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Submission under s96 Resource Management Act 1991 on application BUN60319388-01 by Auckland Council (Healthy Waters) for all necessary resource consents for the St Mary's Bay and Masefield Beach water quality improvement project.

Name of Submitter: The St Mary's Bay Association Inc.

1.0 Background – to the application

1.1 Auckland Council's stormwater department, Healthy Waters, has applied for resource consents needed to construct and operate a series of structures comprising its St Mary's Bay and Masefield Beach water quality improvement project. The structures include:

- a conveyance and storage pipeline running from New Street/London Street in St Mary's Bay, through the reserve at the foot of St Mary's Road (St Mary's reserve), to a reserve area below Pt Erin (lower Pt Erin Park);
- odour dispersal towers at the intersection of New Street and London Street at the top of the pipeline, a weir structure and odour control structure in St Mary's reserve, and another weir structure, a pump station, and another odour control unit within lower Pt Erin Park;
- a return pipeline from the pump station to Main trunk sewer no 5 in Hackett Street, St Mary's Bay; and
- a marine pipeline running from the low point of the storage pipeline to an outfall to the west of the Harbour Bridge.

1.2 The application seeks related consents under numbers LUC60319406, DIS60319407, CST60319409 and WAT60319451.

1.3 The project started in early 2016 as a stand-alone project to improve water quality by capturing contaminated water discharging into St Mary's Bay and Westhaven from engineered overflow points in the combined wastewater and stormwater sewerage network serving the St Mary's Bay catchment. These overflows contain untreated sewage (the wastewater element) and various other contaminants (in the stormwater) including, for example, hydrocarbons. In essence it is a diversion scheme, capturing these overflows temporarily, before returning them to the

combined sewer when conditions allow. If the inflows exceed the capacity of the storage pipe, or the stored water cannot be returned promptly, the contaminated waters will be discharged into the Waitemata.

1.4 At one point in the information process there was mention of the project being extended to include water from overflow points in Sarsfield Street, Herne Bay (carrying stormwater from the Herne Bay catchment), that currently discharge into Masefield Beach (EOP194) and Westhaven (EOP196) but it is unclear whether that forms part of the present project.

1.5 Since the project was conceived, Auckland Council has become a party to another major water quality improvement project – the Western Isthmus Water Quality Improvement Programme or WIWQIP – in which both Watercare (a Council CCO) and Healthy Waters are combining to address contaminated water overflows from the very old combined wastewater/stormwater pipe network throughout the western isthmus, being the main area of Auckland still served by that network.

2.0 Background – to SMBA’s interest in the application

2.1 The St Mary’s Bay Association Inc. (SMBA) represents the interests and viewpoints of its members, residents of the suburb of St Mary’s Bay, on a range of issues. The suburb of St Mary’s Bay adjoins St Mary’s Bay and Westhaven marina.

2.2 Water quality in St Mary’s Bay and Westhaven marina has been a matter of active concern to SMBA’s members for many years. It is a recognised fact that stormwater, whether entering the ageing combined pipe network serving the St Mary’s catchment, or discharging from separate stormwater pipes, is the main cause of unacceptable water quality at the present time. St Mary’s Bay, Westhaven, and the Waitemata Harbour all receive the contaminated water. All residents and recreational users from wider Auckland (eg Dragon Boat racers and children learning to sail) are affected, recreationally and aesthetically, by this project.

2.3 At the same time, SMBA notes the adverse effects of stormwater on receiving waters throughout the Auckland isthmus (local streams, aquifers, estuaries and marine environments of both the Waitemata and the Manukau Harbours).

2.4 These concerns led SMBA to become a founding member of the Stop Auckland Sewage Overflows Coalition (March 2017).

3.0 SMBA’s general submission on the application

3.1 SMBA supports holistic, public-focused plans for upgrading drainage infrastructure to improve water quality, both in its locality and in the wider area served by the old combined pipe system. It accepts that the St Mary’s Bay/Masefield Beach project is intended to achieve improvements locally, but has genuine concerns that the project underlying the present application does not achieve its objectives as a stand-alone project, let alone take into account wider

considerations that must be addressed if the problem is not merely being shifted to other parts of the city, or deferred to a later time.

