us to sign the form and return it to you by 5.00pm Monday 12 November 2018, as we are still in a situation where we find problems, solutions, and negotiate. This aggressive attitude is not conducive to the negotiation of the matter and can only make it more complicated, which is not helpful towards the settlement of your client’s affairs.

Secondly, the stormwater system in our property is safe and sound. But if your client’s pipe is added, it’s going to upset the balance of the current system, so improving and upgrading the system is naturally your client or the Auckland Council’s responsibility. Not only will we not benefit from this work, but we will also be exposed to the risk of overflow that we would not otherwise have had, not to mention the constant expected for disaster hanging over our lives.

Thirdly, the unreparable damage to our property during the construction will not only include our lawn but also on our driveway, hedges, and trees, etc. caused by the construction machinery. We will not accept the postponing of negotiations regarding compensations until after the event, so full and reasonable advance compensation is necessary.

According to Cedric’s email that Council will ensure that the proposal to connect will include an upgrade of the manhole (including lid), a catchpit could be installed to collect the flows from the drain. The catchpit can be connected to the proposed manhole. And also include the installation of the additional cesspit with these works.

Why do you have a different plan?

Can you please confirm what will you do and provide the design drawings of the upgraded manhole and also the catchpit?

Thanks & Regards

Teresa
From: John and Elly McFetridge <john.elly.mc fetridge@xtra.co.nz>
Sent: Monday, 19 November 2018 8:52 AM
To: "TERESA TANG" <teresatangnz@gmail.com>; Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>;
dave@merestone.co.nz
Cc: craig.h@msc.co.nz; Hock Lee <Hock.Lee@aucklandcouncil.govt.nz>
Subject: RE: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Hi,

At Teresa's request, I met with her and her husband at their house last Saturday afternoon. Unfortunately, but somewhat expectedly, no agreement was reached as she continues to maintain that the Council stormwater system is under designed and does not allow for 50 & 100 year events, engineers and Councils make mistakes and that she wants a letter of guarantee from Council that she will be able to develop her property in the future. I explained that she is free to put her concerns to the Council at the hearing date. Please now allocate a hearing date as soon as possible.

Regards,

John McFetridge
Hi,

Thanks for your emails.

For the meeting with John on Saturday afternoon, he had misunderstood what I said, I meant that the Council’s stormwater system is designed for a 1 in 10 year event, and the same as MSC’s report. But due to the weather changed in recent years, the storm event excess of 10 year is more often to be seen, so the overflows are anticipated, which will put our property in a risk.

I also requested the compensation, but unfortunately, he had refused it. He said that the most works can be done in 135Coronation Road, and they will not go through my driveway. Can you please tell me how can you remove the existing manhole and install a new one in my front yard?

As for the engineering drawing of the updated manhole which Craig sent this evening, I found that is Auckland Council’s standard manhole drawing, and what I want to see is the specific design drawing for this manhole. Craig mentioned that the depth will be the same as the existing SW structure, but, do you guys know the diameter and capacity of the existing one? I request the capacity will be bigger than the existing one, and it will be a sealed lid, not a slotted lid. Please also send me the specific design drawings for the new added catchpit and an additional cesspit.

And can you please also send me the section 460 of the LGA 2002?

I request all the above-mentioned information sent to me before you arrange a hearing, I need time to read them.

According to MSC’s design, there will be a new manhole installed in 135 Coronation Road, I suggest that you can install this new manhole in 137 Coronation Road instead of in 135 Coronation Road, and connect to the existing stormwater pipe which is from Coronation road connected to the manhole in my property.

Thanks & Regards

Teresa
Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Thank you for your memo record that your concerns are noted and have been recorded.

I respond to pertinent matters as follows:

1. For the meeting with John on Saturday afternoon, he had misunderstood what I said. I meant that the Council’s stormwater system is designed for a 1 in 10 year event, and the same as MSC’s report. But due to the weather changed in recent years, the storm event excess of 10 year is more often to be seen, so the overflows are anticipated, which will put our property in a risk.

   Response
   
   Your concerns have been addressed in the MSC engineering report by a chartered professional engineer who is an expert in his field.

2. I also requested the compensation, but unfortunately, he had refused it. He said that the most works can be done in 135 Coronation Road, and they will not go through my driveway.

   Response
   
   Compensation between parties is a private civil matter.

3. Can you please tell me how can you remove the existing manhole and install a new one in my front yard?

   Response
   
   That is a matter that the applicant’s consultant (MSC) will need to explain to you.

4. As for the engineering drawing of the updated manhole which Craig sent this evening, I found that is Auckland Council’s standard manhole drawing, and what I want to see is the specific design drawing for this manhole. Craig mentioned that the depth will be the same as the existing SW structure, but, do you guys know the diameter and capacity of the existing one? I request the capacity will be bigger than the existing one, and it will be a sealed lid, not a slotted lid. Please also send me the specific design drawings for the new added catchpit and an additional cesspit.

   Response
   
   All works will be required to comply with Council standards and the Stormwater Code of Practice.

