

Resource Consents

Practice and Guidance note

Water and Wastewater Network

Constraints - Watercare Services

Ltd.

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1 Introduction

Watercare Services Limited (‘WSL’), a Council Controlled Organisation (‘CCO’), is responsible for the provision of wastewater and water supply infrastructure throughout most of the Auckland region (excluding Papakura which is maintained by Veolia).

On 15 November 2024, WSL published information identifying where there are capacity constrained catchments within their water and wastewater networks, and where there is limited ability to connect to the public water and / or wastewater system.

The constraints identified apply to any activity that would increase demand on the water or wastewater networks. That could be a new residential connection, a new non-residential connection, or a change of non-residential activity connected to an existing meter.

A map has been created by WSL which identifies these areas of the Auckland region. This can be found [here](#).

The principal affected areas, commonly referred to as ‘red zones’, are:

- Ōtara/Papatoetoe
- Favona
- Beachlands/Maraetai
- East Auckland
- Parts of Waitākere
- Beach Haven/Birkdale
- Lower North Shore
- Hibiscus Coast
- Warkworth

There is also a small area of Waiheke Island that is served by WSL. As per the WSL GIS Map (which can be found [here](#)), it is not planned to extend the existing serviced area. For resource consent applications relying on the reticulated network on Waiheke Island, please follow the advice in this PGN.

In most areas where there is a capacity constraint, WSL are planning projects to upgrade and expand the infrastructure network. The indicative timeframes for some

of these projects WSL have outlined are shown on the GIS Map and in supporting information tables. The WSL GIS Map Viewer can be found [here](#).

It is noted that the GIS Map identifies water and wastewater constraints at a catchment level. The nature and criticality of the constraints may differ between and across catchments, and this will affect the ability of WSL to support new connections. In some areas of the region affected by constraints, proposed developments cannot connect to the public network, however there may be locations within identified constraint areas where wastewater and water service connections may be available. Applicants will therefore need to consult directly with WSL to obtain confirmation of the water or wastewater connection capacity available to service any proposed development, or in relation to the processing of any existing resource consent application.

WSL have also released an online tool to help determine if a service connection in specific capacity-constrained areas is available. The WSL online tool can be found [here](#).

The advice in the following sections of the Practice Guidance note ('PGN') sets out the way the WSL water and wastewater network capacity constraints are to be addressed at the different stages of the consenting process, from pre-application through to the grant of resource and building consents.

Whether a proposed development is a permitted activity, requires resource consent or building consent, or has obtained resource or building consent is a separate regulatory process. Ultimately the decision to allow a development within one of the areas where servicing constraints have been identified to connect to the public water and wastewater service network lies with WSL via the provisions of the Water Supply and Wastewater Network Bylaw 2015, which is available [here](#).

2 Pre-application Advice

2.1 Proposed Developments in Constraint Areas – Advice to be provided by Planning Information Advisors

When a customer is seeking advice from the Resource Consents Planning Information Advisory Team as to whether their site is in an area of water or wastewater network capacity constraint, they will need to be advised to check the WSL wastewater and water supply constraints map referred to in Section 1 of this PGN for themselves.

If the advice sought relates a specific site known to be affected by the WSL water and/or wastewater network capacity constraints, advise the customer to directly consult WSL for service connection confirmation and the timeframe in which it may occur.

The above advice applies whether the development project is a permitted activity or requires resource consent.

When a customer seeks advice about what types of developments and improvements are restricted by the constraints, advise them that it applies to developments that require new connections such as new dwellings and the creation of new sites as well as any increase in the volume of water use or wastewater disposal resulting from a change of a non-residential activity connected to an existing meter. It does not restrict the construction of new minor dwellings, sleepouts, or home occupations, which will share or utilise the existing connection (unless there is an arrangement with WSL specific to the customer which restricts flow on their established connection).

When a customer seeks advice about how their resource consent application for a development with a new connection or increase in volume of usage at an existing meter within a constraint area will be affected; advise them that their resource consent application may be notified, conditions imposed, or consent declined if they cannot demonstrate that WSL has confirmed sufficient water and/or wastewater capacity is available for the connection.

2.2 Proposed Developments in Constraint Areas – Advice to be included at Pre-Application Meetings

Pre-application meetings are a voluntary and non-statutory process designed to provide initial information on specific matters identified for discussion and gives Council the opportunity to raise any areas of concern or, identify matters for further consideration by the applicant, prior to lodging the resource consent application.

Where a meeting discusses infrastructure servicing, the processing planner, or council's development engineer, are to advise the applicant that there may be network capacity constraints in the area, and the applicant is to consult with WSL before starting detailed design, or preparing their resource or building consent applications. This also applies to proposals that may involve dwellings as a permitted activity in the Residential – Single House, Mixed Housing Suburban or Mixed Housing Urban zones.

