

Response ID ANON-URZ4-5FTQ-N

Submitted to Fast-track approval applications
Submitted on 2024-05-03 15:10:45

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Hamilton City Council

2 Contact person

Contact person name:
Andrew Parsons

3 What is your job title

Job title:
General Manager, Infrastructure and Assets

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
s 9(2)(a)
s 9(2)(a)
s 9(2)(a)

7 Is your address for service different from your postal address?

Yes

Organisation:
Hamilton City Council

Contact person:
Nathanael Savage

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Principal Planner, Infrastructure and Assets

Please enter your service address:

Hamilton City Council
Private Bag 3010
Hamilton, 3204

Section 1: Project location

Site address or location

Add the address or describe the location:

s 9(2)(b)(ii)

[Redacted]

File upload:
No file uploaded

Upload file here:
No file uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

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Who are the registered legal land owner(s)?

Please write your answer here:

s 9(2)(b)(ii)

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

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[Redacted]

Section 2: Project details

What is the project name?

Please write your answer here:
Hamilton Bulk Wastewater Storage Programme

What is the project summary?

Please write your answer here:

The Bulk Wastewater Storage Programme is a significant wastewater network upgrade programme, to designate, design, consent, and construct bulk wastewater storage facilities (ranging in size from 450m³ to 11,000m³) throughout Hamilton. This project is to deliver four (4) facilities, which are proposed for funding in the 2024-2034 Long Term Plan (LTP).

This programme of works, alongside the other projects submitted for consideration to fast track (Metro Wastewater Treatment Plant Service Packaging), are all part of a substantive package relating to Councils water supply and wastewater networks. The purpose of the package is twofold; to remediate adverse environmental effects associated with the operation of the three-waters network, and to create development capacity within the three waters network, which is a key enabler of both greenfield and brownfield growth.

What are the project details?

Please write your answer here:

The project proposes to construct and operate four bulk wastewater storage tanks at locations around Hamilton City, which will service Councils strategic wastewater network. A bulk wastewater storage tank is a large underground tank used to store wastewater and return it to the network over time. These tanks are useful during times of heavy rainfall or peak use of the network, where the capacity of the piped network may not be sufficient to manage the flows of the network itself.

The purpose of the programme, alongside other inventions, will firstly reduce wastewater overflows throughout Hamilton, reducing the risk to public health, protect the health and wellbeing of the Waikato River, and keep flowrates of wastewater within optimal hydraulic processing capacity of the Wastewater Treatment Plant at Pukete. Secondly, the programme will 'free up' additional wastewater network capacity which can be used to achieve growth outcomes.

Peak wastewater flow (particularly wet weather flow) balancing between the network and the WWTP is a critical component of the overall wastewater management strategy of which the Bulk Wastewater Storage Programme is a core element. In some areas of the city, Bulk Wastewater Storage will also create additional network capacity which can be used for growth.

This programme is a recommendation of the HCC Wastewater Master Plan Version 3 (2020) and subsequently received funding approval in the 2021-2031 Long Term Plan and further design, consenting, and construction funding is proposed in the 2024-2034 Long Term Plan (~\$130m), and will provide wet weather storage, and minimise frequent wet weather overflows within capacity constrained sections of the city's wastewater network.

The designs of storage facilities are proposed to be staggered through the LTP period and the first two of the designs are underway, following a feasibility assessment project where the project team worked closely with mana whenua / Iwi since late 2022.

Ongoing engagement with mana whenua continues and there is support for the project given the existing network capacity constraints and associated network performance along with investment required to provide for projected growth in the area.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Concept design and consenting for all sites:

- 2024 to 2026

§ 9(2)(b)(ii)

- Design: 2028/29
- Build: 2029/2030

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- Design: 2025/26
- Build: 2026/27

§ 9(2)(b)(ii)

- Design: 2028/29
- Build: 2029/2030

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- Design: 2026/27
- Build: 2028/29

What are the details of the regime under which approval is being sought?