5. And can you please also send me the section 460 of the LGA 2002?

   Response
   
   Attached please find a copy of the section 460 of the LGA 2002.

6. According to MSC’s design, there will be a new manhole installed in 135 Coronation Road. I suggest that you can install this new manhole in 137 Coronation Road instead of in 135 Coronation Road, and connect to the existing stormwater pipe which is from Coronation road connected to the manhole in my property.
Response
Craig Horwood of MSC can provide you with the necessary explanation for the engineering solution proposed.

Please advise if you wish to meet with me to explain the process forward

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
Hi

I refer to Teresa’s email of 19 November.

I did not misunderstand – Teresa wants a system designed in excess of the 10 year period and used the words “20, 50 and even 100 year events”. Like every other resident in the area the system is designed as per the current Council requirements. Teresa will have the same as everyone else and it will still be the same after our works are done so there is no increase in current risk.

We are not paying any compensation because she is suffering no loss. We are actually improving the current situation by picking up the run off from higher ground. The work is not being done in her front yard – in fact it is hard up a rear boundary well out of sight.

We can do the work from the rear of 135 Coronation Road so do not need to come up her driveway. Therefore no compensation will be payable on that account either. I have explained to her that we will use a small digger and will need to come across the boundary from 135 onto her property (obviously that’s why we need her consent). We will need to remove a couple of small hedge trees which are directly beside the existing manhole in her property and will replant new ones and reinstate any lawn with new topsoil and grass seed.

Prior to Teresa’s email last night she was sent an email explaining that the dimensions of the new manhole in her section will be 1050mm diameter and approx. 1.2m deep.

This together with the standard design drawings, is sufficient. Teresa as far as I know is not a professional qualified engineer but is seeking to dictate the design by requesting that the capacity be bigger than the existing one and wanting specific design drawings for this manhole, catch pit and cess pit. This is unrealistic and not in accordance with usual practice given that it has been designed by our engineers and approved by Council engineers. Furthermore, our engineer says that an allowance in design has already been made for increased precipitation and the new manhole with its riser will provide increased capacity.

After Teresa initially refused consent, the retired owner at 137 Coronation Rd was approached. A new manhole in his property would have necessitated digging up his garden which he regularly tends and he could not see the necessity for it when there was a manhole already just over the fence. Therefore it was decided to revert to Teresa’s property as the first and preferred option because that manhole is hard against a rear boundary, out of sight under some hedge trees and in an area of unused lawn and doesn’t interfere in any way with the amenity value or the use of her property at 7 Nicholson Place.

To advance this matter please issue a hearing date before Council.

Regards

John McFetridge
Dear Cedric,

Thanks for your email and the copy of the section 460 of the LGA 2002. I will find a time to read it.

Thanks & Regards

Teresa

Hi,

Why I said John has misunderstood because my concern is due to the weather changed in recent years, the storm event excess of 10 year is more often to be seen, if added the new pipe, the overflows are anticipated, which will put our property in a risk.

The existing manhole is like a hexagon, the width is approx 100cm, length is approx 200cm, depth is approx 98cm. This is designed for the in and out for 225mm pipes. The new manhole designed to replace is 1050mm diameter and approx. 1.2m deep. The approx capacity is obviously much less than the existing one. Can someone explain why after adding a 200mm pipe while the capacity of the new manhole is smaller than the existing one? The existing manhole should be handled by a professional engineer.

The hedge trees on that side are tens of meters long and have been planted here for decades, they are not small trees. If removed a couple of them and replanted new ones, that will look very ugly.

Thanks & Regards

Teresa
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Wednesday, 21 November 2018 11:14 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: ENG620304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Dear Cedric,

Could you please arrange a meeting with you to explain the process? But I had already bought the tickets in June to visit my families in China. I will leave NZ on 23rd Nov and will back on 9th Dec. Could you please arrange the meeting date so that it is after I come back to NZ? Please let me know the date in advance as I wish you can arrange it on my day off, many thanks.

Thanks & Regards

Teresa
From: Cedric Daniel On Behalf Of RES NTH The Strand Ground Meeting Room 4 (Seats 10)
Sent: Friday, 23 November 2018 8:51 AM
To: Cedric Daniel; TERENCE TANG
Subject: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection
When: Monday, 17 December 2018 11:00 AM-11:30 AM (UTC+12:00) Auckland, Wellington.
Where: Room 4 at 1 The Strand Takapuna

Hello Teresa

ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Meeting as requested to discuss the process going forward.

Please confirm?

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Ext 43 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Friday, 21 December 2018 11:20 AM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: ENG60304410 at 129 - 131 Coronation Road Hillcrest - Stormwater Connection

Dear Cedric,

It was nice meeting you on 17th Dec. Thank you very much for your time and your suggestions. We agree with you to have a new manhole with a grid lid.

We will contact Craig to discuss like connecting the existing pipes in the upper properties (which we had shown the photo) into the new manhole in 135 Coronation, the replanting & reinstatement of the hedge trees, and try to make an agreement with them.