3 Resource Consent Application Processing

3.1 Active Resource Consent Applications being processed

The following guidance relates to a resource consent application currently being processed by the council, where the application site is located within a water or wastewater capacity constraint area, and also applies to all applications currently on hold or suspended for other reasons.

The provision of public water supply and public wastewater disposal is fundamental to an urban development. The creation of adverse effects resulting from a lack of appropriate water supply and wastewater disposal are to be avoided, remedied or mitigated¹. The council must have sufficient information from the applicant to determine whether water supply and wastewater disposal will be available to service a development prior to completing an assessment under sections 95A, 95B and 104 of the RMA.

3.1.1 First Further Information Request (section 92)

Where a resource consent application is in process and the section 92 request for further information has not yet been issued, the processing planner, in conjunction with the Development Engineer, must check the WSL network capacity map and online tool and Council's GIS constraints layer.

If the site is affected by a wastewater disposal and/or water supply constraint, request further information from the applicant to provide confirmation from WSL that connection to the public wastewater and/or water service can occur, including the proposed servicing timeframe and how the connection is to be provided.

3.1.2 Second Further Information Request (section 92)

For a resource consent application where a section 92 request for further information letter has already been issued, the processing planner still needs to follow the steps in Section 3.1.1, however be mindful that the 'clock' will not stop for this further request.

¹ Policy B3.2.2(8) of the RPS

3.1.3 Addressing working day timeframes as a result of second Further Information request

The working day time period can only be suspended once, to enable an applicant to respond to a request for further information made under section 92 of the RMA.

Where a second section 92 request for further information letter is required, the processing planner can include a suggestion that the applicant suspends the processing of their non-notified application under section 91D of the RMA, while network capacity information for the proposed development is confirmed with WSL.

Where sections 91D or 91A are not applicable, an agreement can be made between the applicant and the council under section 37 of the RMA to extend time periods to enable the applicant to seek confirmation from WSL.

It is noted that if timeframes have not already been extended under section 37, the council may consider extending timeframes taking into account the complexity of the application, which may include the complexity that has arisen from WSL identifying network constraints in the area.

If the applicant refuses to suspend their application or agree to an extension of time, advise the applicant that council will continue to process their application without the network servicing information, but this lack of information may result in public notification and/or a decline of the resource consent application.

3.1.3.1 WSL Confirms Service Connection(s) will be available

In the case where WSL confirms to the applicant that service connections are immediately available, the council development engineer can continue with their application review. The standard wastewater disposal and water supply conditions must be provided in the development engineering technical memorandum and imposed on the consent.

3.1.3.2 WSL confirms Service Connection(s) not immediately available but will be provided within the 5-year lapse period for a consent

In the case where WSL confirms to the applicant that service connections are not immediately available but should be available within the standard 5-year lapse period for a resource consent, the applicant will need to confirm with council that they wish to proceed with their resource consent

application on that understanding or confirm they want to withdraw the application.

On confirmation that the applicant wishes to proceed, the council development engineer can complete their tasks as per Section 3.1.3.1.

In addition, an advice note is to be included in the resource consent to advise applicants that the approval from WSL to connect to those services will need to be confirmed again at Building Consent stage and Engineering Approval stage.

3.1.3.3 WSL confirms Service Connection(s) will not be provided or not provided within the 5-year lapse period for a consent

Where WSL confirms to the applicant that service connections will not be provided or will not be provided within the 5-year lapse period for the consent, the applicant will need to advise council how they intend to service their proposal.

While each resource consent application will be assessed on its own merits, for urban development proposals that cannot be provided with water or wastewater servicing, there may be grounds to notify and/or decline the application. It is also unlikely to be appropriate to support longer lapse dates where there is no certainty regarding the timing of the provision of water supply and wastewater disposal services. The applicant will need to confirm whether they want the council to continue processing the application to a decision based on this understanding or withdraw the application.

Where an applicant chooses to continue with their resource consent application, the processing planner is to proceed with writing the section 42A planning report to address the notification steps at sections 95A and 95B of the RMA, as well as undertake the assessment under section 104 of the RMA, if applicable.

The assessment should be framed around any relevant matters of discretion for infrastructure and servicing, including relevant objectives and policies.

In the case where an applicant requests a consent lapse period of greater than 5 years to address a delay in the ability to provide wastewater disposal and/or water supply service connections, council is unlikely to be able to support such resource consent applications due to the uncertainty in knowing when those services will be provided (despite WSL indicative dates). There are also the policy ramifications associated with the provision

of development in areas where wastewater disposal and water supply network constraints have been identified, and strategic policy planning decisions have not been made as to how any constraints might be addressed in the future.

4 Future Resource Consent Applications

The following section provides advice on new resource consent applications that have been lodged with the council to process but a section 88 assessment and determination is yet to be made.