Please write your answer here:

For all sites:

- Notice of Requirement (territorial authority)
- Resource Consents (territorial authority and regional authority)
- Certificate of Compliance (territorial authority and regional authority)
- Reserves Act Approval (Grant of Rights of Way)
- Archaeological Authority

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Hamilton City Council (Territorial Authority), Waikato Regional Council (Regional Authority)

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

One of the sites within the Bulk Wastewater Storage programme (not listed within this application) was advanced due to the severity of wastewater overflows occurring within that catchment. The site is located within the suburb of Deanwell. Resource consents were obtained early 2024, and a

retrospective designation is being sought over the site. It is expected that designation for the Deanwell site will be obtained prior to applications being lodged through the Fast Track Approvals process.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

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If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

This programme is a recommendation of the HCC Wastewater Master Plan Version 3 (2020) and subsequently received funding approval in the 2021-2031 Long Term Plan and further design, consenting, and construction funding is proposed in the 2024-2034 Long Term Plan.

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- Detailed Design and Procurement: 2028/29
- Build (including site works commencement and completion): 2029/30

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- Detailed Design and Procurement: 2025/26
- Build (including site works commencement and completion): 2026/27

s 9(2)(b)(ii)

- Detailed Design and Procurement: 2028/29
- Build (including site works commencement and completion): 2029/30

s 9(2)(b)(ii)

- Detailed Design and Procurement: 2026/27
- Build (including site works commencement and completion): 2028/29

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

See attached.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

No land acquisition is proposed.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

Waikato Raupatu Claims Settlement Act 1995

The Waikato Raupatu Deed of Settlement 1995 applies to the region. The deed of Settlement is largely based around events that took place 1863 onwards that relate to land confiscation; an event that has echoed in the hearts, souls and minds of Waikato-Tainui as a tribal entity. The Waikato 'River' Deed of Settlement was a part of the initial Raupatu claim but was carried over for settlement from 1995 until 2010. The attention required to complete the river claim section of the wider Raupatu Act was considered to be a task that required concise and focused attention.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The Waikato River Deed of Settlement signing (2009) and legislating (2010) heralded a new era of co- management with respects to the Waikato River and its tributaries (lakes, streams, wetlands, lands, waahi tapu and minerals).

The preparation and compilation of the stories and historical accounts that Waikato-Tainui tribal elders provided over 30 years to support the intrinsic value and integrity of the Waikato River was evident when the Office of Treaty Settlements (OTS) and Judge for Treaty Settlements ruled in favour of Waikato-Tainui treaty claim for the Waikato River. Without prejudice, the historical accounts from Kaumaatua have ensured the return of the Waikato River back to Waikato-Tainui and its tribal benefactors who have fought tirelessly for many years, with many sacrificing their own lives and families to fulfil their roles and responsibilities of kaitiakitanga and stewardship over the domain of Papatuanuku and Ranginui.

The Waikato River Settlement Act has 7 key principles. These include:

- Te Mana o Te Awa which requires recognition of the spiritual authority, protective power, and prestige of the river.
- Mana whakahaere which requires recognition of the authority that Waikato Tainui and other Waikato river iwi hold over many generations and the responsibility to maintain the balance and mauri of the river.
- Health and wellbeing of the river and relationship of Waikato Tainui to the river
- Co-management including good faith engagement and consensus decision making.
- Integration of management between agencies, entities, local authorities as they relate to the river.
- Treaty of Waitangi principles
- Honour and integrity to commitments made to achieve full, fair and durable settlement of the settlement in relation to the river.

Hamilton City Council and Waikato Tainui signed a Joint Management Agreement (JMA) in 2012 to give effect to the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010. While the JMA was in relation to functions, parties agreed that appropriate weight would be given to matters and documents under the deed of settlement and Waikato River Settlement Act 2010. This included: restoration and settlement to restore and protect the health and wellbeing of the Waikato river for future generations; the Vision & Strategy (Te Ture Whaimana o te Awa o Waikato), the integrated river management plan; and the Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari Tai Ao).