Yesterday when it was raining, my husband had looked at the drain and the manhole. He noticed that there are flowing in the drain from upper properties but there is no water coming from the pipe connected from the Coronation Road, none of the water from the pipe, which should be collecting stormwater from the Coronation Road. And the same situation had happened last month when it was raining. Could you please help find someone to check it and tell us is there anything wrong with the pipe? Many thanks.

Thanks & Regards

Teresa

From: TERESA TANG <teresatangnz@gmail.com>
Sent: Sunday, 23 December 2018 9:35 PM
To: Craig Horwood <craig.h@msc.co.nz>
Cc: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: Proposed Development 129-131 Coronation Road - Proposed SWMH Details

Dear Craig,

We had a meeting with Cedric this Monday, and he suggested us to discuss something with to make an agreement, like connecting the existing pipes in the upper properties (please find attached photo-#165414) into the new manhole in 135 Coronation, and the reinstatement of the hedge trees.

Please let me know if you want to have an on-site visit, many thanks.

Wishing you a Merry Christmas and a Happy New Year!

Thanks & Regards

Teresa
From: Cedric Daniel  
Sent: Thursday, 28 February 2019 7:40 AM  
To: 'TERESA TANG' <teresatangnz@gmail.com>; 'teresatang@gmail.com' <teresatang@gmail.com>  
Subject: Hearing Notification 28 February 2019

Hello Teresa

**Hearing Notification - Public Stormwater connection for 129 – 131 Coronation Road Hillcrest**

Confirming notification that Council intends to proceed under section 480 of the Local Government Act 1974 (ACT) to install public stormwater connection.

Attached is a copy of the letter notification posted to you this morning.

Please confirm receipt?

Your sincerely

Cedric Daniel  
Senior Development Engineer  
Regulatory Engineering  
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039  
Auckland Council, Level 1, 1 The Strand, Takapuna
NOTICE OF INTENTION TO CONSTRUCT A PUBLIC STORMWATER DRAIN ON PRIVATE LAND UNDER SECTION 460 OF THE LOCAL GOVERNMENT ACT 1974

28 February 2019

Jingsong Tang and Chun Jin
7 Nicholson Place
Hillcrest
AUCKLAND

Attention: Teresa Tang

Dear Teresa

PROPOSED PUBLIC STORMWATER DRAINAGE AT 129 -131 Coronation Road Hillcrest

Auckland Council has received an application under section 460 of the Local Government Act 1974 (Act) to install a public stormwater connection line into the manhole located with 7 Nicholson Place (Lot 16 DP61770).

The council is contacting you as the registered owner of that property to inform you of the proposed works and confirm whether you consent to the works.

A copy of sections 460 and 461 of the Act are attached for your information.

The drain will service a proposed development at 129 – 131 Coronation Road Hillcrest. The work will involve installing a new 200mm PE line into an upgraded manhole located within close proximity of your boundary at 7 Nicholson Place. Any disturbance within your property will be reinstated to a similar standard.

The proposed works are shown on the accompanying plan (of which two copies are enclosed) and works will be undertaken under direction of MSC Consulting Group. The proposed line and connection is required to service 129 – 131 Coronation Road Hillcrest and is the only practical route available.

Council appointed Dave Serjeant an independent hearing commissioner as an independent mediator to facilitate your approval of this connection, but the mediator advises that he has not been able to achieve a resolution.

I have met with you to discuss these works and would be happy to meet with you to discuss the proposal and any questions or concerns you might have about the works or the section 460 process.

Should you wish to confirm your consent to the proposed drainage works on your property, please sign and return one of the copies of the attached “MSC Consulting Group” drawing 38481 sheet C100 revision C.

If consent is refused or otherwise not provided by 28 March 2019, in accordance with section 460(2) of the Act, the Council will schedule the matter for hearing by its Hearing Committee. You will be given reasonable notice of the day, time and place of the hearing so as to enable you to attend.

In the event you require further information, please contact Cedric Daniel, Senior Development Engineer, Auckland Council, Level 1, 1 The Strand, Takapuna, Auckland, Ph. 09 484 8256, mobile 021 688039, email: cedric.daniel@auckcouncil.govt.nz.

Yours sincerely

Cedric Daniel
SENIOR DEVELOPMENT SUBDIVISION ENGINEER
REGULATORY ENGINEERING

37
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Sunday, 3 March 2019 9:43 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: Hearing Notification 28 February 2019

Dear Cedric,

Thanks for your email, but I am still waiting for the letter you posted to me.

After the meeting with you on 17th Dec., we had sent you an email on 21st Dec mentioned that there is no stormwater coming from the pipe which connected from the Coronation road in the raining day.
And we had emailed Craig (MSC Consulting Group Ltd) on 23rd Dec. to discuss with the connecting the existing pipes in the upper properties(please find attached photo-#165414) into the new manhole in 135 Coronation road and reinstatement of the hedge trees, we had also copied you the email. But unfortunately, I have not received any reply from you and Craig.