4.1 Section 88 Assessments

Where the site subject to the application is located within an area identified by WSL to have wastewater and/or water supply constraints, the applicant must provide evidence from WSL and identify within the Assessment of Environmental Effects (AEE) that service connections to the public network are available including when and how they will be provided. Or, if service connections are not available, how the development will be serviced.

This is a fundamental matter and the lack of the provision of wastewater and/or water servicing for a proposed development may result in adverse effects on the environment and needs to be addressed in the AEE.

The network constraints map and online information released by WSL is publicly available and it is expected that all applicants submitting resource consent applications will utilise this information to inform their proposed development. At a minimum for an application to be able to be accepted under section 88 an applicant will need to have included a printout for WSL's Online Tool verifying connection to the necessary services will be available or include written confirmation from WSL that the service connections will be provided.

Where a resource consent application requires a new connection to the public wastewater or water network, or will result in an increase in the volume of use of water or disposal of wastewater, and the wastewater and/or water constraints matter has not been addressed in the application material, the council may determine that the application is incomplete under section 88(3). An incomplete resource consent application must be returned under section 88(3A). The processing planner carrying out this assessment and determination should refer to clauses 2, 3, 6 and 7 in Schedule 4 of the RMA.

4.2 Section 92 Request for further information

Where the application continues to be progressed (and it is not determined to be incomplete and has not been returned under section 88(3A) of the RMA), the processing planner may request further information under section 92. Please refer to [Section 3.1.1](#) of this PGN.

5 Resource Consent Conditions & Advice Notes

5.1 Conditions of resource consent and advice notes

Council's standard land use consent and subdivision consent conditions will be imposed to ensure water and wastewater service connections are provided to a development.

Advice notes have been created for land use consents and subdivision consents where infrastructure servicing constraints have been identified, including advice notes for permitted dwellings and lots where servicing cannot be considered as part of the consent.

6 Addressing section 125(1A)(b) Applications

Council may receive applications under section 125(1A)(b) of the RMA to extend the lapse period for resource consents already granted, and where the subject site is now identified as an area subject to water or wastewater network capacity constraints.

The matters to be taken into account in determining whether or not it is appropriate to grant an extension to the lapse period are set out in section 125(1A)(b)(i), (ii) and (iii) of the RMA. While water and wastewater capacity constraints are not expressly identified, they may be relevant in terms of:

- how far through the process is the development (noting that if the customer has already begun implementing the resource consent it is likely to have been 'given effect to' in terms of section 125(1A)(a) and an extension is not required), and whether substantial progress or effort has been made, and continues to be made towards giving effect to the consent;
- Confirmed timing of public connections being available by WSL and the degree of certainty for that timing;

- AUP review process and any changes to provisions or approach to servicing in constraint areas.

7 Addressing section 127 Applications

Council may receive applications under section 127 of the RMA to extend, vary or change resource consents already granted where the site is now identified as an area subject to water or wastewater network capacity constraints.

While it will be assessed on its merits, a section 127 application to increase water or wastewater demand is unlikely to be within the scope of an existing consent. If such an application is made, it must include confirmation from WSL that connections to the public network are available (refer to the section 88 advice above).

8 Building Consent Process

Where a building consent application is required for development projects, the applicant will need to provide confirmation from WSL that they can provide water supply and wastewater disposal network connections to each unit. If the applicant cannot provide this confirmation, they will need to otherwise demonstrate compliance with G12 and G13 of the Building Code (e.g. through provision of private infrastructure).

The Building Consent team will ensure this is the case and not grant the building consent without this information.

Where a resource consent has been issued, the plan check planner will review consent conditions where there are pre-commencement conditions relating to the provision of wastewater or water public connections. If compliance with those consent conditions is not demonstrated, a section 37 certificate will be issued.

Where a resource consent application is being processed, a section 37 certificate will be issued pending the outcome of the resource consent application as per standard practice.

9 FAQs

9.1 Wastewater Constraint Scenarios

What about the Plan Change 78 (PC78) Qualifying Matter – Infrastructure – Water and/or Wastewater Constraints Control?

The spatially identified Qualifying Matter ‘Infrastructure - Water and/or Wastewater Constraints Control’ was identified by WSL for the purpose of notifying Plan Change 78 in August 2022.

This Qualifying Matter shown within the PC78 GIS Viewer is static and unaffected by any subsequent reconsiderations by WSL in relation to wastewater and water capacity constraints that have been identified.

Specifically, the water and/or wastewater capacity constraints identified in WSL’s GIS Maps released in November 2024 have no bearing on the ability to use the Medium Density Residential Standards (MDRS) for a development. Therefore, if a site is not subject to any qualifying matters, MDRS can be applied to a development and any new information pertaining to the latest WSL capacity constraints will need to be addressed at building consent stage.

Please also refer to the FAQs on WSL’s webpage [here](#).