3.2 SMBA opposes the application in whole until its concerns are met.

4.0 Reasons for submission

4.1 The reasons for SMBA's opposition, in general, are that the application:

- is inconsistent with the sustainable management of natural and physical resources and the purpose and principles of the RMA;
- does not adequately avoid, remedy and mitigate adverse effects on the environment; and
- is inconsistent with sound resource management practice.

4.2 Without derogating from the generality of the above, the application:

- does not involve use of the best practicable option (separation);
- is inconsistent with and contrary to the relevant objectives, policies and other provisions of the Auckland Plan and Auckland Unitary Plan;
- will result in more than minor, and significant adverse, effects on the environment and does not avoid, remedy and mitigate the adverse effects of the proposal; and
- contains insufficient information on the construction, odour, traffic and amenity effects to make a decision.

5.0 Factual grounds underlying these reasons

5.1 Healthy Waters has held public information meetings and met separately with SMBA and other groups but has not truly "consulted" with the community. It has produced information which supports its view of the project rather than shown willingness to disclose information generally and explore alternative proposals advanced by the community.

Remedy sought: Supply all relevant information and undertake true consultation.

5.2 Healthy Waters has not demonstrated that it has investigated, and made an informed assessment of, the best practicable option. In particular:

- There is a very strong argument that complete separation of stormwater from wastewater is the best practicable option in the waterfront catchments. SMBA does not believe that Healthy Waters has given this the consideration it merits.
- Healthy Waters rejected separation as an option for this project at an early stage, apparently without collecting the data necessary to make a sufficiently informed assessment of practicability.

- Healthy Waters informed the community that it was not considering separation as part of this project and did not engage in disclosure and discussion (ie consult) with the community on separation as an option.
- Healthy Waters' disclosed general reasons for rejecting separation (difficulty, cost and public opposition to disruption) are not soundly based in fact.
- Healthy Waters has had opportunity to disclose the extent, and outcome, of any specific investigations on separation (including, but not limited to, its calculations of the cost of separation in the waterfront catchments) but has not done so.
- The community has other options to advance which will potentially achieve at least as high a degree of separation and can be done at a comparable or lesser cost and comparable or less disruption.
- There is clear public support for an informed assessment of separation ahead of proceeding with this project. Many residents of the area have been required to separate their properties to the street boundary, at their own cost, and wish to see the process completed. The adverse effects of stormwater on the combined pipe network will be exacerbated by increased urban intensification.
- Integration with WIWQIP and a peer review of this project are mechanisms for providing that assessment and for demonstrating that the investigation has been adequate.

Remedy sought: Integrate the planning for this project (with its short to medium term objectives) with the planning for WIWQIP (and its medium to long-term objectives) – which may obviate the need for this project or cause it to be undertaken on a different basis.

5.3 The effects of this project on the environment are significant, and arguably outweigh the benefits for water quality that Healthy Waters contends it will bring. These include that:

- The project captures overflows from three engineered overflow points from the existing (and old) combined wastewater/stormwater network in the St Mary's Bay/Masefield Beach catchments, but leaves other overflows of untreated stormwater unresolved.
- The application does not state the expected effect on water quality in St Mary's Bay/Westhaven in terms of a measurable outcome, nor provide for further steps in the event that that improvement is not achieved (for whatever cause, but including continuing stormwater inflows).
- The project temporarily diverts contaminated water and relocates rather than remedies the problem: it either returns the combined wastewater and stormwater to the main (combined) sewer pipe which carries it to the Mangere Water Treatment Plant, and ultimately to the Manukau Harbour, or it discharges it (untreated) to the Waitemata Harbour.
- The application does not disclose the information and assumptions used to calculate the volume and frequency of water entering the tunnel and, hence and the frequency with which the volume of water entering will exceed the storage capacity of the tunnel and need to be released immediately to the Waitemata.

- The application does not disclose the calculations and assumptions used to calculate Healthy Waters' ability to clear the captured water by pumping it back into main trunk sewer, and hence the frequency that subsequent rain events will re-fill the tunnel before it has been sufficiently emptied to take the new inflows and need to be released immediately to the Waitemata.
- The application does not disclose Healthy Waters capability to pump the volume of captured water back into the existing main trunk sewer (a system managed by Watercare whose ability and willingness to take the flows back at the required rate has not been established), again resulting in a need to release stored water to the Waitemata.
- The application does not provide information on the potential flow of the water discharged into the Waitemata – which potentially flows back onto the beaches of the inner Waitemata (there is no means of knowing whether the discharges will occur on an incoming or an outgoing tide, or both).
- The application does not provide sufficient information to assess the level of contamination that can be expected in the discharges into the Waitemata, and hence the effect on local beaches and the receiving waters of the Waitemata generally.
- This is not merely a relocation of existing (consented) discharges – the outfalls in St Mary's Bay and Westhaven marina and the current Masefield Beach pipe outlet – the new outfall is different in scope and degree and therefore lacks consent. A discharge consent is required.