In your email dated 28th Feb, you have requested me to sign the approval form. The prerequisites for me to sign the approval form are: the owner or MSC, they provide a detailed plan for the hedge reinstatement for us to approve, and they will connect the existing pipes in 135 Coronation road (please find attached photo-#165414) into their new manhole, as those pipes were flowing to the drain in my property. Now there will be a new manhole installed in 135 Coronation road, those pipes should be connected to the new manhole after this work.

Thanks & Regards
Teresa

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615b6bc36ab66e41109e@aklcouncil.onmicrosoft.com>
Sent: Thursday, 28 February 2019 7:40 AM
To: Cedric Daniel
Subject: Relayed: Hearing Notification 28 February 2019

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
'TERESA TANG' (teresatangnz@gmail.com)
'teresatang@gmail.com' (teresatang@gmail.com)

Subject: Hearing Notification 28 February 2019
From: TERESA TANG <teresatangnz@gmail.com>
Sent: Monday, 11 March 2019 9:17 PM
To: Cedric Daniel <Cedric.Daniel@aucklandcouncil.govt.nz>
Subject: Re: Hearing Notification 28 February 2019

Dear Cedric,

I trust this email finds you well.

Reference to my email to you of March 3rd, there are 2 outstanding matters. I require:
1) I want to ensure that water coming from the open pipes shown in the attached photograph#165414 will be re-directed to the new manhole in 135 Coronation Road.
2) A detailed plan for my hedge tree reinstatement.

Please feel free to contact me if you have any queries.

I’d like to hear from you within 2 or 3 days.

Thanks & Regards

Teresa
From: Cedric Daniel  
Sent: Tuesday, 12 March 2019 5:50 AM  
To: TERESA TANG <teresatangnz@gmail.com>  
Subject: R Hearing Notification 28 February 2019

Hello Teresa

R Hearing Notification 28 February 2019

The scope of your request relates to matters that involve private parties and are outside the scope of what Council may direct.  
I believe these are matters that have already been discussed between the parties and I understand that there may be ongoing contact between the parties following the hearing notice issued to you. Please feel free to contact the landowner and/or their consultant in this regard.

Regards

Cedric Daniel  
Senior Development Engineer  
Regulatory Engineering  
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039  
Auckland Council, Level 1, 1 The Strand, Takapuna

From: Craig Horwood  
Sent: Wednesday, 20 March 2019 3:34 PM  
To: TERESA TANG <teresatangnz@gmail.com>  
Cc: john.elly.mcfetridge@xtra.co.nz  
Subject: RE: Proposed Development 129-131 Coronation Road - Proposed SWMH Details

Hi Teresa,

We respond, on behalf of our client, to your email of 23rd December and the 2x matters you have raised.

1. A field catchpit (450mm x 450mm x 450mm) will be installed on the boundary of your property and the 3x novacoils as per the attached photo will be re-laid over a short section and connected into the catchpit. A 200mm dia. uPVC SW line will be laid to connect the catchpit to the proposed SWMH. The reason for the field catchpit is that draincoils cannot be connected directly to a manhole. This work will be completed to Auckland Council standards. This work will be completed at no cost to yourselves.

2. A new hedge will be planted over the section of hedge that is removed to facilitate the SW works. Plants will be sourced to try to replicate the size of the exiting hedge in the first instance but they will not obviously be as big in trunk size as the existing. It is expected that a width of 2 meters will be required to install the drainage line and manhole so 2-3 plants may need to be replaced. This work and well as the reinstatement works in the immediate vicinity of the SW structures will be completed at no cost to yourselves.

We trust this answers your questions.

Regards

Craig Horwood  
Director  
Civil Manager

M: 021 510 673 DDI: 09 486 3884  
craig.h@msc.co.nz
From: Craig Horwood  
Sent: Thursday, 21 March 2019 7:17 AM  
To: TERE SA TANG <teresatangnz@gmail.com>  
Cc: john.elly.mcfetridge@xtra.co.nz  
Subject: RE: Proposed Development 129-131 Coronation Road - Proposed SWMH Details

Teresa,

Please find attached a plan with sketch details added – the plan shows the proposed field catchpit (to pick up the 3x existing draincoils) and the connection from the catchpit to the new manhole in your property (to replace the existing non-compliant / substandard structure).

Re your email ....  
The proposed manhole is the new manhole in your property.

The roots will be removed as well as the hedge trees.

The need for the open drain will be greatly reduced with the installation of the SW drainage and the connection of the draincoils to the catchpit. The level of the catchpit grate can be such that this will take a lot of the any remaining flow from the top side of your property. Note if the catchpit is installed the grated lid on the manhole will be a solid lid.

The drain will be reshaped in the vicinity of the work so it continues to operate as before the work.