Te Ture Whaimana o te Awa o Waikato

Thirteen objectives and twelve strategies for the Waikato River (from Huka falls to Te Puuaha o Waikato) are set out in this document. These relate to restoration and protections of the river, of relationship to the river, integrated management, precautionary approaches, avoidance of accumulative effects, protection of significant sites, fisheries, flora and fauna, ability to swim and take kai, and access, and application of maatauranga Maori and latest scientific methods. This document is currently under review.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

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Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Although an effects assessment on protected customary rights has not been undertaken, we consider the relationship with iwi hapu and their relationship with the river as very important. As identified within the consultation material within this application, mana whenua has been bought along the journey of the Bulk Wastewater Storage Programme. This engagement has informed decisions made on the project and will continue to do so.

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Refer attached.

Upload file:

[ISSUE]Attachment_Application for FT - Bulk Wastewater Storage Programme (NES, NPS and Effects Assessment).pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

Refer attached.

File upload:

[ISSUE]Attachment_Application for FT - Bulk Wastewater Storage Programme (NES, NPS and Effects Assessment).pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

In accordance with the purpose of the Bill, it is considered that once an application was lodged the Project would progress faster and with greater certainty under the current provisions of the Bill as opposed to the current RMA. The Bill offers several advantages, including:

- Public and limited notification is precluded;
- Resourcing to process the application efficiently.
- Comments are invited only from specified persons, with a short timeframe provided for comment;
- Rights to appeal are limited to the High Court on points of law only;
- The timeframes under the Bill are shorter and stricter than that of the RMA, which could be several months (potentially more) in relation to consents, or years in relation to a notice of requirement.

Under the current RMA this Project would be fully publicly notified. This is especially common given the nature of projects relating to wastewater attracting localised opposition. This includes the citing of perceived impacts that are not relevant resource management matters whereas the actual adverse effects are addressed through standards and emerging best practice.

Notification would create significant delays through process and associated timeframes and increases the likelihood of an Environment Court appeal. This creates uncertainty, significantly increased delay risk, which could likely be avoided under the fast-track provisions of the current Bill. If the Project was to be appealed under the fast-track provisions, these appeals would be limited to points of law and only to those who provided comments, the relevant local authorities, and persons who have an interest in the decision greater than that of the general public.

For the applicant, the process as contained in the Bill provides greater certainty of the timing of the granting of the Project in comparison to the RMA. Through this certainty, the applicant is able to ensure the Project can and will be delivered with minimal delays.

Overall, the framework of the Bill to determine a fast-track application presents a far more efficient process which will expedite the process, save unnecessary costs, and provide certainty as an outcome.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The application has been requested to be added to Schedule 2A with a proposed 3-year period to lodge to align with Hamilton City Councils draft 10-year plan funding. This timeframe allows flexibility for the management of other fast-track projects so as not to hinder the efficient operation of the fast-track regime

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

The project has been included as a priority project in Councils Long Term Plan and Wastewater Master Plan. The wastewater network itself is also cited as priority infrastructure. The bulk wastewater storage devices will be a part of this network.

Urban growth management in the Waikato sub-region has been led by the Future Proof Partnership since 2008.

The Future Proof Partnership and Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipā, Waikato and Matamata-Piako sub-region within the context of the broader Hamilton-Auckland Corridor and Hamilton-Waikato Metropolitan areas. The strategy provides a framework to manage growth in a collaborative way for the benefit of the Future Proof sub-region both from a community and a physical perspective.

The first Future Proof Strategy was adopted on 30 June 2009. Embedded within the strategy were density targets for urban areas. The partners then implemented the settlement pattern and density targets in their respective district and regional plans. This occurred throughout the 2010s. The decisions version of the Waikato Regional Policy Statement 2012 embedded the Future Proof settlement pattern and density targets requiring subordinate plans to “give effect” to it.