Remedies sought: Provide the missing information; determination on whether a new discharge consent is required; redesign the project to ensure compliance with discharge frequencies not exceeding the long-term permitted frequency under the Watercare discharge consent of no greater than 2 overflows per year.

5.4 The construction of this infrastructure has adverse effects for the environment that must be measured against the unclear level of benefits, and at least require maximum mitigation:

- The potential for release of odour has not been assessed sufficiently – if the tunnel cannot be emptied completely and promptly (either by pump back or by release to the Waitemata) there will be potential for significant build-up of odour.

Remedy sought: Reassess the potential for release of odour having regard to the potential for stored water not being released promptly enough (allowing for the limitations on pump back).

- The 10 metre high ventilation stacks close to residential properties on the corner of London Street and New Street are unacceptable aesthetically.

Remedy sought: Redesign the odour controls to avoid the unsightly stacks and guard against any odour release.

- The above-ground infrastructure in St Mary's reserve and lower Pt Erin Park will reduce public recreational space, and the above-ground structures have not been designed in harmony with those spaces and are unacceptable aesthetically (compare to the pump station at Orakei reserve).

Remedy sought: Consider building the pump station underground; redesign such above-ground structures as are unavoidable to an aesthetically acceptable standard.

- The proposed discharge point (in the Waitemata Harbour) is an area of high recreational value. It is regularly used for water sport activity – sailing, fishing and swimming. It is increasingly being used by sailing clubs to train young sailors. The nearby beaches are also used by the public (in significant numbers) on a regular basis. It is unacceptable to expose any users to polluted water.

Remedy sought: ensure the highest design standards are imposed to guard against any health hazard.

- There is potential for the construction to create ground instability (particularly near cliff-faces), and ground settlement, in an area with old (and historic) buildings. Extreme care is required.

Remedy sought: Establish high minimum standards for ground stability and settlement, ongoing measurement regime, controls for breaches and a full remediation requirement on Council for any property damage.

- There will be noise and vibration effects from the construction (particularly as construction is expected to run 24 hourly).

Remedy sought: Strict noise and vibration controls to be imposed for both day time and night time work, an ongoing measurement regime and controls for breaches (including a stop work condition).

- There will be traffic issues from construction vehicles and access issues for residents.

Remedy sought: Impose traffic controls that minimise the effects on residents and other users of the recreational spaces, and a mechanism for immediate rectification of any breaches.

5.5 Healthy Waters has not yet obtained the consents of all property owners above the line of the tunnel, as required under the Local Government Act. The project cannot proceed until those consents are obtained or dispensation granted.

Remedy sought: Hearing of this application should be deferred until those consents have been obtained or determined.

5.6 The community (at a public meeting of some 120 people) has called for a suspension of the project pending completion of an informed assessment of separation, and peer review of that assessment and other concerns raised by the community (including the concerns raised in this submission). Healthy Waters has rejected a peer review of the project.

Remedy sought: The application should not be determined unless and until this concern is met.

6.0 Position taken by SMBA on application

6.1 Until its concerns are addressed satisfactorily (for example, by the imposition of appropriate conditions to avoid, remedy or mitigate the adverse effects of the consent currently being sought), SMBA oppose the granting of the consent.

6.2 SMBA wishes to be heard at the council planning hearing, in support of this submission.

6.3 SMBA will consider presenting a joint case at the hearing with others making similar submissions. In particular, SMBA supports the submissions of Herne Bay Residents Association Inc. and Stop Auckland Sewage Overflows Coalition.

6.4 SMBA is not a trade competitor as contemplated by section 308B of the Resource Management Act 1991.

7.0 Decision sought

SMBA seeks the following decision from Auckland Council:

That the application be declined.



Signed on behalf of SMBA by

David Abbott
Chair
St Mary's Bay Association Inc.

19 June 2018

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