Regards  
Craig Horwood  
Director  
Civil Manager  
M: 021 510 673 D: 09 486 5884  
craig.h@msc.co.nz

---

Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest
From: Craig Horwood
Sent: Tuesday, 26 March 2019 7:00 AM
To: TERESA TANG <teresatangnz@gmail.com>
Cc: John McFetridge (john.elly.mcfetridge@xtra.co.nz) <john.elly.mcfetridge@xtra.co.nz>
Subject: FW: Proposed Development 129-131 Coronation Road - Proposed SWMH Details

Teresa,

As previously communicated our clients offer is to construct a catchpit within your property (at no cost to you) as that is where the draincoils currently end / discharge.

Please be advised that if there is no signed Affected Parties Agreement from you by 5.00pm 29 April 2019 the offer to construct, at no cost to you, a catchpit, the connection of the draincoils to the catchpit, the connection of the catchpit to the new manhole is withdrawn and our client will be proceeding to the hearing with the intent to construct only the new manhole to replace the existing substandard manhole in your property in accordance with the Engineering Approval issued by Auckland Council.

Regards

Craig Horwood
Director
Civil Manager
M: 021 510 673 DDI: 09 486 5884

From: Craig Horwood
Sent: Tuesday, 26 March 2019 9:18 AM
To: TERESA TANG <teresatangnz@gmail.com>
Cc: John McFetridge (john.elly.mcfetridge@xtra.co.nz) <john.elly.mcfetridge@xtra.co.nz>
Subject: RE: Proposed Development 129-131 Coronation Road - Proposed SWMH Details

Apologies Teresa the date in the email below is incorrect.

The date should read ...... 5.00pm Friday 29 March 2019.

Regards

Craig Horwood
Director
Civil Manager
M: 021 510 673 DDI: 09 486 5884

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Hi Cedric,

Thanks for your email.

I have emailed Craig of MSC, the consultant of the owner of 129-131 Coronation Road and also copied John the owner, regarding those 2 outstanding matters, I required:

1) I hope they can install the sump/catchpit in 135 Coronation Road and re-direct those drain coils to it, then connect this sump/catchpit to the newly install manhole in 135 Coronation Road. Unfortunately, Craig replied to me that their client is not willing to do it.

2) A detailed plan for my hedge tree reinstatement. Craig only gave me a brief reply, not a detailed plan.

Based on their response above, we could not sign the approval form.

As we know the owner of 129-131 Coronation Road will build 4 units in their section without a tank on-site mitigation. The manhole in our property, the out pipe size is the only 225mm, it has already connected an open drain from our property and a 225mm size pipe from Coronation Road and adding this new 225mm pipe. Both, MSC’s report and the Council’s pipe design are only based on a 1 in 10- year event, with global warming, the extreme weather is a more frequent occurrence now, the 1 in 10-year is a lower standard, and according to your email on 5th November 2018 that " Overflows are an anticipated event for any rain event in excess of a 1 in 10- year storm". If those 3 drain coils can be sorted in 135 Coronation Road, then we are going to re-connect the flow from the top side of our property to this manhole in the future, so we can abandon this open drain changing this manhole to a real sealed one to minimize the overflow risk from this manhole in our property.

Then, could you please tell me after adding the new pipe in the manhole, if something happens in the future, like overflow, it will be whose responsibility to solve the problem and who will pay for the cost? Will Auckland Council bear the rectification costs? And, could you please also tell me how much will the hearing cost be and who will pay for it?

Please feel free to let me know if you have any queries.

Thanks & Regards

Teresa
From: Cedric Daniel  
Sent: Monday, 30 September 2019 3:28 PM  
To: TERESA TANG <teresatangnz@gmail.com>  
Cc: Paul Jones <paul.jones1@aucklandcouncil.govt.nz>; Andrew Gray <Andrew.Gray@aucklandcouncil.govt.nz>  
Subject: Teresa Tang Resolution Notification 30 September 2019  
Importance: High

Hello Teresa

REG/2019/45 Resolution regarding Public Stormwater works

Attached please find a copy of letter sent you notifying you of Council’s intention to proceed to install stormwater reticulation works posted to you this afternoon.

Paul Jones of Auckland Council Healthy Waters will be managing the contractor engaged by Council.

Paul Jones contact details as follows:
Mobile 0272 853682 and email: paul.jones1@aucklandcouncil.govt.nz

Regards

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 2, 1 Smythe Road, Henderson
NOTICE OF INTENTION TO CONSTRUCT A PUBLIC STORMWATER DRAIN ON PRIVATE LAND UNDER SECTION 460 OF THE LOCAL GOVERNMENT ACT 1974

30 September 2019

Jingsong Tang and Chun Jin
7 Nicholson Place
Hillcrest
AUCKLAND

Attention: Teresa Tang

Dear Teresa

PROPOSED PUBLIC STORMWATER DRAINAGE AT 129-131 Coronation Road Hillcrest

Auckland Council Regulatory Committee held a Hearing under section 460 of the Local Government Act 1974 (Act) on Thursday 11 July 2019 to install a public stormwater connection line into the manhole located within 7 Nicholson Place (Lot 16 DP51770). The proposed stormwater connection route across 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest to service 129 – 131 Coronation Road, Hillcrest and is the only practical route.