In the case of Future Proof, the iterations of the strategies have been through extensive consultation processes, including the latest 2022 Future Proof Strategy.

The Hamilton-Waikato Metropolitan Spatial Plan (HWMSP) was a subset of the Future Proof Strategy and part of the government’s Urban Growth Agenda. Its purpose was to set a long term, 100-year plan for how the Hamilton-Waikato metropolitan area would accommodate and manage growth over the next century with the aim of creating one of the most liveable places in New Zealand.

The development of the strategy included a wide range of stakeholders from across multiple sectors, public and private, local and central government. The final plan was endorsed by Cabinet in May/June 2020 and approved by the Future Proof Implementation Committee in September 2020.

The plan then informed and was incorporated as part of the revised 2022 Future Proof Strategy, which in turn has been included in the Waikato Regional Policy Statement (WRPS) Change 1 notified on 18 October 2022.

Following the HWMSP, the Future Proof partners identified two key areas of focus to enable the plan to be achieved, being transport and wastewater. Work commenced on preparing business cases: the Hamilton-Waikato Metropolitan Spatial Plan Transport Programme Business Case (MSP Transport PBC), and the Waikato Sub-Regional Three Waters Strategic Business Case. The latter was followed by the Hamilton-Waikato Metropolitan Spatial Plan Southern and Northern Wastewater Business Cases.

The Future Proof land use strategy, combined with the subsequent infrastructure business cases, means that the Waikato sub-region is the only metropolitan centre in New Zealand which has an agreed integrated land use and infrastructure strategy with broad-based approval and ministerial endorsement. This has been heralded as best practice in New Zealand.

Will the project deliver regionally or nationally significant infrastructure?

National significant infrastructure

Please explain your answer here:

The term ‘regionally or nationally significant infrastructure’ generally refers to infrastructure that is critical for the functionality of a region or the nation. Hamilton is New Zealand’s fourth largest city, and also has the highest rate of growth of any New Zealand city. With this in mind, it is Council’s view that the wastewater network is nationally significant infrastructure.

The Bulk Wastewater Storage package proposes to free up capacity within the city’s wastewater network. This will have positive impacts beyond Councils’ boundary through public health and safety and enhanced environmental outcomes through reducing wastewater overflows.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

As of 2023, the population of Hamilton City was 185,300 people. It’s projected that over the next 50 years these numbers will almost double to approximately 310,000 people. This additional population will need to be serviced by additional housing, which will subsequently need additional servicing.

The purpose of the project is to:

- firstly, remediate and minimise wastewater overflows caused by capacity issues within the wastewater network; and
- secondly, to free up additional development capacity for growth.

The project is set to bring about a decrease in the instances of wastewater overflows on the strategic network. This reduction is not just a standalone benefit. Environmental outcomes will improve through the reduction of untreated wastewater entering the environment. Furthermore, positive environmental outcomes have a positive impact on social wellbeing, which is integral to the smooth functioning of an urban environment.

Bulk wastewater storage tanks are designed to capture wastewater during periods of heavy rainfall or peak usage, preventing the wastewater network from being overwhelmed. The storage of wastewater is then pumped back into the network during non-peak times. The impact of this is that the existing wastewater network can accommodate a larger population, thus supporting the development of new housing.

Over the past ten years, the intensification of housing has led to a significant decrease in the capacity of the wastewater network. The National Policy

Statement for Urban Development 2020, which includes the adoption of Medium Density Residential Standards, has mandated the Council to extend development rights to substantial portions of the brownfield environment. The implementation of this infrastructure is crucial for the delivery of the required capacity.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Council consider that the project will deliver both direct and indirect economic benefit at a significant scale.

As previously mentioned, the delivery of three-waters infrastructure will help deliver on both existing and new investment within the city. Additional industrial and commercial land that will be enabled through additional wastewater treatment capability will increase the number of jobs. An increase of labour productivity can also be expected through increased competition.