The Regulatory Committee Resolution REG/2019/45 confirms the approval to proceed with the stormwater works as approved under engineering approval ENG60034410 dated 14 August 2017.

Confirming that you have been notified of this decision as per attached email.

The works will be undertaken under contract management of Mr Paul Jones of Auckland Council Healthy Waters who will be in touch with you to provide details of the contractor and timing of these works.

In the event you require further information, please contact Paul Jones, Healthy Waters, Auckland Council, mobile 0272 855682 and email: paul.jones1@aucklandcouncil.govt.nz.

Yours sincerely,

Cedric Daniel

SENIOR DEVELOPMENT SUBDIVISION ENGINEER
REGULATORY ENGINEERING
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

Resolution number REG/2019/45

MOVED by Cr W Walker, seconded by Deputy Chairperson BC Cashmore: That the Regulatory Committee:

a) hear and determine the objections by the owners of 7 Nicholson Place Hillcrest, pursuant to section 460 of the Local Government Act 1974

b) note that the owner of 7 Nicholson Place, Hillcrest has not provided consent for the drainage works and was given an opportunity to be heard by the Regulatory Committee but did not attend the hearing

c) determine that under section 460(1) of the Local Government Act 1974 that the proposed stormwater connection route across 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest to service 129 – 131 Coronation Road, Hillcrest is the only practical route as shown on MSC Consulting engineers drawings no. 38481 sheet C100 revision A for the following reasons:

i) the drain will rely on gravity and does not require a pump;

ii) all drainage work will comply with Auckland Council’s current code of practice;

iii) the drainage work will include replacing an existing manhole at 7 Nicholson place that does not meet the current code of practice and is in poor condition.

iv) the owners of 133 and 135 Coronation Road, Hillcrest have provided their consent for the drainage works.

v) the drain will provide capacity for other properties to connect into it in the future and connects to the existing drainage network which has sufficient capacity to take the additional stormwater flows of the applicant site and other properties.

vi) the applicant’s engineer and Council’s development engineer provided evidence that they considered alternative options and consider this is the only practical route for stormwater connection. No evidence was provided to the contrary.

Restatement

c) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

Nga mihi | Kind regards

Andrew Gray
Governance Advisor
Governance Support - Democracy Services

Championing engaged, open and innovative democracy and decision-making for the diverse communities of Tāmaki Makaurau.

Ph. +64 9 977 1735 | Ext. 461735 | Mob. +64 21 583 018
Auckland Council, Level 25
135 Albert Street, Auckland
Andrew.gray@aucklandcouncil.govt.nz

Visit our website: www.aucklandcouncil.govt.nz
Hi Cedric,

I have sent an email to Andrew regarding the hearing decision, which has also copied to you on 2nd Oct, and I sent an email to you on 7th Oct, but I have not received any reply from you till now. Can you please explain what is happening now and why there is no reply from you? Because Andrew told me to contact you. Many thanks.

Thanks & Regards

Teresa
Hello Cedric,

I have received your letter posted on 30th Sep regarding the hearing decision, but I have not received any reply to the email below I sent you on 2 Oct, and it has 5 days passed.

I'd like to restate that I do not agree with the decision because you have not sent me the notice to attend the hearing and to say my word. According to the Local Government Act 2002 that I will be given a notice of the day, time and place of hearing so I can attend the hearing, and that is my right.

I want you to explain:
Why the hearing had been held without giving me a notice? Neither by posted letter or an email?
Why the hearing had been held on 11 July and I only have been told by an emailed attachment sent to me on 30 Sep?

I also want you to tell me what are you going to do about it next.

Looking forward to receiving your reply as soon as possible.

Thanks & Regards

Teresa
On Wed, Oct 2, 2019 at 10:44 PM TERESA TANG <teresatangnz@gmail.com> wrote:

Hello Andrew,

Thank you for your email.

In your email, you have mentioned that we have not provided consent for the drainage works and were given an opportunity to be heard by the Regulatory Committee but did not attend the hearing. I was so surprised to receive this email and heard that you have had a hearing without giving me a notice.

As you may know that we have contacted Cedric, the Auckland Council’s engineer in North Shore, we had a meeting with him on 17Dec 2018. We had told him that we will attend the hearing. We had also contacted Craig the engineering consultant of the owner in 129-131 Coronation Rd. I had emailed Cedric on 1st April 2019 explained why I could not sign the approval form because we required:

1) I hope they can install the sump/catchpit in 135 Coronation Road and re-direct those drain coils (please find attached photo #165414) to it, then connect this sump/catchpit to the newly install a manhole in 135 Coronation Road instead of leaving outside, which the stormwater flow to my garden directly. Unfortunately, Craig replied to me that their client is not willing to do it.

2) A detailed plan for my hedge tree reinstatement. As they want to remove a few hedge trees. Craig only gave me a brief reply, not a detailed plan.

I am waiting for the notice to inform me the day, time and place of the hearing will be held, but I have not received either a posted letter or email till 30Sep 2019, from Cedric’s email attachment I was been told that Auckland Council had held a hearing on 11 July 2019.

According to the Local Government Act 2002 that I will be given a notice of the day, time and place of hearing so I can attend the hearing.

Could you please explain why the hearing had been held without giving me a notice? Why the hearing had been held on 11 July and I only have received the emails on 30 Sep?

I do not agree with the decision and I want the decision to be review.

Looking forward to hearing from you.

Thanks & Regards

Teresa
Regulatory Committee  
28 November 2019

On Mon, Sep 30, 2019 at 2:15 PM Andrew Gray <Andrew.Gray@aucklandcouncil.govt.nz> wrote:

Hello Teresa,

**Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest**

Resolution number REG/2019/45

MOVED by Cr W Walker, seconded by Deputy Chairperson BC Cashmore: That the Regulatory Committee:

a) hear and determine the objections by the owners of 7 Nicholson Place, Hillcrest, pursuant to section 460 of the Local Government Act 1974

b) note that the owner of 7 Nicholson Place, Hillcrest has not provided consent for the drainage works and was given an opportunity to be heard by the Regulatory Committee but did not attend the hearing

c) determine that under section 460(1) of the Local Government Act 1974 that the proposed stormwater connection route across 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest to service 129 – 131 Coronation Road, Hillcrest is the only practical route as shown on MSC Consulting engineers drawings no. 39481 sheet C100 revision A for the following reasons:

i) the drain will rely on gravity and does not require a pump;

ii) all drainage work will comply with Auckland Council’s current code of practice;

iii) the drainage work will include replacing an existing manhole at 7 Nicholson place that does not meet the current code of practice and is in poor condition.

iv) the owners of 133 and 135 Coronation Road, Hillcrest have provided their consent for the drainage works.

v) the drain will provide capacity for other properties to connect into it in the future and connects to the existing drainage network which has sufficient capacity to take the additional stormwater flows of the applicant site and other properties.

vi) the applicant’s engineer and Council’s development engineer provided evidence that they considered alternative options and consider this is the only practical route for stormwater connection. No evidence was provided to the contrary.

**Restatement**

c) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

Ngā mihi | Kind regards

**Andrew Gray**

Governance Advisor

**Governance Support - Democracy Services**

**Championing engaged, open and innovative democracy and decision-making for the diverse communities of Tāmaki Makaurau.**

Ph. +64 9 977 1735 | Ext. 461735 | Mob. +64 21 583 018
Auckland Council, Level 25
135 Albert Street, Auckland
Andrew.gray@aucklandcouncil.govt.nz
Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

Regulatory Committee
28 November 2019

ATTACHMENT F
Item 9

NOTICE OF INTENTION TO CONSTRUCT A PUBLIC STORMWATER DRAIN ON PRIVATE LAND UNDER SECTION 460 OF THE LOCAL GOVERNMENT ACT 1974

28 February 2019

Jingsong Tang and Chun Jin
7 Nicholson Place
Hillcrest
AUCKLAND

Attention: Teresa Tang

Dear Teresa

PROPOSED PUBLIC STORMWATER DRAINAGE AT 129 -131 Coronation Road Hillcrest

Auckland Council has received an application under section 460 of the Local Government Act 1974 (Act) to install a public stormwater connection line into the manhole located with 7 Nicholson Place (Lot 16 DP51770).

The council is contacting you as the registered owner of that property to inform you of the proposed works and confirm whether you consent to the works.

A copy of sections 460 and 461 of the Act are attached for your information.

The drain will service a proposed development at 129 – 131 Coronation Road Hillcrest. The work will involve installing a new 200mm PE line into an upgraded manhole located within close proximity of your boundary at 7 Nicholson Place. Any disturbance within your property will be reinstated to a similar standard.

The proposed works are shown on the accompanying plan (of which two copies are enclosed) and works will be undertaken under direction of MSC Consulting Group. The proposed line and connection is required to service 129 – 131 Coronation Road Hillcrest and is the only practical route available.

Council appointed Dave Serjeant an independent hearing commissioner as an independent mediator to facilitate your approval of this connection, but the mediator advises that he has not been able to achieve a resolution.

I have met with you to discuss these works and would be happy to meet with you to discuss the proposal and any questions or concerns you might have about the works or the section 460 process.

Should you wish to confirm your consent to the proposed drainage works on your property, please sign and return one of the copies of the attached "MSC Consulting Group" drawing 38481 sheet C100 revision C.

If consent is refused or otherwise not provided by 28 March 2019, in accordance with section 460(2) of the Act, the Council will schedule the matter for hearing by its Hearing Committee. You will be given reasonable notice of the day, time and place of the hearing so as to enable you to attend.

In the event you require further information, please contact Cedric Daniel, Senior Development Engineer, Auckland Council, Level 1, 1 The Strand, Takapuna, Auckland, Ph. 09 484 8256, mobile 021 658039, email: cedric.daniel@aucklandcouncil.govt.nz.