The additional land for housing will stimulate economic activity by creating jobs and increasing income and spending. More housing (especially in areas of housing shortages) may drive an increase in population, resulting in a larger workforce and potentially more businesses.

A Waikato Regional Council Report on the Waikato Economy released in 2022 (TR202217) recognises the steady growth of GDP driven by a growing population, the significant contribution of GDP across primary industries, and the role that other sectors play (such as utilities, construction, healthcare and education institutions). Hamilton City plays a key role in support of those sectors and regionally significant industry.

As previously noted, there is high growth in the city, homes are projected to double over the next 50 years to around 120,000 homes for about 310,000 people, and the City's \$12 billion economy made up 41% of the Waikato's \$29.5 billion GDP in 2021 and provided 43% of the jobs across our region. The project will be a key enabler of that growth.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Not Answered

Please explain your answer here:

The unpredictability of rainfall events could increase due to climate change. This necessitates the enhancement of the resilience of Councils' wastewater infrastructure to cope with such unpredictability. An increase in rainfall could lead to a surge in inflow and infiltration, resulting in an increased wet weather flow within the network, utilisation of network capacity, and potential wastewater overflows.

The incorporation of bulk wastewater storage will bolster the network's resilience by accommodating additional wet weather flows. Once these flows diminish, the stored wastewater can be reintroduced into the network.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The project is considered by Council to play a role in adapting to, building resilience against, and recovering from natural hazards.

Wastewater storage tanks store excess wastewater during heavy rainfall, preventing the network from being overwhelmed. The programme also builds resilience by ensuring the continuous operation of wastewater systems during natural disasters. For instance, bulk wastewater storage tanks can hold wastewater during power outages caused by storms, maintaining public health and environmental protection.

In terms of recovery, after a natural hazard event, the tanks facilitate the recovery process of the wastewater system by gradually releasing the stored wastewater back into the network when there is capacity.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Bulk wastewater storage plays a crucial role in preventing adverse environmental effects by managing the flow of wastewater and reducing the risk of wastewater overflows. During periods of heavy rainfall or high usage, wastewater volumes can exceed the capacity of the wastewater network. Bulk storage facilities act as a buffer, temporarily holding excess wastewater and gradually releasing it back into the network when capacity allows. This prevents the network from becoming overwhelmed and reduces the risk of untreated wastewater being discharged directly into the environment.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Wastewater conveyance and treatment is a key enabler of economic growth that existing local and regional strategies are needing to manage. This includes:

- Hamilton to Auckland Corridor Plan and Implementation Programme
- Future Proof Strategy (2022) currently under review
- Hamilton-Waikato Metropolitan Spatial Plan (2020)
- Hamilton Urban Growth Strategy 2023

Anything else?

Please write your answer here:

Pursuant to s.24(3)(d), Council requests that the panel set a timeframe of 3 years for approvals to be lodged.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

The utilisation of bulk wastewater storage is directly influenced by climate change and natural hazards. As climate conditions become more unpredictable (such as increased rainfall), the need for bulk wastewater storage will correspondingly increase.

Similarly, bulk wastewater storage plays a crucial role in aiding the Council's response to natural hazards by offering a temporary solution for wastewater storage until the infrastructure is restored and operational again.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Hamilton City Council undertakes a self-evaluation of its compliance with the resource consents issued by Waikato Regional Council for three waters activities. The self evaluation is then sent to Regional Council, who then undertake their own audit of Councils activities. Over the three waters activities;

- Water Supply: Council has achieved a high level of compliance/full compliance over the previous ten years for its water take consent for domestic use.
- Stormwater: Over the previous ten years Council has generally achieved partial compliance with its comprehensive stormwater consent, however wishes to highlight several 'low risk non-compliances' and a single 'moderate non-compliance', all of which were obtained over the previous three years.
- Wastewater: Council has generally achieved a high level of compliance with its discharge consent from Pukete WWTP. Over the previous two years council has been audited as meeting a 'low risk non-compliance'.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:
Nathanael Savage

Important notes