Yours sincerely

Cedric Daniel
SENIOR DEVELOPMENT SUBDIVISION ENGINEER
REGULATORY ENGINEERING
Hello Teresa

Hearing Notification - Public Stormwater connection for 129 – 131 Coronation Road, Hillcrest

Confirming notification that Council intends to proceed under section 460 of the Local Government Act 1974 (ACT) to install public stormwater connection.

Attached is a copy of the letter notification posted to you this morning.

Please confirm receipt?

Your sincerely,

Cedric Daniel
Senior Development Engineer
Regulatory Engineering
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna
460 Construction of private drains through adjoining premises
(1) Where, in the opinion of the council, the only practical route of any new private drain is through 1 or more adjoining premises, and any owner or owners of any of those premises will not consent to its construction, the council may, pursuant to a resolution in that behalf, of which notice shall be given to the owner or owners withholding his or their consent as aforesaid, enter upon his or their premises and execute, provide, and do all or any of the works, materials, and things which the council considers necessary, in order that the drain shall be laid in an efficient manner.

(2) Before passing a resolution under subsection (1), the council shall give to every owner refusing his consent as aforesaid an opportunity to be heard before a committee of the council.

(3) The cost incurred by the council in carrying out the said work, including the payment of compensation for injurious affection to any premises through which the drain is laid, shall be payable by the council in the first instance, and may be recovered by it from the owner of the land to be served by the private drain; and section 465 shall apply with respect to the amount so recoverable as if it were an advance made by the council under section 463.

(4) If agreement cannot be reached between the council and any claimant for any such injurious affection, the matter shall be determined as if the work were a public work and the claim were a claim for injurious affection in respect thereof under the Public Works Act 1981.

Compare: 1954 No 76 s 226; 1956 No 64 s 253
Section 460: Inserted, on 1 April 1980, by section 2 of the Local Government Amendment Act 1979 (1979 No 59).

461 Further provisions with respect to private drains
(1) Where any private drain constructed with the consent of the owners of all the lands affected or constructed by the council pursuant to section 460 passes through or serves separately-
Schedule 12

Conditions of constructing or undertaking works on private land without the owner's consent

1 For the purposes of section 181(3)(b), the requirements are as follows:

(a) a description of the works, accompanied by a plan (in the case of any works to be constructed), showing how they affect any land or building, must be deposited for public inspection at a place within the district in which the works are to be undertaken:

(b) the territorial authority must give notice in writing of the intention to construct the works (referring to a plan and description of the works and where the plan and description can be viewed)—

(i) to the occupier of the land or building unless there is no occupier or, after all reasonable steps have been taken, the occupier cannot be found; and

(ii) to the owner if known:

(c) however, if there is a change of occupier, it is not necessary to give notice to any subsequent occupier before the work is done:

(d) if, within 1 month after the notice is given, the occupier or owner serves on the territorial authority a written objection to the proposed works, the territorial authority must—

(i) appoint a day for hearing the objection; and

(ii) give to the objector reasonable notice of the day, time, and place of hearing so as to enable the objector to attend the hearing:

(e) the territorial authority must hold a meeting on the day appointed, and may, after hearing any person making any objection, if present, determine—

(i) to abandon the works proposed; or

(ii) to proceed with the works proposed, with or without any alterations that the territorial authority thinks fit.
A person who is aggrieved by a determination of the territorial authority under clause 1(e) to proceed with the works proposed (with or without alterations) may appeal to a District Court against the determination within 14 days after the date of the determination.

Pending the decision of the court on the appeal, the territorial authority must not proceed with the works.

On the hearing of the appeal, the court, whose decision is final, may confirm or amend or set aside the determination of the territorial authority.
Schedule 12

Conditions of constructing or undertaking works on private land without the owner’s consent

1 For the purposes of section 181(3)(b), the requirements are as follows:
   (a) a description of the works, accompanied by a plan (in the case of any works to be constructed), showing how they affect any land or building, must be deposited for public inspection at a place within the district in which the works are to be undertaken:
   (b) the territorial authority must give notice in writing of the intention to construct the works (referring to a plan and description of the works and where the plan and description can be viewed)—
      (i) to the occupier of the land or building unless there is no occupier or, after all reasonable steps have been taken, the occupier cannot be found; and
      (ii) to the owner if known:
   (c) however, if there is a change of occupier, it is not necessary to give notice to any subsequent occupier before the work is done:
   (d) if, within 1 month after the notice is given, the occupier or owner serves on the territorial authority a written objection to the proposed works, the territorial authority must—
      (i) appoint a day for hearing the objection; and
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      (i) to abandon the works proposed; or
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2 A person who is aggrieved by a determination of the territorial authority under clause 1(e) to proceed with the works
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proposed (with or without alterations) may appeal to a District Court against the determination within 14 days after the date of the determination.

3 Pending the decision of the Court on the appeal, the territorial authority must not proceed with the works.

4 On the hearing of the appeal, the Court, whose decision is final, may confirm or amend or set aside the determination of the territorial authority.